

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100380436-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	LSM Architecture		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Scott	Building Name:	
Last Name: *	McAllister	Building Number:	35
Telephone Number: *	01315640750	Address 1 (Street): *	Guthrie Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH1 1JG
Email Address: *	scott@lsmarchitecture.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Other"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text" value="Mr & Ms"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Euan & Aby"/>	Building Number:	<input type="text" value="15"/>
Last Name: *	<input type="text" value="Wardrop & Wallace"/>	Address 1 (Street): *	<input type="text" value="Inch Crescent"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value="██████████"/>	Town/City: *	<input type="text" value="Bathgate"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH48 1EU"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="██"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="673644"/>	Easting	<input type="text" value="309851"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of detached dwelling.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Please refer to all supporting information.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

- Notice of Review statement and appedices. - Original Planning Application Form. - Original drawings referred to in the planning application. - Reports referred to in the planning application. - Planning Design statement referred to in the planning application. - Copy of the Report of Handling. - Copy of the planning decision notice.

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/01376/FUL

What date was the application submitted to the planning authority? *

16/03/2021

What date was the decision issued by the planning authority? *

16/09/2021

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

We feel that the character of the site is fundamental to this case and the description of the site provided by the planning officer clearly conflicts with our view. Whilst we have provided photographs to support our submission, we think it is important that the site is visited in person to allow the Councillors to fully understand the nature and character of the site and its surroundings.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Scott McAllister

Declaration Date: 01/12/2021

REVIEW STATEMENT

FOR

A NOTICE OF REVIEW AGAINST THE REFUSAL OF
PLANNING APPLICATION (REFERENCE 21/01376/FUL) FOR
THE ERECTION OF A DETACHED DWELLING HOUSE
At Land at Peniel Road, Broxburn Junction, Edinburgh



Prepared by

JM PLANNING SERVICES

On behalf of

Mr Euan Wardrop and Ms Aby Wallace

November 2021

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John MacCallum BSc (Hons), MRTPI
Planning Consultant
Ref: HH/GRBUT/APPEAL/124
Review Statement V1. FINAL
29th November 2021

1.0 INTRODUCTION AND AIMS

1.1 Introduction

1.1.1 A Notice of Review has been submitted by LSM Architecture on behalf of the applicants, Euan Wardrop and Aby Wallace, following the refusal under delegated powers on 16th September 2021 of planning application Reference 21/01376/FUL for the Erection of a Detached Dwelling House at Land at Peniel Road, Broxburn Junction, Edinburgh.

1.1.2 Six reasons were cited, as detailed in the Decision Notice issued.

1.1.3 The applicants wish their Review to be considered by way of written submissions but have also requested further procedure of a site visit, should that be agreeable to the LRB members.

1.2 Aims and Purpose

1.2.1 The applicants have pursued their proposal in the knowledge that it constituted development in the Edinburgh Green Belt and Countryside and that a planning justification would need to be presented in line with policy, or alternatively, citing an exceptional case to justify an approval.

1.2.2 The exceptional case presented in the planning application submission supporting documents were based on the suitable fit of a house within its context, influenced and assisted by the presence of the existing adjacent buildings located to the south of the site and the configuration of the site boundaries. These site attributes help to create the potential for extending this existing pattern of built form only a short distance to the north into the logical and defined space formed by the site boundaries.

1.2.3 Despite the application being refused, the applicants were further encouraged by a Senior Council Planner directing them to other developments in the Green Belt for single houses which had initially been refused but which then had the decisions successfully overturned by the Council's LRB following their review.

1.2.4 The purpose of this Statement is to provide additional justification to further support the exceptional case presented as part of the applicant's proposal and in that regard, the following form the basis of the applicants' grounds for review:

(i) To assert that the Planner's view that the application site is characterised as being in wide open countryside is not correct. A more accurate description of the site's characteristics would then enable an alternative assessment to be undertaken, leading to the suitability of the site in principle for a single house development.

(ii) To highlight, by way of examples, the similarities of the proposal with other applications for single houses which were not able to comply with the Council's Green Belt policy criteria, but which were treated as exceptions to policy and subsequently were able to be approved.

(iii) To highlight the suitability of the proposal against other planning policies, most of which were already confirmed by the Planner in the assessment of the application and including confirmation by consultees that the application is acceptable.

(iv) To demonstrate that the development will not cause any adverse impact on the local environment and that the design of the proposed house will in fact make a positive contribution to the immediate area, thus enhancing the visual amenity of the local and wider area.

1.2.5 This Statement will therefore seek to demonstrate that, overall, the proposed development has considerable merit in meeting national and local planning policy objectives relative to new housing and sustainable development and that an exceptional case is justified in this instance when considered against Council policy on housing in the Edinburgh Green Belt.

1.2.6 Consequently, the supporting information submitted with the planning application and the Statement accompanying the Notice of Review seek to provide the LRB with sufficient evidence for them to conclude that the proposal is justified in planning terms that would enable the Planner's decision to be overturned and for planning permission to be granted.

2.0 THE PROPOSAL

2.1 Site Location and Description

2.1.1 In general terms, the site is located in the countryside, as shown on the location plan accompanying the application, and on the western extremity of the City of Edinburgh Council's boundary. It is however, located in relatively close proximity to the existing built-up areas of Winchburgh (north-west), Broxburn (southwest), Kirkliston (north-east) and Newbridge (south-east).

2.1.2 Newliston House and its landscaped gardens are located approximately 1km to the east of the site and the Greendykes shale bing lies a similar distance to the west.

2.1.3 The site itself, which extends to approximately 6,926 square metres, is immediately bounded by the Edinburgh-Glasgow railway line on its west side (with the Union Canal just beyond) and Peniel Place roadway to the east, which curves round to enclose the site on its 3 other sides (north, east and south).

2.1.4 There are 3 single storey cottages forming a cluster of buildings immediately to the south of the site: a detached cottage (Viewfield) closest and a pair of semi-detached cottages (Castle and Thistle) a short distance beyond.

2.1.5 The site was formerly in agricultural use but it is presently unused, vacant and overgrown with grass, weeds and bushes. It is relatively flat on the southern portion, but the land then rises gradually to the north and north-west boundaries.

2.2 Site Context

2.2.1 The site is characterised by its eastern boundary which is represented by the tree-lined road of Peniel Place. There is a sense of enclosure created by this road and also containment by the boundary features of fence and trees along the western boundary as well as the railway line and other trees and vegetation just beyond.

2.2.2 By contrast, the land opposite the site is open farmland which extends a considerable distance to the east towards the grounds of Newliston House and Newbridge beyond and to the north-east towards the Niddry shale bings east of Winchburgh.

2.2.3 Historically there is no evidence of any buildings previously on the site.

2.2.4 The photographs 1 to 6 in **Appendix 1** illustrate the above context.

2.3 Details of the Proposal

2.3.1 The proposal comprises a one and half storey dwelling which is predominantly single storey but with a mezzanine floor at upper level. The footprint of the house will extend to 339 sqm. The building is L-shaped and broken up into compartments at ground floor level for public space, bedroom space and the utility room (260 sqm). The accommodation within the roof space of the public area of the house is a study and playroom which overlook the living and dining spaces (50 sqm). The garage, which will extend to 38 sqm, is to be attached to the house, integral with the utility room.

2.3.2 It is proposed to locate the house on the south-east portion of the site as this is considered to be the most optimum location so that it will closely relate to the existing cluster of buildings immediately to the south of the site.

2.3.3 The exterior of the proposed house will use a palette of materials comprising natural stone, an off-white-coloured render, and dark stained durable timber cladding. The roofs will be of natural slate with a flat sedum grass roof over the garage.

2.3.4 The proposed means of vehicular access to the house will be directly from a newly formed access on Peniel Place at a point further to the north, representing the point where the most optimum sight lines in both directions can be achieved for when vehicles enter and egress from the site.

2.3.5 The proposal also includes landscaping plans which comprise a hedge to be planted along the boundary of the road. It is also proposed to plant trees along the driveway leading to the house which is proposed to be finished with gravel. Additional soft landscaping will also be provided to the south and west edges along the mutual boundary and the railway line respectively.

2.3.6 The private garden ground/amenity space is to be provided to the south and west of the house to benefit from a southerly aspect. The provision of hard standing will be limited to those areas immediately adjacent to the dwelling.

2.3.7 For a more in-depth review of the proposal, the LRB members are requested to view the application drawings and the Planning Design Statement prepared by LSM Architecture which accompanied the planning application and which have been provided along with the Notice of Review, as required.

3.0 Grounds for Review of the Application

3.1 Ground No.1

3.1.1 The Planner's description that the application site is characterised as being in wide open countryside is neither accurate nor correct. A more accurate and reasonable description of the site's character is provided below in terms of how the site is viewed on approach along Peniel Road from the north and south as these are the only public vantage points where the site is visible.

3.1.2 On approach from the south, it is evident that Peniel Road has a sense of sense of enclosure with trees lining the road on both sides, right up until the point of reaching the building group immediately to the south of the site, beyond the railway bridge over the road – see **Photograph 7 in Appendix 2**. The land opens to the east only and the sense of containment and enclosure remains at the site by the buildings, trees and Bings further to the west – it is only to the east and north-east that there is a sense of openness, with wide open space characterised by the farm fields – see **Panoramic Photographs 8a and 8b in Appendix 3**.

3.1.3 The approach from the north is similar with Peniel Road characterised by a treelined road on the west side all the way down from the road junction at Niddy Castle. Upon reaching the site, the sense of enclosure is retained and the openness is evident to the east only, as described above – see **Photographs 9 to 12 in Appendix 4**.

3.1.4 The position of a house would be viewed similar on approach to the existing cottages – it would not increase the prominence of buildings at this location to the extent that the Planner perceives it will.

3.1.5 The sense of openness would not be compromised if the proposed house is built in the location as proposed as the site does not form part of the open space within the wider landscape which is to the east of Peniel Road only. The site is small by comparison to the extent of open countryside to the east and it is more defined by its relationship to the buildings and surrounding ground immediately to the south. Although the site is featureless in itself, it could not be described as wide-open space. The boundary features defining the site also make it appear different and not part of the wider landscape.

3.1.6 The site relates well to the existing building cluster of the 3 single storey cottages immediately to the south, as if the space was made for being extended into. Historically there is no evidence of any buildings previously on the site but the land creates the impression that the existing building group could be extended into the site due to the configuration of the site boundaries to further accommodate development which, it is contended, would not look out of place on the west side of Peniel Road at this location.

3.1.7 The site has a sense of enclosure created by the shape of the site and the boundaries defining it which are represented by the railway line to the west and Peniel Road to the east. There would be no threat of future development taking place beyond the site at this location and so a development on the site would not set a precedent for more development at this particular location.

3.1.8 It is further contended that the site's proximity to Broxburn and built development to the west and south-west is an added justification that the site is not in wide open countryside, as illustrated on the aerial photograph in **Appendix 5**.

3.2 Ground No.2

3.2.1 The Council has accepted other single house developments in the Green Belt which were justified as exceptional cases to Green Belt policy and in that regard, the applicants wish to highlight the similarities with these other successful applications to their own application.

(i) Cammo Road, Edinburgh (Consent Reference 14/01832/FUL)

3.2.2 The site is in an open countryside location, west of Edinburgh immediately to the west of 2 existing houses which front on the public road. The Site Plan in **Appendix 6** shows the site context and configuration of the site boundaries. The site has a defensible western boundary formed by an existing line of trees. The southern boundary is not as well defined but follows an extended line along the rear of the 2 existing houses. It is evident that the site for this new house formed a logical space for the existing building group to extend into created by the existing defensible site boundaries.

