

# Development Management Sub Committee

Wednesday 26 January 2022

**Application for Planning Permission 19/01796/FUL  
at land east of 173, Gilberstoun, Edinburgh.  
Demolition of the existing dilapidated farm buildings and  
erection of 10 new houses with associated roads, garages  
and parking (as amended from 19 houses).**

**Item number**

**Report number**

**Wards**

B17 - Portobello/Craigmillar

## Summary

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As a result of its location, form and design, the proposal complies with Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Residential use is acceptable in principle and the proposed density is commensurate with the surroundings. The scale, form and design are appropriate and retain an appropriate setting to Brunstane House to the north-west. The existing access is unaltered and is satisfactory to the Roads Authority. Both vehicle and cycle parking are adequate and acceptable. The proposal complies with local plan policies and non-statutory guidelines and is acceptable for this reason. No other material considerations outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU02, LHOU03, LHOU04,  
LDES01, LDES04, LEN03, LEN09, LEN12, LTRA02,  
LTRA03, LDEL01, NSG, NSGD02,

# Report

## **Application for Planning Permission 19/01796/FUL at land east of 173, Gilberstoun, Edinburgh. Demolition of the existing dilapidated farm buildings and erection of 10 new houses with associated roads, garages and parking (as amended from 19 houses).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site is an area of brownfield land, formerly containing a large piggery. The total site area extends to 10312 square metres (including the tree belt to the east). The developable area (excluding the tree belt) totals around 5700 square metres.

Within the application site (extending all the way to the south boundary) are remnants of brick and concrete structures, previously accommodating a series of pig sties. The remnant walls of further buildings on a smaller scale also stand on the north half of the site. The site has been used for storage of materials for many years but has no current operational use.

The eastern part of the site is occupied by a tree-belt. This has been unmanaged for a considerable period. The south end of this tree-belt contains a large sink-hole, around four metres deep. The tree belt is identified in the LDP proposals map as Open Space and a Local Nature Conservation Site.

The site lies to the east of a derelict structure previously consented for conversion to a single house (see History). Brunstane Steading, which is largely converted to residential use, lies further to the west. Land south of the site contains a modern housing estate (Gilberstoun).

To the north-west of the site Brunstane House looks eastwards (from its rear elevation) onto the open farmland to the north. Brunstane House is a landmark building within the area and stands around 60 metres to the north-west of the northern site boundary, behind its enclosing tall garden wall. The garden has tall planting and trees in its south-east corner. The house was listed category A on 14 December 1970 (ref.28034).

The arable farmland to the north is still operational, but it is now allocated for housing development in the local plan (HSG 29). This site now has planning permission in principle (reference 16/04122/PPP).

Access to the site is from the west, beginning with the 4.5 metres wide tree-lined avenue which connects to Gilberstoun, which also serves as the historic approach to Brunstane House. This road widens to a minimum of 5.5 metres between the entrance to Brunstane House and the site.

## **2.2 Site History**

8 April 2019 - Application for 19 houses withdrawn (planning reference 18/10418/FUL)

29 April 2009 - The adjacent land to the west was granted planning permission for conversion and extension of the Brunstane Steading to housing, including conversion of the closest building (the former piggery) into a single detached house (planning reference 08/02704/FUL)

### Neighbouring site to north (Land 445 Metres North Of 103 Newcraighall Road Edinburgh):

20 November 2020 - Planning permission in principle granted for proposed residential development (including class 8 residential institutions, class 9 houses and sui generis flats) primary school (class 10 non-residential institutions) local centre (including class 1 retail, class 2 financial services, class 3 food and drink, class 10 non-residential institutions and class 11 assembly and leisure ), green network, access and transport links, infrastructure and associated ancillary works (as amended.) (planning reference 16/04122/PPP)

## **Main report**

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

The application, as amended, proposes 10 four-bedroom houses, of varying sizes and design.

The development has a single access point from the steading to the west. The proposed internal road is laid out as two cul-de-sacs, linked by a pedestrian footpath/cycleway to create a loop.