3.2.3 The building is visible from the west on approach (**See Photos 13 to 15 in Appendix 7**) but not from the east as views are screened by the 2 existing properties which are on the roadside (**See Photo Images 16 and 17 in Appendix 7**). While the new building is visible from the golf course to the south and from the elevated position of the Burnshot Road between Edinburgh and Kirkliston to the north, it is not visually imposing on the landscape as it relates well to the 2 existing buildings and is well contained by the existing site boundaries. It therefore forms a new group which has no adverse visual impact on the immediate or wider surrounding area.

3.2.4 The applicants' proposal directly mirrors this example in that it seeks to extend into a logical space represented by defensible site boundaries. In addition, the visual impact of the proposed house is similar in that it will not be readily visible on approach from the south as its view will be screened by the positioning of 3 existing cottages fronting Peniel Road. While it may be visible on approach from the north, the design of the applicant's proposed house and the landscaping will help to ensure there will be similarly no adverse visual impact on the immediate or wider surrounding area as with the example at Cammo Road.

3.2.5 The conclusion reached suggests that the Green Belt policy was not a determining factor. The only consideration was the loss of prime agricultural land but the LRB deemed that approval of the proposal would not lead to incremental erosion of the surrounding farmland and so the application was approved on that basis. (See copy of LRB Decision dated 22nd January 2015 in **Appendix 8**).

3.2.6 It is further noted that the LRB felt they did not have sufficient information to make a decision based on the written submission and they undertook a Site Visit which appeared to be instrumental in assisting them with their determination of the review case. The applicants feel that the LRB would similarly benefit from a Site Visit when considering their review case.

(ii) Dundas Home Farm (Consent Reference 15/05159/PPP)

3.2.7 This site is secluded and well screened all around by trees. It is opposite a steading conversion development at Dundas Home Farm located on the south side of the access road serving these houses, as shown on the approved Location Plan in **Appendix 9**.

3.2.8 It has a different context to applicants' site at Peniel Road. However, it demonstrates acceptance by the Council of a house in the Green Belt without complying with the policy criteria, illustrating the Council's willingness to deviate from policy based on sound planning justification.

3.2.9 Importantly, the LRB concluded in its decision letter dated 25th April 2015 that there were material considerations that were of sufficient weight to overturn the Officer's decision which were stated as:-

*"The proposal was for a single house in part of the Green belt which has **other houses nearby**. There would be no harm to the Green Belt provided the new house was of a design and form that suitably integrated with the **surrounding houses**."* (emphasis added)

"The proposal is for a small family house in the garden of the Old Dairy House. It is a suitable site for a development."

3.2.10 These 2 examples clearly demonstrate that the Council is willing to accept exceptions to policy based on sound planning reasons and the Cammo Road example, in particular, has direct parallels with the applicants' proposals.

3.2.11 Summary of Ground Nos. 1 and 2

Reason 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 permit development. No exceptional planning reasons for approving new houses not associated with a countryside use have been provided.*

3.2.12 By way of response to the first reason for refusal, the applicants do not agree with the Planner's assertion that no exceptional planning reasons for approving a new house not associated with a countryside use has been provided. The characteristics of the site and its wider context support the position that a sensitively designed house, as proposed by the application, can be accommodated. In addition, they believe that there is precedent for the Council to adopt the same approach to their application as with the other examples referred to by accepting the planning justifications presented, as above and the other grounds to follow in this Review, that would enable them to agree to an exceptional case in this instance.

3.3 Ground No.3

3.3.1 It is contended that the proposal is suitable when assessed against other planning policies, most of which were already confirmed by the Planner in the assessment of the application and including confirmation by consultees that the application is acceptable.

3.3.2 By referencing the relevant reasons for refusal and the Case Officer's Report of Handling, the application is able to be considered as fully compliant with the Council's adopted LDP policy in respect of:

- Des 5 – Neighbouring Amenity
- Hou 3 – Private Green Space in Housing Development
- Env 7 – Historic Garden and Designed landscape
- Env 12 – Trees
- Env 16 – Species Protection
- Tra 2 – Road Safety
- Tra 3 – Private Cycle Parking.

3.3.3 It is also possible for compliance with other relevant policy subject to further details being submitted, as confirmed by the Case Officer, as below:

- Des 5 – Amenity
- Env 21 – Flooding

3.3.4 A suitable compromise is also possible in terms of how Policy Tra 2 – Private Car Parking is applied.

3.3.5 These issues are addressed in turn below.

(i) Neighbouring Amenity

3.3.6 In terms of the proposal's ability to safeguard neighbouring amenity, the proposed house will be positioned a suitable distance away from the 3 cottages, including the closest (Viewfield Cottage) in order to ensure that noise, sunlight, privacy and immediate outlook matters will all be compliant with the relevant standards, as confirmed in the Planner's Report of Handling.

3.3.7 Consequently, the proposal is fully compliant with this aspect of LDP Policy Des 5 – Amenity.

(ii) Garden Ground

3.3.8 The site is extensive (0.7 hectares) as shown from the site layout plan and it is possible to provide more than adequate green space for the amenity of future residents, as confirmed in the Planner's Report of Handling.

3.3.9 The proposal fully complies with LDP Policy Hou 3.

(iii) Historic Garden and Designed Landscape

3.3.10 The potential impact of the proposed house on the designation within the locality due to the existence of Newliston House and its policies/grounds a considerable distance to the

east was assessed. Following no objection from Historic Environment Scotland, who were consulted on the application, it was concluded that there would be no adverse impact, as confirmed in the Planner's Report of Handling.

3.3.11 Consequently, the proposal is fully compliant with LDP Policy Env 7.

(iv) Trees

3.3.12 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).

3.3.13 The details contained in the tree plan submitted with the application show that a range of additional trees, hedge and shrub planting are proposed to supplement the existing poorer quality of trees along the road frontage, which were considered acceptable to the Planner, as implied in the Report of Handling. The existence of spruce trees located within the neighbouring property (Viewfield Cottage) to the south will be approximately 10 metres from the proposed property and so no adverse Impact would arise, as confirmed in the Planner's Report of Handling.

3.3.14 The proposal fully complies with LDP Policy Env 12.

(v) Ecology

3.3.15 An ecological survey of the site was carried out and the assessment which accompanied the application confirmed that the proposal would have no impact upon protected species, as confirmed in the Planner's Report of Handling.

3.3.16 The proposal complies with LDP Policy Env 16.

(vi) Road Safety

3.3.17 The Planner's Report of Handling advises that the Roads Authority was consulted as part of the assessment of the application and their response confirmed that a safe visibility splay had been shown to be provided to the site access.

3.3.18 The proposal is compliant with the Road Safety aspects of LDP Policy Tra 2.

(vii) Private Cycle Parking

3.3.19 Secure cycle parking can be adequately provided within either the houses or the large gardens of the site, as confirmed in the Planner's Report of Handling.

3.3.20 Consequently, the proposal fully complies with LDP Policy Tra 3.

(viii) Amenity – Noise

***Reason 2.** The proposal is contrary to the Local Development Plan Policy Des 5 in respect of Development Design – Amenity, as insufficient information has been provided to prove that future residents will have acceptable levels of amenity in relation to noise.*

3.3.21 Since a Noise Impact Assessment has already been carried out to determine what noise mitigation measures would be required, this can be addressed by details of the proposed noise barrier and acoustic glazing being submitted for approval at a later stage and prior to works commencing on site, as a suitably worded planning condition can be imposed in the event that planning permission was to be granted, as confirmed in the Planner's Report of Handling.

3.3.22 For the benefit of the LRB, it requires to be clarified that a secure fence exists along the western boundary with the railway line which would be retained in any event and which satisfies the safety issue raised by Network Rail in their consultation response.

3.3.23 Consequently, it is entirely feasible for the proposal to be fully compliant with LDP Policy Des 5 – Amenity.

(ix) Flooding

***Reason 4.** The proposal is contrary to the Local Development Plan Policy Env 21 in respect of Flood Protection, as insufficient information has been provided to show that the development will not be a risk of flooding.*

3.3.24 The applicants were made aware of the requirement for the relevant Surface Water Management Plan to be submitted late on in the process and the application was already proceeding to a refusal, as advised by the Planner. However, this can be suitably addressed by a Surface Water Management Plan being submitted for approval at a later stage and prior to the commencement of the development, as a suitably worded planning condition can be imposed in the event that planning permission was to be granted, as confirmed in the Planner's Report of Handling.

3.3.25 Consequently, it is entirely feasible for the proposal to be fully compliant with LDP Policy Env 21.

(x) Private Car Parking

***Reason 3.** The proposal is contrary to the Local Development Plan Policy Tra 2 in respect of Private Car Parking, as the proposed 2 car parking spaces for the proposed development breaches the Council parking standards.*

3.3.26 It is possible to overcome this reason for refusal simply by limiting the number to 1 car parking space by way of a planning condition in the event that planning permission was to be granted, as confirmed in the Planner's Report of Handling.

3.3.27 However, it should be mentioned that, in the event that planning permission were to be granted, the applicant could extend the hard standing area within the garden to provide additional car parking spaces without needing planning permission, unless a condition was imposed to remove permitted development rights which would bring this matter under future planning control.

3.3.28 The applicants understand that this would be at the LRB's discretion as to how to determine this issue as part of this Review but they consider 2 parking spaces would not be a significant breach of policy and therefore they would wish to seek the LRB's agreement for the 2 car parking spaces as shown on the layout plan to be retained.

3.4 Ground No.4

3.4.1 The grounds presented in this section seek to demonstrate that the development will not cause any adverse impact on the local environment and that the design of the proposed house will in fact make a positive contribution to the immediate area, thus enhancing the visual amenity of the local and wider area.

***Reason 5.** The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as the proposal will be damaging to the rural character and appearance of the area around it.*

***Reason 6.** The proposal is contrary to the Local Development Plan Policy Des 4 in respect of Development Design- Impact on Setting, as the proposal will not have a positive impact on its surroundings.*

(i) Design Aspects

3.4.2 In response to Reasons 5 and 6, the LRB is first directed to the supporting Planning Design Statement which was prepared by LSM Architecture to accompany the planning application.

3.4.3 The Site Analysis (Section 2.4, page 9) illustrates the forethought into the siting and design aspects of the development, which has taken cognisance of the landscape setting and the relationship of the site with the existing cluster of buildings located immediately to the south, as shown in the diagram on the same page. The Landscape Visual Analysis (Section 3.2, pages 11 and 12) sought to demonstrate by way of analysis and photographs that the visual impact of any dwelling on the site, in relation to the surrounding landscape, is negligible. This is further confirmed, as it is also by the Planner, that the proposal complies with LDP Policy Env 7 (Historic Garden and Designed Landscape) and there were no objections/comments from Historic Environment Scotland in respect of setting impact.

3.4.4 A further assessment of the Site Layout is provided in Section 4.1 (page 13) and an extract is provided below for ease of reference:

“4.1 Design

*Site Layout – The proposed dwelling is situated towards the south-east of the site to **link with the cluster of dwellings** already present. The **north-south building line axis is respected** and the proposed dwelling **steps back slightly from the adjacent property (as it, in turn, does to the property beyond).**” (emphasis added)*

3.4.5 The building is able to be sited in a space that respects the line of existing cottages to form a consistent group, extending the group in a logical way. Whereas, if it was located any further north on the site, it would be divorced from these buildings and would have to be set further back due to the bend in the road, appearing incongruous and out of character with these existing buildings.

3.4.6 Further assessment on these matters is provided in Section 3.1 of this Review Statement. However, in addition, the following assessment seeks to further substantiate the suitability of the site for a house relative to its immediate and wider context.

3.4.7 The Planner's Report of Handling states:

".....the proposed building is much larger than the existing neighbouring dwellings. An element of the building is also taller than the neighbouring structures as it is one and half storey in height. The mass of the building will be disguised as it is largely single storey and it will be shielded to a degree by proposed tree and hedge planting, however it will still detract from the open and rural character which defines the area. The proposal will not contribute towards a sense of place or have a positive impact upon its surroundings.

The proposal does not comply with LDP policy Des 1 or Des 4."

3.4.8 By way of initial response, the applicants would again wish to state to the LRB that they do not agree with the Planner's assessment of the site being in wide open countryside and have presented a different view to that of the Planner based on the detailed assessment contained in Section 3.1 of this Review Statement. In addition, the proposed house would not increase the presence of buildings on approach from the south as the building will not be in view until almost upon it. It will then appear as forming part of a small compact group of buildings, complementary to the single storey cottages to the south.

3.4.9 On approach from the north, the Planner accepts that the mass of the proposed building will be screened to a degree by the proposed landscaping scheme comprising hedge and tree planting. However, it will become visible at a point close to it on approach and in that regard, the building will represent the first building to be seen in the group of buildings, not dissimilar to the northern most cottage (Viewfield) of the 3 cottages that presently exist.

3.4.10 The proposed house has been designed purposefully as predominantly single storey: a taller building, such as a 2-storey house, would be out of character and visually prominent for the location adjacent to single storey houses. The house will therefore not be visually imposing as the design seeks to complement the 3 existing single storey cottages, with only a small mezzanine section in the roof space. The combined footprint of the semi-detached cottages to the south (Castle and Thistle Cottage) extend to 335 sqm which equates almost exactly with the footprint of the proposed house which is 339 sqm. This similar size of house along with its position close to the southern site boundary will create a sense of symmetrical development either side of the middle cottage (Viewfield), further supporting the suitability of the proposal within the site's context.

3.4.11 As stated in Section 4.1, page 14 of the supporting Planning Design Statement:

***"Scale / Form / Proportion** – The massing of the proposed house has been broken down into small proportions; a public 'wing', a bedroom 'wing' and the garage / utility. The dwelling therefore reads as a 'group' of smaller buildings which are more in proportion to the adjacent cottages.*

The dwelling is predominantly single storey to match the adjacent properties. The only exception is some accommodation within the roof space of the 'public' area of the house, part of which forms a mezzanine overlooking the dining and living spaces."

3.4.12 Either or both of the existing buildings to the south could have their roofs modified in the same way with upper floor accommodation provided, resulting in an increase in their height. This would likely equate to a similar height of building to that as proposed by this application.

3.4.13 In terms of the external appearance of the proposed house, the Planner accepts the materials are traditional and suitable for the location, as confirmed in the Report of Handling:

"The external materials proposed for the building are traditional and respectful to its setting."

3.4.14 Lastly in terms of house design, the proposed house will only extend this group by 1 and so it will not create a significantly large group of buildings that would be as visually imposing on the openness of the area that the Planner perceives, as stated throughout this Statement in respect of the site's context. The configuration of the site boundaries, its shape and the self-contained nature of the site with its defensible boundaries help to accommodate the building in the most logical and, it is argued, the only feasible place it can be sited and prevents any further encroachment of development northwards due to the site narrowing to its northern point. The proposed landscaping will act as an end stop to the built form at this location and the requirement for this to be maintained in perpetuity by way of a planning condition will act as a further barrier to any potential for future development. There would be no precedent set by approving this application on that basis that would cause concern to the Council for any further development taking place to the north.

(ii) Other Aspects of Design

3.4.15 It is evident from the Planner's Report of Handling that the position of the proposed access is suitable as confirmed by the consultation response from the Council's Roads Official (referred to earlier in this Statement at paragraphs 3.3.17 and 3.3.18).

3.4.16 In terms of Landscaping, the planting proposals to supplement the existing trees along the site boundaries has been prepared by a Tree Consultant, Langton Tree Specialist. These details include hedge planting along the boundary of the road which will complement those found in the area lining the rural roads. The addition of trees along the proposed driveway will further enhance the landscape and help provide some shelter for the dwelling. Soft landscaping will also be provided to the south and west edges along the mutual boundary and the railway line.

3.4.17 The proposed house will set within high quality amenity space which will be provided as an extensive area garden ground, in accordance with LDP Policy Hou 3, to the south and west to benefit from the westerly aspect of the site as well as assisting with views to the west. As a result, there will be no adverse effects on neighbouring amenity, as confirmed by the Planner's assessment that the application complies with LDP Policy 5 – Neighbouring Amenity.

(iii) SPP Assessment

3.4.18 The applicants disagree with the Planner's assessment that *"the proposal will not contribute towards a sense of place or have a positive impact upon its surroundings."*

3.4.19 It has been demonstrated in this Statement and the supporting Planning Design Statement that the proposed house will be closely linked to the adjacent buildings to the south, respecting the established building form by designing a low-rise single storey building with an upper floor level to help to give the proposed house a degree of its own identity and distinctiveness. The proposed external finishing materials are appropriate for the rural location area.

3.4.20 The house will be constructed to meet the necessary Building Standards in terms of energy efficiency and carbon reduction measures including air source/ground source heat pumps for providing heating/hot water (there is no gas supply nearby) and rainwater harvesting measures for the collection of surface water run-off. A sedum grass roof will provide cover for the garage roof. The applicants may also consider solar panels in the future to further help with the shift towards energy efficient and low carbon sources. An electric charging point for vehicles could also be installed, if not immediately but in the near future, given the Government's policy to phase out petrol/diesel cars and the move to electric cars.

3.4.21 The new landscaping as proposed for the grounds will assist in creating a high-quality landscape setting for the house.

3.4.22 In essence, the proposed house will achieve a sense of place and it will make a positive contribution to the immediate area, thus enhancing the visual amenity of the local and wider area.

3.4.23 Consequently, the proposed development has followed place-making policy objectives by meeting the six qualities of successful place set out in Scottish Planning Policy (SPP). In terms of its overall design credentials, the proposed development constitutes a form of sustainable development in line with SPP.

4.0 Summary and Conclusion

4.1 The applicants feel strongly that the Planner was not justified in refusing their planning application for the reasons stated in the decision notice.

4.2 This Statement has sought to demonstrate that, overall, the proposed development has considerable merit in meeting national and local planning policy objectives relative to new housing and sustainable development and for an exceptional case to be justified in this instance when considered against Council policy on housing in the Edinburgh Green Belt.

4.3 It has been demonstrated that the application is compliant with all other relevant policy in the adopted LDP or it is possible to provide the necessary compliance by way of satisfying conditions that could be attached to a planning consent in order for further details to be submitted for subsequent approval.

4.4 The applicants have provided sufficient evidence as part of their planning application and the Statement accompanying the Notice of Review to enable the LRB to conclude that the proposal is acceptable in planning terms and can be justified against all aspects of Council's adopted LDP policy.

4.5 Accordingly, the applicants respectfully request that the LRB overturns the Planner's decision and grant planning permission for their proposed house at Peniel Road.

Photographs of the Site and its Surroundings



1. View south towards existing cottages fronting Peniel Road



2. View South-west to southern boundary



3. View west across the site towards railway line (in cutting) and Greendykes Shale Bings beyond



4. Longer view south towards existing cottages



5. View north of site along Peniel Road with western and eastern boundaries converging to a point.



6. View of eastern site boundary defined by trees and vegetation

Photograph of approach to Site from the South



7. View of approach to the site along Peniel Road, with trees giving a sense of enclosure and the existing buildings evident on the west side of the road only before reaching the site immediately beyond to the north.

Panoramic View
(Standalone Document)

Photographs of Approach to the Site from the North



9. View south towards the site from Niddry Castle junction with trees and vegetation defining the roadside along its western side



10. View south along Peniel Road after Niddry Castle junction towards the site with trees and vegetation defining the roadside along its western side



11. View south towards the site along Peniel Road with vegetation and trees defining the roadside along its western side



12. View south towards the site on closer approach with vegetation and trees defining the roadside along its western side

Aerial Photograph of Site in Context with Surroundings



Site Plan for Consent Reference 14/01832/FUL – Cammo Road, Edinburgh

(Standalone Document)

Photographs of New House at Cammo Road, Edinburgh



13. Long view from the west of New House at Cammo Road



14. Closer view from the west of new house at Cammo Road



15. View of Site's Western Boundary defining the space for the housing group to be extended into



16. Image of approach to Cammo Road site from the east, showing the existing group of buildings and the 2 fronting the road which obscure the site of the new house.



17. Image of the Cammo Road site from the east on closer approach, with the new house becoming just visible.

**LRB Decision Notice dated 22nd January 2015 for Consent Reference 14/01832/FUL –
Cammo Road, Edinburgh**

(Standalone Document)

Location Plan for Consent Reference 15/05159/PPP – Dundas Home Farm, Edinburgh

(Standalone Document)

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100380436-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of detached dwelling.

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application) Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	LSM Architecture		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	Scott	Building Name:	<input type="text"/>
Last Name: *	McAllister	Building Number:	35
Telephone Number: *	01315640750	Address 1 (Street): *	Guthrie Street
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	Edinburgh
Fax Number:	<input type="text"/>	Country: *	United Kingdom
		Postcode: *	EH1 1JG
Email Address: *	scott@lsmarchitecture.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Other	You must enter a Building Name or Number, or both: *	
Other Title:	Mr & Ms	Building Name:	<input type="text"/>
First Name: *	Euan & Aby	Building Number:	15
Last Name: *	Wardrop & Wallace	Address 1 (Street): *	Inch Crescent
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	Bathgate
Extension Number:	<input type="text"/>	Country: *	United Kingdom
Mobile Number:	<input type="text"/>	Postcode: *	EH48 1EU
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

673644

Easting

309851

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Pre-Application Discussion Details Cont.

In what format was the feedback given? *

Meeting Telephone Letter Email

Please provide a description of the feedback you were given and the name of the officer who provided this feedback. If a processing agreement [note 1] is currently in place or if you are currently discussing a processing agreement with the planning authority, please provide details of this. (This will help the authority to deal with this application more efficiently.) * (max 500 characters)

Pre-application meeting with Nancy Jamieson held on 24/07/21 (virtual meeting). 20/02661/PREAPP

Title:

Mrs

Other title:

First Name:

Nancy

Last Name:

Jamieson

Correspondence Reference
Number:

Date (dd/mm/yyyy):

24/07/2020

Note 1. A Processing agreement involves setting out the key stages involved in determining a planning application, identifying what information is required and from whom and setting timescales for the delivery of various stages of the process.

Site Area

Please state the site area:

6926.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Agricultural land.

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

4

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- New/Altered septic tank.
 Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
 Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Biodisk type sewage treatment plant will be proposed which will run into a nearby water course.