The northern edge of the site faces onto open farmland. The closest part of this is proposed as parkland within the brief for HSG 29 housing allocation and as shown in the recent planning permission in principle (see History).

The tree belt in the eastern section of the site is retained, but brought into a managed condition, also utilising the large sink-hole to its south end as a swale, which would serve the sustainable drainage needs of the site.

A pedestrian path would be located in the south-east corner, linking the proposed internal roads and paths to an established right of way to the east.

Materials would be a mix of stone (or artificial stone) and render, with natural slate roofs.

## Previous scheme

The scheme was amended from 19 units and to adjust the layout and design to better relate to Brunstane House.

A pedestrian link was added between the proposed road and the south-east corner of the site, forming a new Right of Way.

## Supporting information

The following information was submitted in support of the application, and is available to view on the Planning and Building Online Services:

- Planning Statement
- Surface Water Management Report
- Tree Survey/ Habitat Report
- Flood Risk Assessment

## **3.2 Determining Issues**

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Do the proposals comply with the development plan?

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

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

## **3.3 Assessment**

To address these determining issues, the Committee needs to consider whether:

- a) the impact on the setting of Brunstane House is acceptable;
- b) the proposed use is acceptable;
- c) the scale, form and design are appropriate;
- d) the proposed housing density and mix are acceptable;
- e) the road access and parking are acceptable;
- f) the impact on the tree belt is acceptable;
- g) the impact on the Right of Way is acceptable;

- h) the archaeological issues are addressed;
- i) the infrastructure needs are addressed;
- j) any comments are addressed and
- k) other material considerations are addressed.

a) Setting of Brunstane House

Section 59 of the LBCA Act states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. The impact on the setting of surrounding listed buildings needs to be considered.

LDP Policy Env 3 - Listed Buildings - Settings considers the setting of listed buildings.

The developed section of the site lies between the tree belt and the southern section of the garden of Brunstane House. Views to and from the farmland east of the tree-belt are unaltered, as the existing tree belt will screen the proposed housing, as seen from further east.

Trees in the south-east corner of the garden of Brunstane House would screen most of the developed part of the site, when viewed from Brunstane House.

The northern section of the site would not be developed beyond the line of the south boundary of Brunstane House, other than as road and landscape. This is the main section visible from the house. This area currently contains banded material rising to around five metres in height. This feature would be removed. This would preserve and enhance the setting of the listed building and would create a landscape zone linking the garden of Brunstane House, the open space designated in HSG29 and would create a green link to the tree belt.

All buildings within the proposal now restrict themselves to the line struck by the southern boundary wall of Brunstane House garden. The bulk of the building zone is screened from Brunstane House by the trees in the south-east corner of its garden and the majority of the developed area will not be visible from Brunstane House.

The southern half of the site contains the former pig sties. Redevelopment of this section would represent an improvement to setting.

The net impact upon setting would be positive and the development complies with Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and LDP Policy Env 3.

b) Principle of Housing

Local Development Plan (LDP) Policy Hou 1 - Housing Development promotes sites for housing development.

The site lies within the defined Urban Area and is compatible with residential use subject to other policy requirements being met. The adjacent farmland to the north is specifically allocated for housing development within the LDP (HSG29) but is to be independently accessed from the north.

LDP Policy Env 21 - Flood Protection considers impact of development on Flood Risk.

The majority of the southern section of the site where the piggery stood is covered with a concrete slab and after this is removed the bulk of this area will be garden area. Permeable ground coverage will be increased. It has been assessed that the development will have no adverse impact on flood risk.

The proposal adopts principles of Sustainable Urban Drainage and the SUDS scheme takes all surplus surface water to a swale at the southern end of the tree belt.

### c) Scale, Form and Design

LDP Policies Des 1 - Design Quality and Context and Des 4 - Development Design - Impact on Setting consider the design of a proposal and its context.

LDP Policy Des 4 (Development Design - Impact on Setting) requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regard to its height and form, scale and proportions, including the spaces between the buildings, position of the buildings and other features on the site; and the materials and detailing.