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

Yes No

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? *

Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? *

Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Ample space on site to accommodate internal and external recycling facilities.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Scott McAllister

On behalf of: Mr & Ms Euan & Aby Wardrop & Wallace

Date: 16/03/2021

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

- Site Layout Plan or Block plan.
- Elevations.
- Floor plans.
- Cross sections.
- Roof plan.
- Master Plan/Framework Plan.
- Landscape plan.
- Photographs and/or photomontages.
- Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

- | | | |
|--|---|---|
| A copy of an Environmental Statement. * | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input checked="" type="checkbox"/> Yes | <input type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes | <input checked="" type="checkbox"/> N/A |

Other Statements (please specify). (Max 500 characters)

Noise Impact Assessment Coal Mining Report Tree Survey & Arboricultural Report

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Scott McAllister

Declaration Date: 12/03/2021

Payment Details

Online payment: 1816158991326454

Payment date: 16/03/2021 12:52:00

Created: 16/03/2021 12:52

LSM Architecture.
FAO: Scott McAllister
35 Guthrie Street
Edinburgh
EH1 1JG

Mr Wardrop & Ms Wallace
15 Inch Crescent
Bathgate
EH48 1EU

Decision date: 16 September 2021

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

Erection of detached dwelling.
At Land At Peniel Road Edinburgh

Application No: 21/01376/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 17 March 2021, 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;

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 permit development. No exceptional planning reasons for approving new houses not associated with a countryside use have been provided.
2. The proposal is contrary to the Local Development Plan Policy Des 5 in respect of Development Design - Amenity, as insufficient information has been provided to prove that future residents will have acceptable levels of amenity in relation to noise.
3. The proposal is contrary to the Local Development Plan Policy Tra 2 in respect of Private Car Parking, as the proposed 2 car parking spaces for the proposed development breaches the Council parking standards.

4. The proposal is contrary to the Local Development Plan Policy Env 21 in respect of Flood Protection, as insufficient information has been provided to show that the development will not be a risk of flooding.

5. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as the proposal will be damaging to the rural character and appearance of the area around it.

6. The proposal is contrary to the Local Development Plan Policy Des 4 in respect of Development Design- Impact on Setting, as the proposal will not have a positive impact on its surroundings.

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

Drawings 01a, 02,03,04,05,06,07, 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 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 will not contribute towards a sense of place or have a positive impact upon its surroundings and does not comply with LDP policy Des 1 or Des 4. Insufficient information has been provided to show that a satisfactory residential environment can be achieved and that the proposal will not increase a flood risk or be at risk of flooding itself. There are no material planning considerations which outweigh this conclusion.

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

Should you have a specific enquiry regarding this decision please contact Robert McIntosh directly at robert.mcintosh@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
Land At, Peniel Road, Edinburgh**

Proposal: Erection of detached dwelling.

**Item – Local Delegated Decision
Application Number – 21/01376/FUL
Ward – B01 - Almond**

Recommendation

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

Summary

SECTION A – Application Background

The application is for the erection of a new dwelling house at land at Peniel Road, Edinburgh.

The new house would be one to one and half storeys in height and would be finished largely in traditional materials.

Relevant Site History

No relevant site history.

Consultation Engagement

Historic Environment Scotland

Coal Authority

Archaeologist

Environmental Protection

Transportation Planning

Edinburgh Airport Ltd

Scottish Power

Railtrack

East Of Scotland Water

Publicity and Public Engagement

Date of Neighbour Notification: 22 March 2021

Date of Advertisement: 26 March 2021

Date of Site Notice: Not Applicable

Number of Contributors: 1

Section B - Assessment

Determining Issues

Local Development Plan - Countryside Policy Area and Historic Garden / Designed Landscape - Inventory Site

Assessment

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

- a) The principle of the development is acceptable;
- b) The proposal will harm the Historical Garden and Designed Landscape;
- 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 which need to be addressed; and
- 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 a dwelling house. The proposed development of a dwelling house would create a new planning unit which is 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 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 application site is currently an area of open grassland with a selection of small trees present within it.

There is no evidence that the site has ever been subject to development and it cannot be seen as a brownfield site.

Whilst the site is adjacent to a selection of buildings to the south, there are open fields extending to the north and east, beyond the road, and to the west, after the railway line. The proposal would therefore extend an existing cluster rather than lie within it.

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.*

The fields to the east, west and north of the site exhibit a rural character and a sense of openness that contributes to the countryside setting. Whilst the application site is located between the existing road, the railway line and the housing to the south it still displays an open and rural character, which does contribute to the landscape quality of the area. Constructing a large house within this plot and forming the landscaping that is proposed around it will impact upon this existing sense of openness and will remove the site's rural character.

The applicant has not shown that the site in question is brownfield land within an existing cluster of dwellings. There have been no exceptional planning reasons shown for approving a new house not associated with a countryside use.

b) Impact on Historic Garden and Designed Landscape

The application site lies on the edge of the Newliston Historic Garden and Designed Landscape.

LDP policy Env 7 (Historic Gardens and Designed Landscapes) states that development will only be permitted where there is no detrimental impact on the character of a site recorded in the Inventory of Gardens and Designed Landscapes, adverse effects on its setting or upon component features which contribute to its value.

The site falls within the edge of the Newliston Historic Garden Designed Landscape. (GDL 00298). The inventory states that *Although Newliston's shelterbelts screen the park from the outside, they also provide woodland contrast with the surroundings and thus make some contribution to the scenery.*

The site is on the edge of the Historic Garden and Landscape, set approximately 800 metres from the main elements of the designed landscape and separated by a modern road to the east and a railway line to the west. A selection of houses are also present to the south. A basic landscape visual impact assessment was submitted with the application.

Historic Environment Scotland were consulted as part of the assessment of the application. It made no comments or objections in relation to the application.

On balance, it is not felt that the proposal would have a detrimental impact upon the Newliston Garden and Designed Landscape. The proposal complies with LDP policy Env 7.

(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.*

The external materials proposed for the building are traditional and respectful to its setting. However, the proposed building is much larger than the existing neighbouring dwellings. An element of the building is also taller than the neighbouring structures as it is one and half storey in height. The mass of the building will be disguised as it is largely single storey and it will be shielded to a degree by proposed tree and hedge planting, however it will still detract from the open and rural character which defines the area. The proposal will not contribute towards a sense of place or have a positive impact upon its surroundings.

The proposal does not comply with LDP policy Des 1 or Des 4.

(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 dwelling will have large windows and will provide adequate levels of sunlight/daylight for any future occupiers. It will also provide adequate internal floor space. It would have to comply with the building regulations in terms of adaptability and sustainability.

Due to the proximity of the site to the railway line a Noise Impact Assessment (NIA) was provided. Environmental Protection assessed the NIA and stated that an acoustic/noise barrier should be installed along part of the boundary of the site and that further details of the proposed acoustic glazing to also be installed would be required.

As the principle of the development is not acceptable these further details have not been submitted.

Insufficient information has been provided to show that the application complies with LDP policy Des 5.

If the application was to be approved it is recommended that the consent be conditioned so that details of the proposed noise barrier and further details of the acoustic glazing be provided for the written approval of the Council, prior to works commencing on site.

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 property will have good sized garden grounds.

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 property is 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 in terms of neighbouring amenity.

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)

A basic tree plan has been submitted that shows that the line of trees which are present along the boundary of the site are generally of poor quality. The plans submitted show that a range of additional trees, hedge and shrub planting is proposed. There are a selection of spruce trees located within the neighbourings property to the south. However, these would be sited approximately 10 metres from the proposed property.

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 would have no impact upon protected species.

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 stated that a safe visibility splay had been shown to be provided to the site access. It did, however, state that the two parking spaces shown breached the Council's parking standards.

As the principle of the development is not acceptable amended details of the proposed car parking within the site have not been submitted.

The proposal does not comply with LDP policy Tra 2.

If the application was to be approved it is recommended that the consent be conditioned that the property only have one off street car parking space.

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 3.

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 identify that that boundary of the site along the railway line falls within an area with a high likelihood of surface water flooding. The applicant has not provided a surface water management plan to show how this risk may be dealt with.

As the principle of the development is not acceptable, a surface water management plan has not been requested.

If the application was to be granted it is recommended that a condition be applied to the consent stating that a surface water management plan be submitted for the written approval of the Council prior to work commencing on site.

Insufficient information has been provided to show that the proposal complies with LDP policy Env 21.

i) Other material matters

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. However, it did recommend that if the application was granted an informative relating to the use of cranes within close proximity of airports be added.

Network Rail

Network Rail were consulted and after the boundary line of the site was slightly redrawn it stated that it had no objections to the proposal. It is recommended that if the application is approved the informatives listed in Network Rails consultation response are applied.

Coal Mining

The application site falls within a development low risk area. If the application was to be granted it is recommended that the required informative be applied.

j) Public Comments.

Material Representations - Objection

- Does not comply with the policies in the Local Development Plan- This is addressed in section 3.3 a-i
- Inappropriate design and location, would detract from other properties- This is addressed in section 3.3 c
- Impact on Roads and road/pedestrian safety - This is addressed in section 3.3 g.

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 any of the required criteria to permit development. No exceptional planning reasons for approving new houses not associated with a countryside use have been provided.
2. The proposal is contrary to the Local Development Plan Policy Des 5 in respect of Development Design - Amenity, as insufficient information has been provided to prove that future residents will have acceptable levels of amenity in relation to noise.
3. The proposal is contrary to the Local Development Plan Policy Tra 2 in respect of Private Car Parking, as the proposed 2 car parking spaces for the proposed development breaches the Council parking standards.
4. The proposal is contrary to the Local Development Plan Policy Env 21 in respect of Flood Protection, as insufficient information has been provided to show that the development will not be a risk of flooding.

5. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as the proposal will be damaging to the rural character and appearance of the area around it.

6. The proposal is contrary to the Local Development Plan Policy Des 4 in respect of Development Design- Impact on Setting, as the proposal will not have a positive impact on its surroundings.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 17 March 2021

Drawing Numbers/Scheme

01a, 02,03,04,05,06,07

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer
E-mail:robert.mcintosh@edinburgh.gov.uk

Appendix 1

Consultations

NAME:
COMMENT:



Proposed detached dwelling at Peniel Place, Broxburn Junction

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4.1 Overview of design proposals



ARCHITECTURE

1.0 Executive Summary

The planning application proposes to create a new detached dwelling on the plot of land which is accessed from Peniel Place. The site is located on Green Belt / Countryside land.

The site is located to the west of The City of Edinburgh Council's jurisdiction and close to West Lothian. It is sandwiched between Peniel Place (on the east) and the Glasgow/Edinburgh railway line (on the west). There are existing cottages immediately to the south of the site which appear to have been built in the late 19th century.

To the west of the site lies the Greendykes shale bing and Newliston House and its designed garden lies to the east.

It is acknowledged that the development of new dwellings on Greenbelt / countryside land is not usually supported. However, it is shown that the site is of low ecological value, low agricultural value and is closely attached to an existing cluster of dwellings.

The proposal would see the development of a detached dwelling which has been designed to compliment its immediate surroundings and fit in with the neighbouring cluster of cottages, whilst acknowledging its rural location.

By supporting the proposed development, the Council would allow this development to improve the use of the land, provide significant upgrades to the quality of the landscaping, and greatly enhance the ecological value of the site.

2.1 Site Overview

The site is located on the western boundary of the City of Edinburgh Council. There are a number of towns / villages close-by, including Winchburgh (north-west), Broxburn (south-west), Kirkliston (north-east) and Newbridge (south-east).

Just over 1km to the east of the site lies Newliston House and its landscaped gardens. The Greendykes shale bing lies a similar distance to the west.

The site itself is immediately bounded by the Edinburgh-Glasgow railway line on its west side (with the Union Canal just beyond) and Peniel Place roadway to the east. There are a number of cottages forming a cluster to the south of the site.



2.2 Site Photos



View from Peniel Place looking North towards the site (beyond the existing property).



View from Peniel Place looking South, back towards the existing cottages.



Existing gate access to the site.



View from Peniel Place, at the most northerly point of the site, looking South



North corner of the site.

2.2 Site Photos



View from the highest point on the site looking in a South Easterly direction, towards Newliston House (not visible due to trees)



View along Western boundary looking South.



Western boundary along railway line (note buffer between metal fence and railway line boundary).



View of southern boundary of the site.



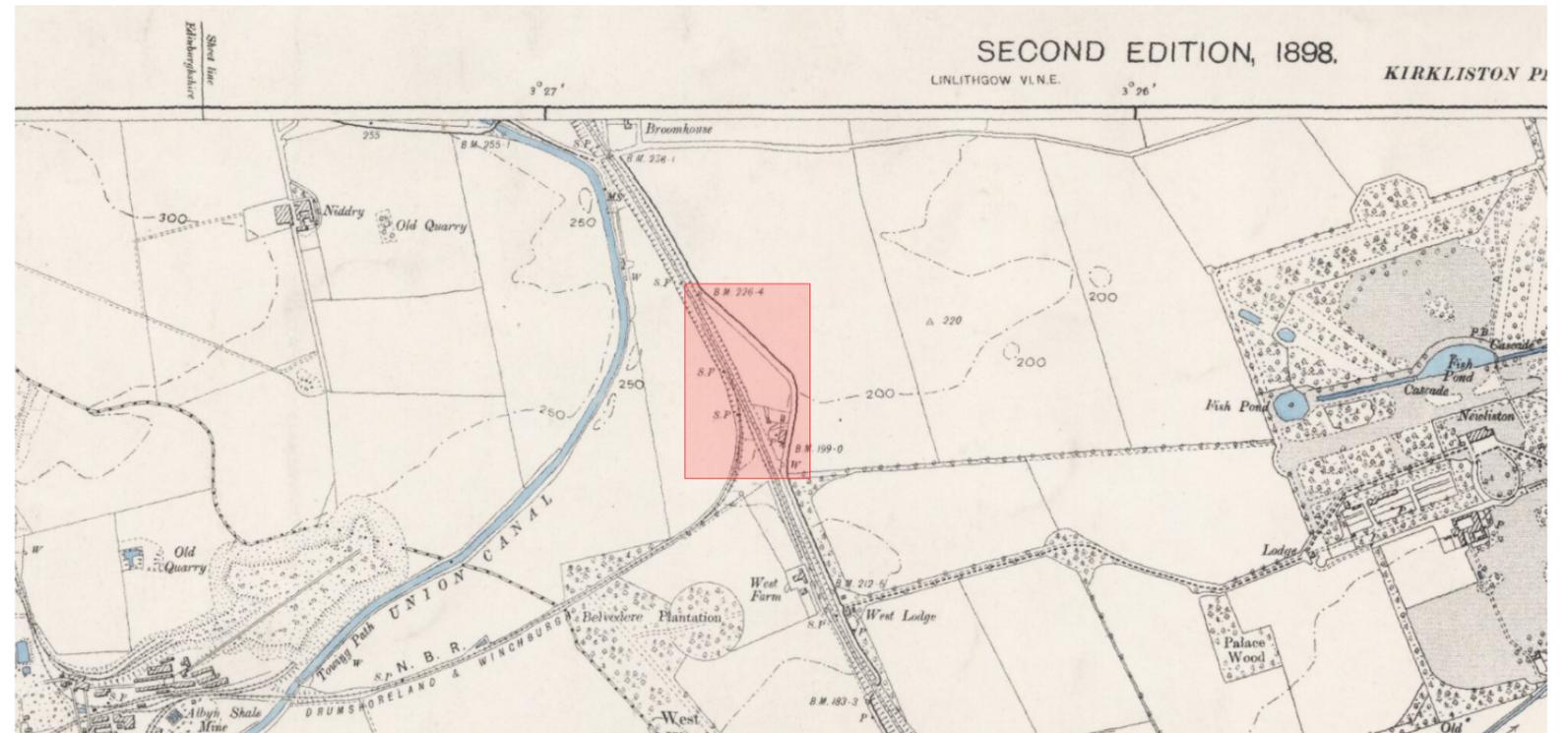
Existing site access gate.

2.3 Site History

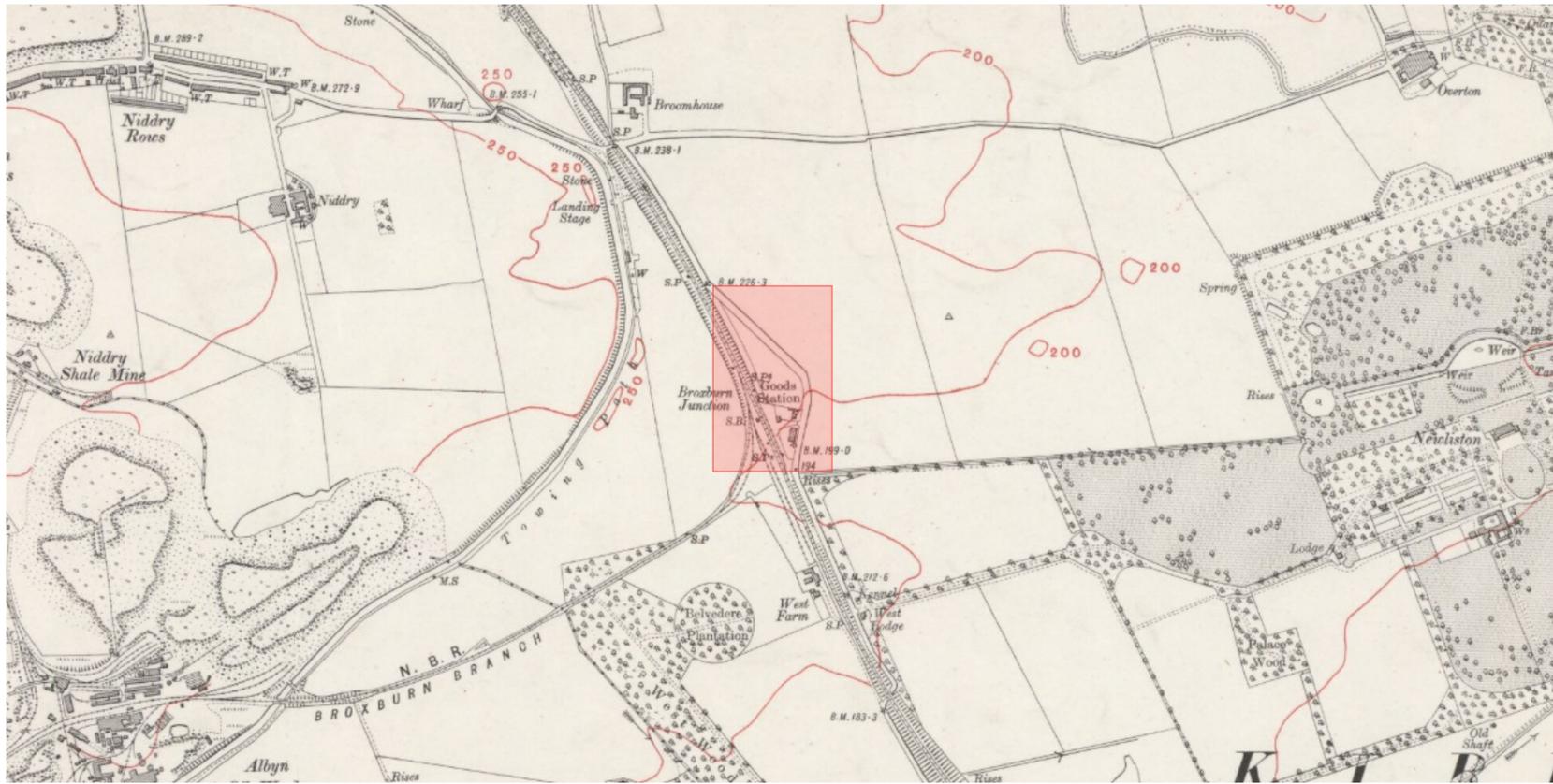
Historical maps going back to 1856 show that the site has not changed during this period and it has remained bounded by Peniel Place to the East, and the Edinburgh / Glasgow railway line to the West. There are signs of the buildings / cottages immediately to the south of the site being built in the late 19th Century. It is not clear from the maps if they relate to the Broxburn Junction or branch of the railway line which served the Albyn Shale Oil mine immediately to the west.



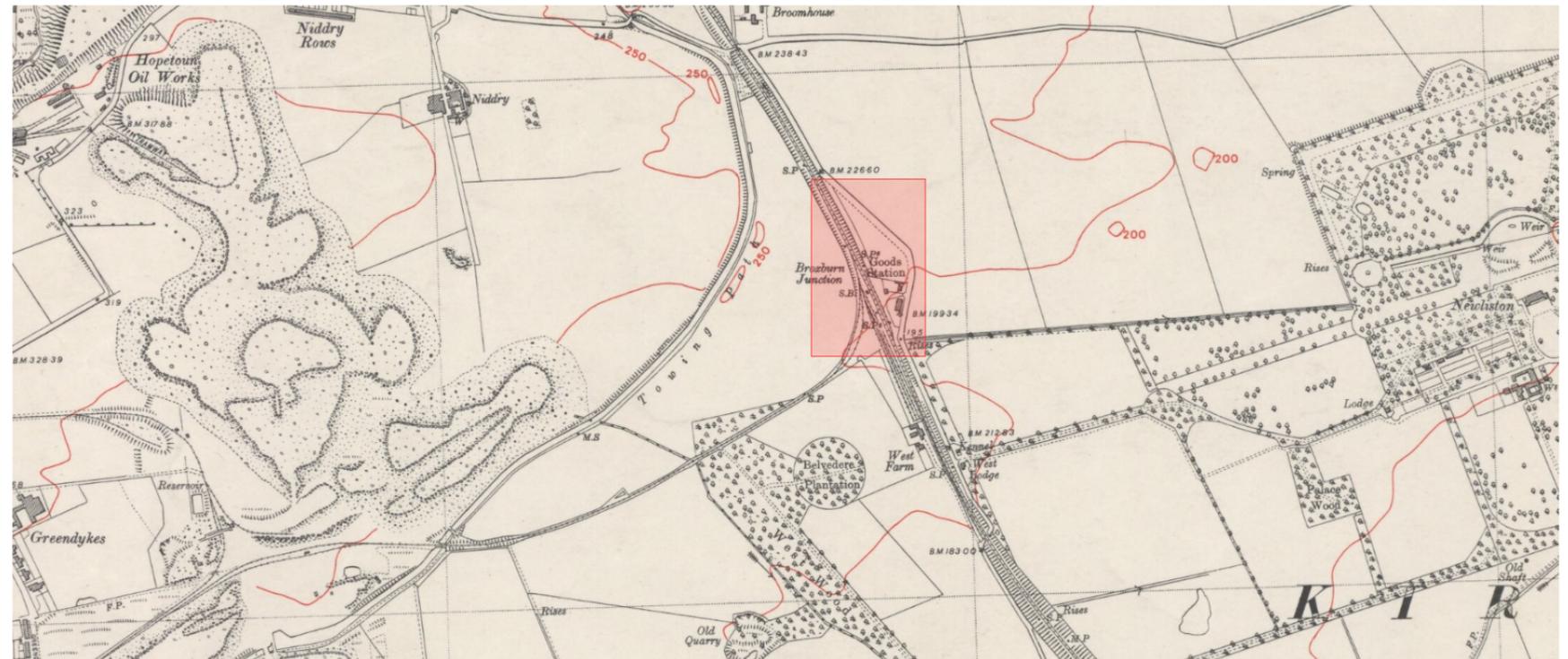
1856 map showing an office on the adjacent land.



1898 map – the properties on the adjacent site are visible.



1922 map



1952 map



ARCHITECTURE

2.4 Site Analysis

Existing use of site and surroundings - The site is greenfield land and is currently unused and overgrown. There are a number of cottages located to the south of the site, forming a cluster of single-storey buildings. To the east and north of the site lies agricultural land. The site is bounded by the Edinburgh-Glasgow railway line on the west, with the Union Canal just beyond.