LDP Policy Hou 3 - Private Green Space in Housing Development aims to ensure that there is adequate green space to meet the needs of future residents.

The development would be two storey in scale throughout, echoing the scale of both the existing steading to the west and the Gilberstoun estate to the south.

The south-western section of the proposal would be laid out in a broadly linear extension to the original steading, creating a link in form to the historic section. The remainder of the scheme would be laid out around the cul-de-sacs as a series of detached and semi-detached houses.

The design is contemporary but takes inspiration from the adjacent steading. The design is acceptable. The materials continue those on the existing steading to the west. A condition is added to further reserve the choice of materials.

The open space provision would total around a third of the site: mainly in the form of the retained tree belt to the east, which will be brought to a managed and accessible condition. Other areas are created along the roadsides. Each property would benefit from private garden space and the development would provide future residents with a good quality and scale of green space.

The form, design and layout are acceptable and comply with relevant policies.

d) Density

LDP Policy Hou 4 - Housing Density considers density of residential development. LDP Policy Hou 2 - Housing Mix seeks to ensure there is a provision of a mix of house types and sizes in developments, where practical.

The proposal has been reduced in density within the amendment.

In relation to the gross site area (including the tree belt), the density is 9.7 houses per hectare. If the tree belt (which is not part of the developed land) is excluded from the calculations, the density is 17.5 houses per hectare.

The density is appropriate for a suburban area and is less than adjacent developments such as Gilberstoun.

The range of housing to be provided would have regard to the character of the surrounding area. It would form an appropriate, small scale development, where creating a wide range of house sizes would not be practicable. In these circumstances, the relative uniformity of house size and type is acceptable and would provide a good quality development.

e) Access and Parking

The Roads Authority is content with the existing geometry and widths of the approach road and this section is no longer included within the site boundary as no works are required.

The geometry of the link road from the courtyard to the site has recently been widened to 5.5 metres. Access to the site is acceptable.

LDP Policy Tra 2 - Private Car Parking considers car parking.

The scheme was amended to reduce parking provision to comply with the current policy and guidance objectives of a maximum 100% parking.

LDP Policy Tra 3 - Private Cycle Parking considers cycle parking.

Each unit would have a garage capable of holding at least two cycles, and this is in compliance with policy.

f) Impact on Trees

LDP Policy Env 12 - Trees seeks to protect trees worthy of retention.

The tree belt on the east side of the street is left undeveloped other than the introduction of a swale on the south end, which will make use of the existing sinkhole within the tree belt. This addresses SUDS issues.

As the tree belt is preserved, its wildlife value would remain largely unaltered and its open space value would be unaltered.

Conditions are added requiring protection of the trees during construction and also a landscape management plan.

g) Right of Way

A Right of Way runs from the existing steading to west along the southern edge of the site (linking to Newcraighall).

As part of the consultation with the Roads Authority, this Right of Way would be altered to run alongside the proposed southern section of the new carriageway, before then turning south, between the last proposed house and the tree belt. A former section of the Right of Way, between the proposed development and Gilberstoun, would become redundant, and would require formal Stopping Up. The cost of this is placed upon the applicant.

h) Archaeology

LDP Policy Env 9 - Development of Sites of Archaeological Significance considers archaeological significance.

As a farm steading from around 1800, relating to the older Brunstane House, the site has potential archaeological interest. The applicant agreed to delay the process of the application awaiting the results of an initial archaeological investigation. This is now complete.

This concludes that the existing farm buildings are not of great significance, but a further archaeological investigation is required in relation to investigation of potential historic features underground. A condition is added to address this.

i) Infrastructure

LDP Policy Del 1 - Developer Contributions and Infrastructure Delivery considers developer contributions in relation to infrastructure.

The scale of the proposal has been reduced and now falls below the level at which affordable housing policy applies.

The proposal requires a contribution towards education infrastructure to the total of £249,600 and this is addressed by legal agreement.