Access - An existing agricultural metal gate is located to the south-east of the site on the corner of Peniel Place. There is an opportunity to relocate the access further North to provide greater visibility for site access / egress. Peniel Place is a 60mph national speed limit road but in reality, due to the narrow width of the road and limited visibility at the corner, traffic generally appears to travel between 20mph and 30mph.

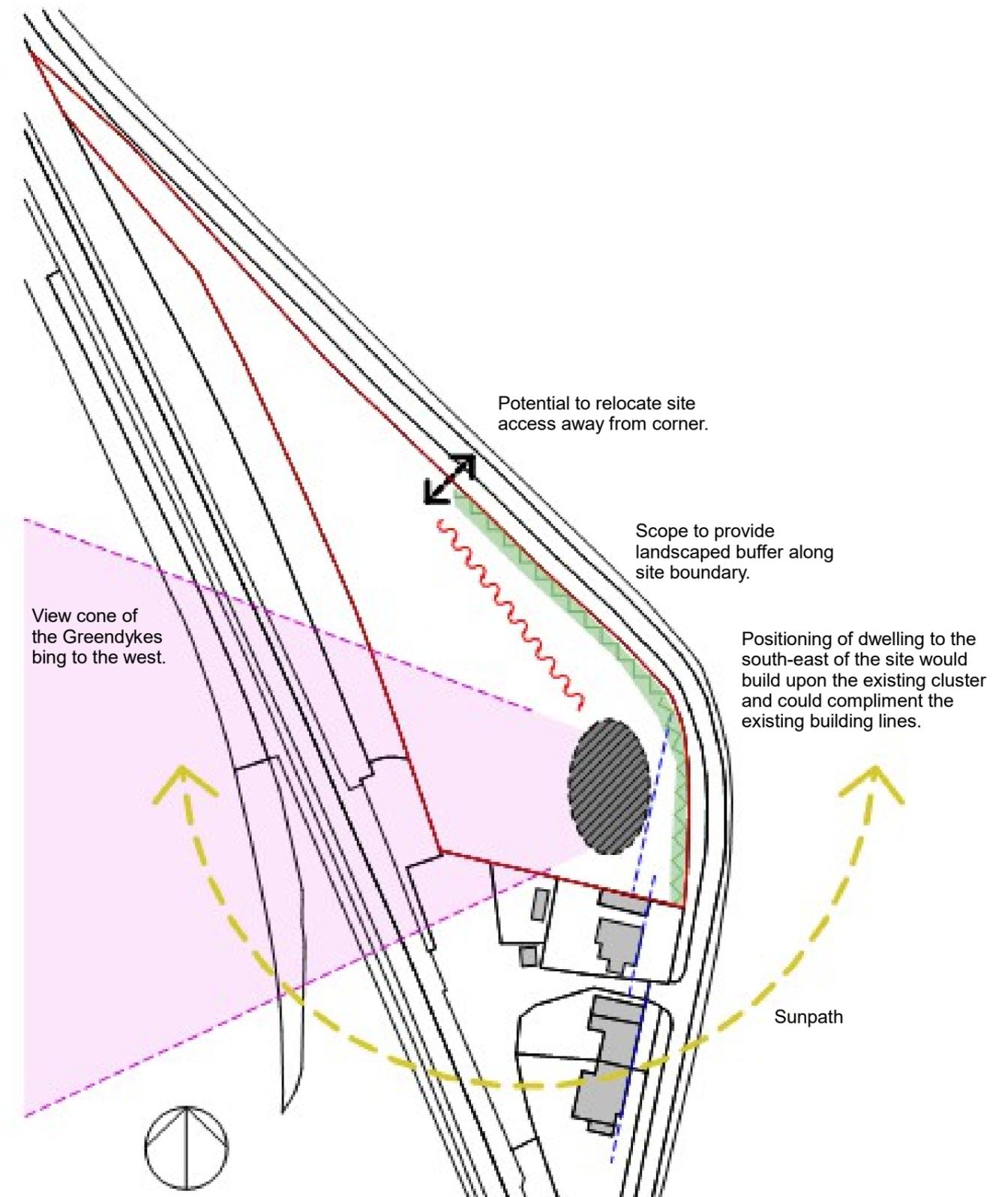
Outlook & Orientation - The site enjoys good access to direct sunlight, in the afternoon in particular. The view to the west is of the Greendykes shale bing. From some parts of the site there are also good views of the Pentland hills in a south-easterly direction.

Amenity & Landscape – The site is of a semi-rural nature. There are some trees along the boundaries and a tree report has been carried out by Langton Tree Specialists and included with this application. The existing trees will be unaffected by the proposals.

Noise – As the site is located in close proximity to a main railway line and a road, a Noise Impact Assessment has been carried out and included as part of the planning submission. Details of any required noise reduction measures are included in the report.

Ecology – An ecological report has been carried out by Ellendale Environmental and included as part of the planning submission. Details of post-construction environmental enhancements are included in the report.

Mining Report – A coal mining report is included with this planning submission. It states that there is no evidence of past or present coal mining below the site. However, it suggests that it could be affected by underground working of shale oil which was last carried out in 1937 at a depth of 280m.



3.1 Planning

Pre-Application – Pre-application advice was provided under reference 20/02661/PREAPP.

The site is designated as countryside use in the Edinburgh Local Development Plan. It also forms part of the Newliston Garden and Designed Landscape (Designation Reference: GDL00298)

Policy ENV 10 (Green Belt and Countryside);

It is acknowledged that the principle of housing on the site is contrary to Policy Env 10 of the Edinburgh Local Development Plan as the site lies within a countryside policy area.

However, the site is sandwiched between the road (Peniel Place) and the main railway line and as such it is an isolated and relatively small parcel of agricultural land. It isn't being used effectively and is adding nothing to its local environment. The planning policy does allow for houses to be developed on the Green Belt or Countryside land in exceptional circumstances, e.g. re-use of brownfield land or gap sites within existing clusters. Whilst the land is not 'brownfield' it is clearly not high quality 'greenfield' land and indeed it would be greatly enhanced with a new dwelling and high quality landscaping. It also can't be classed as a gap site, but it has been designed to closely relate to, and compliment, an existing cluster of houses. We therefore contend that the development of a single dwelling on this land would fit with the overall spirit of this planning policy.

Design - Des 1 (Development Quality and Context)

Des 4 (Development Design - Impact on Setting)

The design of the development has been carefully considered in relation to this policy and with reference to the Council's Design Guidance document. A detailed description of the design has been provided in the following section of this design statement (section 4.1, design).

Des 5 (Development Design – Amenity)

Private Green space - Policy Hou 3 (Private Green Space in Housing Development)

With its semi-rural location, the property has the opportunity to provide very high quality amenity, both internally and externally. High quantities of south and west facing glazing will provide a bright and spacious dwelling which takes advantage of the afternoon sun as well as the views to the west.

The main garden area will have the same south / west orientation and provide a significant amount of high quality open space.

As the dwelling is located to the north of the existing cottages, it will have no overshadowing impact on its neighbours. Furthermore, high quality boundary landscape treatment will protect the neighbours privacy whilst enhancing the local environment.

Tra 2 (Private car parking) & Tra 3 (Cycle parking)

The access into the site will be relocated to a safer position. This is further detailed in the following section (4.1, design). Ample parking will be provided and an integral garage will provide safe storage for bicycles. The Union Canal is located close to the site and provides a bike path along the NCR 754 route.

Env 12 (Trees)

There are a few small trees along the site boundary with Peniel Place as well as some trees along the southern boundary of the site. A full tree survey has been carried out and is included with this application. The existing trees will be largely unaffected by the proposals.

The proposal includes new tree and hedge planting and this is covered in more detail in the following section (4.1, design).

Env 16 (Protected species)

An ecological survey has been carried out and is included with this application. The survey finds that the site is of low suitability to support protected species and goes on to make recommendations for ecological enhancements as part of the development.

3.2 Landscape Visual Analysis

The application site is located close to the Newliston Garden and Designed Landscape (Designation Reference: GDL00298). As such, a basic 'Landscape visual assessment' has been carried out.

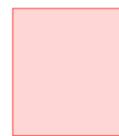
Newliston House itself cannot be seen from the site and vice versa. This is because it is completely obstructed by trees, even in winter months.

A series of photos were taken from the southern boundary of the agricultural fields, towards the north western boundaries of Newliston House's grounds. These are shown on the following page.

The land rises to the north and you can see that this will largely obscure the proposed dwelling from sight.

The backdrop of the Greendykes shale bing also means that the house will not protrude above the horizon.

Overall the visual impact of any dwelling on the site, in relation to the surrounding landscape, is negligible.



Application site



Photo position 1



Photo position 2



Photo position 3



Photo position 4



Newliston House



Approximate position of proposed dwelling (see photos)

3.2 Landscape Visual Analysis



View of site from photo position 1



View of site from photo position 2



View towards Newliston House from photo position 4 – note that the house is completely obstructed by the trees.



View of site from photo position 3



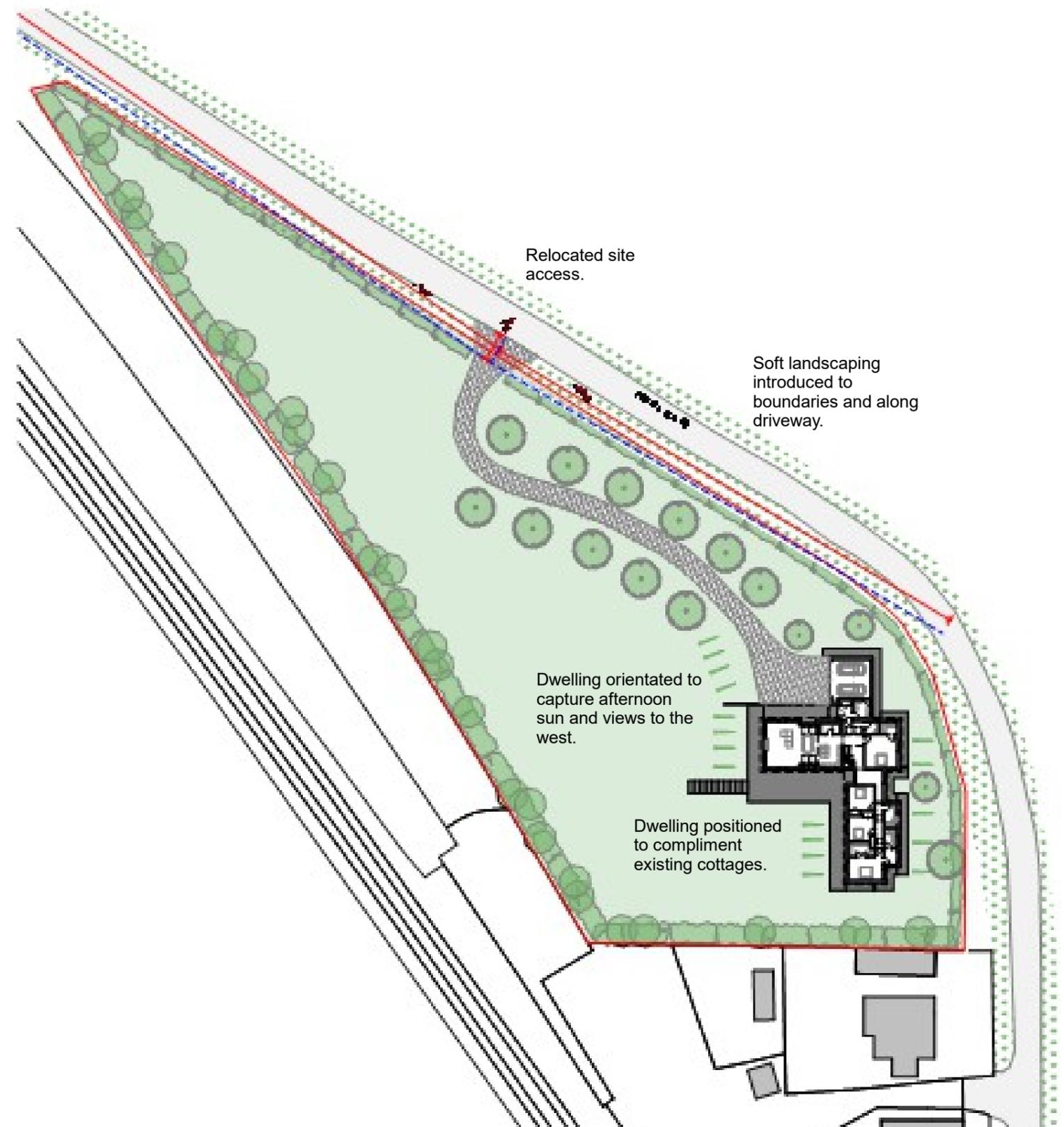
View of site from photo position 4

4.1 Design

Site Layout – The proposed dwelling is situated towards the south east of the site to link with the cluster of dwellings already present. The north-south building line axis is respected and the proposed dwelling steps back slightly from the adjacent property (as it, in turn, does to the property beyond).

Access – this will be relocated further north and away from the corner. Whilst it is a 60mph road (which requires a 215m visibility splay) vehicles travel at a substantially lower speed due to the narrow nature of the road and the tight corner. It's more realistic to suggest that the average speed is somewhere around 30mph and certainly not above 40mph. An 80m visibility splay is proposed (between the site access and the corner) which far exceeds the 30mph requirement (43m) and is slightly less than the 40mph requirement (120m). A greater visibility splay is achieved looking north.

Landscaping & Amenity – hedge planting will be provided along the boundary of the road to compliment the rural location. The addition of trees along the driveway will further enhance the landscape and help provide some shelter for the dwelling. Soft landscaping will also be provided to the south and west edges along the mutual boundary and the railway line. The provision of hard standing will be limited to areas immediately adjacent to the dwelling and a traditional gravel path will form the private driveway. High quality amenity space will be provided largely due to the south and westerly aspect of the site as well as views to the West. There won't be any adverse affects on neighbours.



Scale / Form / Proportion – The massing of the proposed house has been broken down into small proportions; a public 'wing', a bedroom 'wing' and the garage / utility. The dwelling therefore reads as a 'group' of smaller buildings which are more in proportion to the adjacent cottages.

The dwelling is predominantly single-storey to match the adjacent properties. The only exception is some accommodation within the roof space of the 'public' area of the house, part of which forms a mezzanine overlooking the dining and living spaces.

Materials – the palette of materials for the exterior of the property has been chosen with its semi-rural location in mind. The walls will be finished with natural stone, an off-white coloured render, and dark stained durable timber cladding. The roofs will be of natural slate with a flat sedum roof over the garage.



JM PLANNING SERVICES

APPENDIX 3

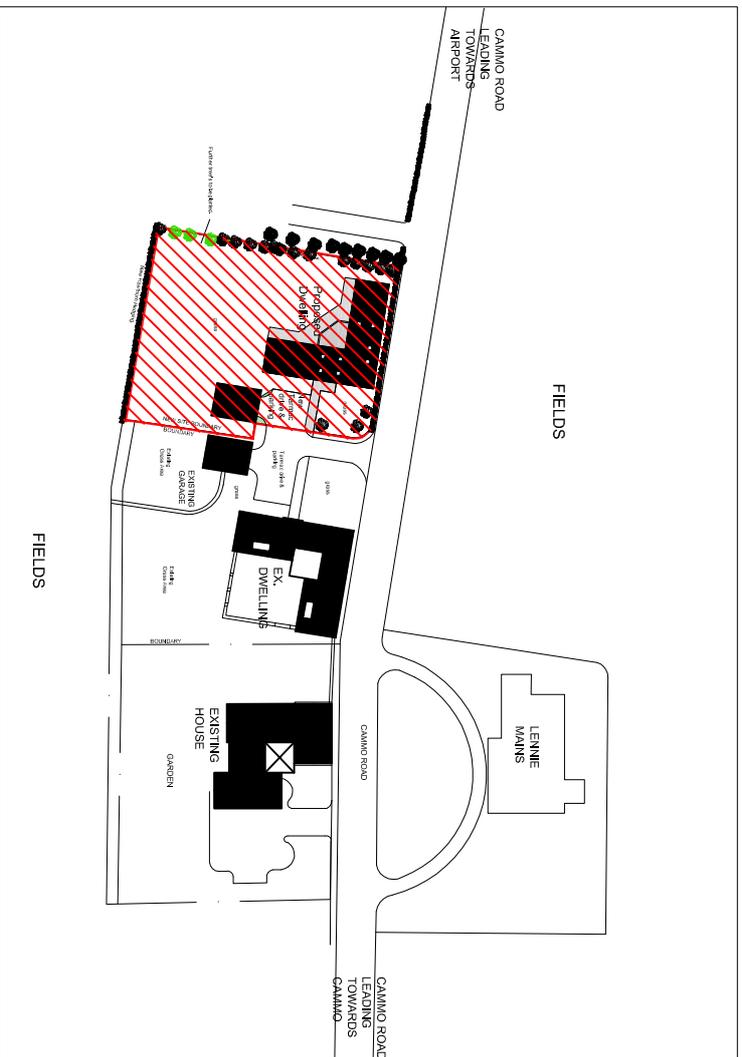
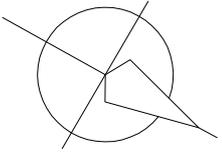
Panoramic Views



8a. View from the southeast of the open farmland opposite the site to the east side of Peniel Road.



8b. View from the west of the open farmland opposite the site to the east side of Peniel Road.



LOCATION PLAN (1:1250)

rev	date	details	by	rev	date	details	by
<p>THIS DRAWING WAS PREPARED TO OBTAIN BUILDING CONTROL AND/OR PLANNING PERMISSION AND CAN ONLY BE USED AS A WORKING DRAWING WITH PERMISSION FROM FORMAT BUILDING DESIGN.</p> <p>THIS OFFICE'S LIABILITY ENDS UPON THE RECEIPT OF A DESIGN FROM BUILDING CONTROL AND/OR THE PLANNING DEPARTMENT.</p> <p>THIS DRAWING IS NOT TO BE REPRODUCED WITHOUT PERMISSION.</p> <p>CONTRACTOR NOT TO DEVIATE FROM THE APPROVED DRAWING WITHOUT INFORMING FORMAT DESIGN.</p> <p>ALL SIZES AND DIMENSIONS TO BE VERIFIED ON SITE BY CONTRACTOR AND MANUFACTURER.</p>							
<p>SERVICES OFFERED:</p> <p>MEASURED SURVEYS PLANNING APPLICANTS FEASIBILITY STUDIES NEW BUILDS PLANNING APPLICATIONS LISTED BUILDING APPLICATIONS BUILDING WARRANT APPLICATIONS LIQUOR LICENSING DRAWINGS DEED PLANS</p>							
drawing title: Location Plan job title: 87 Cammo Road, Edinburgh client: Mr & Mrs Kinell status: PLANNING				scale: as noted @A4 drawing no: 2427 01 date: 12.05.2014 drawn: PM			
<p>format DESIGN</p> <p>PRODES Limited 146 Duddingston Road West Edinburgh, EH16 5AP</p> <p>Tel: 0131 661 7666 Email: formatdesign@format.com Fax: 0131 659 6033 Web: www.formatdesign.co.uk</p>							

Bob Tait
Format Design
146 Duddingston Road West
Edinburgh
EH16 4AP

Date: 22.1. 2015

Your Ref:

Our Ref: LRB/5.1/AMc

Dear Sir

**THE CITY OF EDINBURGH PLANNING LOCAL REVIEW BODY
REQUEST FOR REVIEW – APPLICATION NO 14/001832/FUL 87 CAMMO ROAD
(LAND 20 METRES WEST OF) EDINBURGH EH14 3EB
TOWN AND PLANNING (SCOTLAND) ACT 1997 AS AMENDED BY THE PLANNING
ETC (SCOTLAND) ACT 2006**

I refer to your request on behalf of your client Christine Kinnell, for a review of the refusal of planning permission for the erection of a dwelling house which was dealt with by the Acting Head of Planning and Building Standards under delegated powers.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 21 January 2015.

Decision

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for the erection of a dwelling house at 87 Cammo Road (Land 20 metres west of), Edinburgh (Application No. 14/01832/FUL), subject to standard planning conditions.

Informatives

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. 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.
3. 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.

Assessment

At the meeting on 21 January 2015, the LRB had been provided with copies of the notice of review submitted by you, including your request that the review proceed on the basis of an assessment of the review documents, a site inspection and one or more hearings. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development.

The plans used to determine the application were numbered 01-03, Scheme 1, being the drawings shown under the application reference number 14/01832/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, did not feel that they had sufficient information before it and agreed to undertake a site inspection prior to determining the review using the information circulated to it.

The LRB in their further deliberations on the matter considered the following:

- 1) The development plan, including the relevant policies of the Rural West Edinburgh Local Plan:

Policy E5 In order to protect the landscape quality, rural character and amenity of the Green Belt and countryside areas, development will be restricted.

Policy E6 Where acceptable in principle, development proposals in the green belt or countryside must meet the criteria which aim to achieve high standards of design and landscaping.

Policy E7 Permission will not be given for development which would result in irreversible damage to, or the permanent loss of prime quality agricultural land.

- 2) The Non-Statutory Guidelines on:
'Development in the Countryside and Green Belt' and 'Edinburgh Design Guidance'.
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward by you in your request for a review.
- 5) A site inspection.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application.

The LRB, having taken all the above matters into consideration, did not agree with the assessment of the issues in the case officer's report and was of the opinion that there would be no significant loss of prime agricultural land, as although it had been designated as such, it had never been used for this purpose and would not lead to incremental erosion of the farm land surrounding it.

The LRB was of the opinion that the material considerations that it had identified were of sufficient weight to allow it to overturn the original determination by the Acting Head of Planning and Building Standards.

Contact

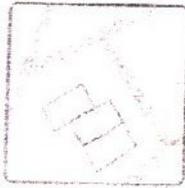
Please contact Aileen McGregor on 0131 529 4325 or e-mail aileen.mcgregor@edinburgh.gov.uk if you have any queries about this letter.

Yours sincerely

Aileen McGregor
for Clerk to the Review Body

Notes:

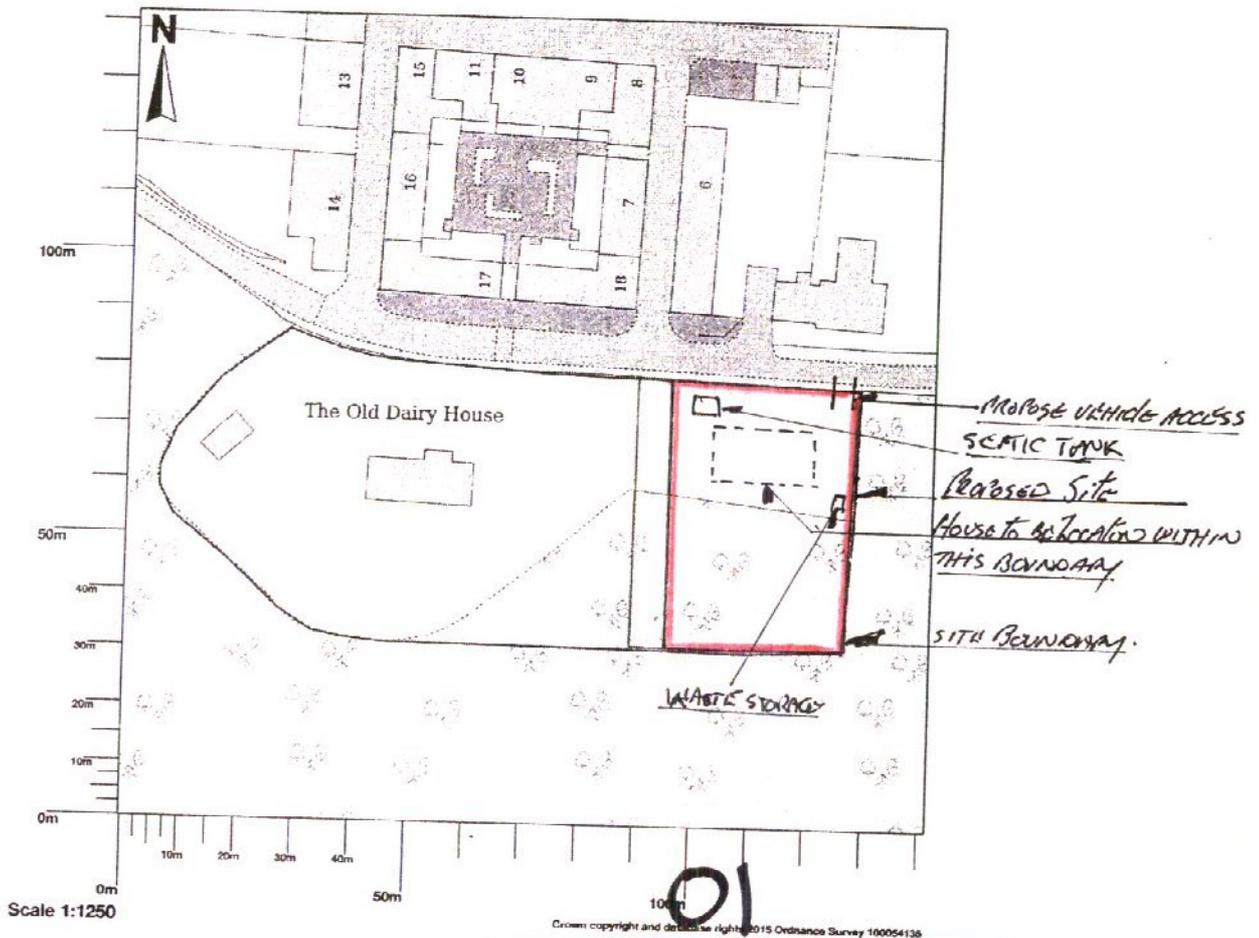
- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within six weeks of the date of the decision.
- 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 the 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 in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.



**UK
Planning
Maps**



The Old Dairy House, Dundas, South Queensferry, EH30 9SS



PLANNING & STRATEGY	
DATE	15/05/15
BY	PPR

Map shows area bounded by: 312585.28,676975.3,312726.72,677116.7 (at a scale of 1:1250) The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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The Coal
Authority

CON29M

coal mining report

OVERTON, KIRKLISTON, WEST LOTHIAN

Known or potential coal mining risks

Future underground coal mining

Page 3



Further action

No further reports from the Coal Authority are required. Further information on any next steps can be found in our Professional opinion.

For more information on our reports please visit www.groundstability.com



Professional opinion

According to the official mining information records held by the Coal Authority at the time of this search, evidence of, or the potential for, coal mining related features have been identified. It is unlikely that these features will impact on the stability of the enquiry boundary.

Your reference: 11604718
Our reference: 5100222840001
Date: 24 December 2019

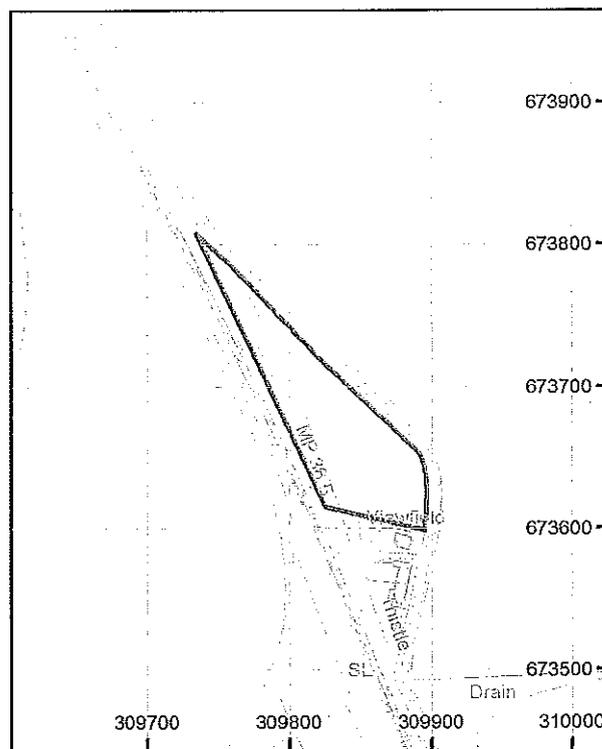
Client name:
FIRST SCOTTISH S S LTD

If you require any further assistance please
contact our experts on:
0345 762 6648
groundstability@coal.gov.uk

Enquiry boundary

Key

Approximate position of enquiry boundary shown



We can confirm that the location is
on the coalfield



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This report is prepared in accordance with the latest Law Society's Guidance Notes 2018, the User Guide 2018 and the Coal Authority's Terms and Conditions applicable at the time the report was produced.



Accessibility

If you would like this information in an alternative format, please contact our communications team on 0345 762 6848 or email communications@coal.gov.uk.

Your reference: I1604718

Our reference: 51002222840001

Date: 24 December 2019

Client name:

FIRST SCOTTISH S S LTD

If you require any further assistance please contact our experts on:

0345 762 6848

groundstability@coal.gov.uk

Detailed findings

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1 Past underground coal mining

The property is not within a surface area that could be affected by any past recorded underground coal mining.

The property is in a surface area that could be affected by underground mining in 1 seam of oil shale at 280m depth, and last worked in 1937.

2 Present underground coal mining

The property is not within a surface area that could be affected by present underground mining.

3 Future underground coal mining

The property is not in an area where the Coal Authority has received an application for, and is currently considering whether to grant a licence to remove or work coal by underground methods.

The property is not in an area where a licence has been granted to remove or otherwise work coal using underground methods.

The property is not in an area likely to be affected from any planned future underground coal mining.

However, reserves of coal exist in the local area which could be worked at some time in the future.

No notices have been given, under section 46 of the Coal Mining Subsidence Act 1991, stating that the land is at risk of subsidence.

4 Mine entries

There are no recorded coal mine entries known to the Coal Authority within, or within 20 metres, of the boundary of the property.

5 Coal mining geology

The Coal Authority is not aware of any damage due to geological faults or other lines of weakness that have been affected by coal mining.

6 Past opencast coal mining

The property is not within the boundary of an opencast site from which coal has been removed by opencast methods.

7 Present opencast coal mining

The property does not lie within 200 metres of the boundary of an opencast site from which coal is being removed by opencast methods.

8 Future opencast coal mining

There are no licence requests outstanding to remove coal by opencast methods within 800 metres of the boundary.

The property is not within 800 metres of the boundary of an opencast site for which a licence to remove coal by opencast methods has been granted.

9 Coal mining subsidence

The Coal Authority has not received a damage notice or claim for the subject property, or any property within 50 metres of the enquiry boundary, since 31 October 1994.

There is no current Stop Notice delaying the start of remedial works or repairs to the property.

The Coal Authority is not aware of any request having been made to carry out preventive works before coal is worked under section 33 of the Coal Mining Subsidence Act 1991.

10 Mine gas

The Coal Authority has no record of a mine gas emission requiring action.

11 Hazards related to coal mining

The property has not been subject to remedial works, by or on behalf of the Coal Authority, under its Emergency Surface Hazard Call Out procedures.

12 Withdrawal of support

The property is not in an area where a notice to withdraw support has been given.

The property is not in an area where a notice has been given under section 41 of the Coal Industry Act 1994, cancelling the entitlement to withdraw support.

13 Working facilities order

The property is not in an area where an order has been made, under the provisions of the Mines (Working Facilities and Support) Acts 1923 and 1966 or any statutory modification or amendment thereof.

14 Payments to owners of former copyhold land

The property is not in an area where a relevant notice has been published under the Coal Industry Act 1975/Coal Industry Act 1994.

Statutory cover



Coal mining subsidence

In the unlikely event of any coal mining related subsidence damage, the Coal Authority or the mine operator has a duty to take remedial action in respect of subsidence caused by the withdrawal of support from land or property in connection with lawful coal mining operations.

When the works are the responsibility of the Coal Authority, our dedicated public safety and subsidence team will manage the claim. The house or land owner ("the owner") is covered for these works under the terms of the Coal Mining Subsidence Act 1991 (as amended by the Coal Industry Act 1994). Please note, this Act does not apply where coal was worked or gotten by virtue of the grant of a gale in the Forest of Dean, or any other part of the Hundred of St. Briavels in the county of Gloucester.

If you believe your land or property is suffering from coal mining subsidence damage and you need more information on what to do next, please use the following link to our website which sets out what your rights are and what you need to consider before making a claim.

www.gov.uk/government/publications/coal-mining-subsidence-damage-notice-form



Coal mining hazards

Our public safety and subsidence team provide a 24 hour a day, 7 days a week hazard reporting service, to help protect the public from hazards caused by past coal workings, such as a mine shaft or shallow working collapse. To report any hazards please call 01623 646 333. Further information can be found on our website: www.gov.uk/coalauthority.

Your reference: 11604718

Our reference: 51002222840001

Date: 24 December 2019

Client name:

FIRST SCOTTISH S S LTD

If you require any further assistance please contact our experts on:

0345 762 6848

groundstability@coal.gov.uk

Glossary



Key terms

adit - horizontal or sloped entrance to a mine

coal mining subsidence - ground movement caused by the removal of coal by underground mining

Coal Mining Subsidence Act 1991 - the Act setting out the duties of the Coal Authority to repair damage caused by coal mining subsidence

coal mining subsidence damage - damage to land, buildings or structures caused by the removal of coal by underground mining

coal seams - bed of coal of varying thickness

future opencast coal mining - a licence granted, or licence application received, by the Coal Authority to excavate coal from the surface

future underground coal mining - a licence granted, or licence application received, by the Coal Authority to excavate coal underground. Although it is unlikely, remaining coal reserves could create a possibility for future mining, which would be licensed by the Coal Authority

mine entries - collective name for shafts and adits

payments to owners of former copyhold land - historically, copyhold land gave rights to coal to the copyholder. Legislation was set up to allow others to work this coal, but they had to issue a notice and pay compensation if a copyholder came forward

shaft - vertical entry into a mine

site investigation - investigations of coal mining risks carried out with the Coal Authority's permission

stop notice - a delay to repairs because further coal mining subsidence damage may occur and it would be unwise to carry out permanent repairs

subsidence claim - a formal notice of subsidence damage to the Coal Authority since it was established on 31 October 1994

withdrawal of support - a historic notice informing landowners that the coal beneath their property was going to be worked

working facilities orders - a court order which gave permission, restricted or prevented coal mine workings