In addition, a healthcare contribution of £60 per house is required again by legal agreement.

j) Public Comments

Representations were received from local residents and Portobello Amenity Society.

**Material Comments**

- too much traffic/ access inadequate - this is addressed in section 3.3 e);
- density is too high - addressed in section 3.3 d); and



- architectural quality is low - addressed in section 3.3 c).

### **Non Material Comments**

- lack of neighbour notification - neighbour notification was correct;
- no information on upgrading the existing access - the Roads Authority does not require this;
- a pedestrian link should run through the tree belt to improve its leisure value - this is not part of the proposal;
- possible structural impact on neighbouring houses - this is not a planning consideration and
- lack of disabled parking - all parking is capable of use by disabled people.

### **Community Council**

Portobello Community Council (PCC) neither object nor support the proposal.

The PCC concluded that layout had been improved in relation to the previous application. It suggested upgrading of the Right of Way (this has been done as part of the amended scheme).

#### g) Other material considerations

##### *SPP - Sustainable development*

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal accords with Paragraph 29 of SPP.

##### *Emerging Policy Context*

NPF 4 - Draft National Planning Framework 4 is being consulted on at present. As such, it has not yet been adopted. Therefore, little weight can be attached to it as a material consideration in the determination of this application.

City Plan 2030 - While the proposed City Plan is the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

#### Conclusion

The proposed development would have no adverse effect on the setting of Brunstane House and would comply with the requirements of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997. Subject to the conclusion of a legal agreement to secure healthcare and educational contributions, residential use is acceptable in principle and the proposed density is commensurate with the surroundings.

The scale, form and design are appropriate and retain an appropriate setting to Brunstane House to the north-west. The existing access is suitable for the proposal and both vehicle and cycle parking levels are appropriate.

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

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

#### **Conditions:-**

1. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
2. A detailed specification, including trade names where appropriate, of all the proposed external materials, including the use of natural stone, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
3. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".
4. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
5. A landscape management plan, including tree replanting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; the approved plan shall be implemented within 6 months of the completion of the development.

#### **Reasons:-**

1. In order to safeguard the interests of archaeological heritage.
2. In order to enable the Head of Planning to consider this/these matter/s in detail.
3. In order to safeguard protected trees.
4. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

## Informatives

It should be noted that:

1. Prior to the issue of consent the applicant shall enter into a suitably worded legal agreement with the Council to ensure a contribution towards educational and healthcare infrastructure is secured..

Educational infrastructure contribution required:

£222,810

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

Educational land contribution required:

£26,790

Note - no indexation to be applied to land contribution.

Total education contribution required:

£249,600

In addition, a contribution of £60 per dwelling is required for healthcare infrastructure.

Total healthcare infrastructure contribution required:

£600

Total Contribution = £250,200

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. Prior to the issue of consent the applicant shall enter into a suitably worded legal agreement with the Council to ensure a contribution of £2000 towards the cost of a Stopping Up Order linked to the relocation of the Right of Way on the south-east boundary. This Right of Way to transfer to the new road system proposed and shall include a 2m pedestrian link to the south-east as illustrated on the approved plans.

6. All roads and pavements within the site boundary to be available for public use and require to be subject of a Road Construction Consent.
7. The applicant shall provide each new occupant with a welcome pack explaining public transport links and local cycle networks.
8. The applicant should consider electric charging points for all houses.
9. The applicant should contact the Council's Waste and Cleansing Service at the earliest possible stage to agree a general waste management strategy for the development.

## **Financial impact**

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## **Consultation and engagement**

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

Pre-application discussions took place on this application.

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

The application was advertised on 26 April 2019.

Eight representations were received: seven in objection and one neutral. This included comments from both Portobello Amenity Society and Portobello Community Council. These are addressed in section 3.3 e) of the Assessment.

## Background reading/external references

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

**Statutory Development  
Plan Provision**

The site for development is shown as white Urban Area in the LDP. The undeveloped eastern section is protected Open Space and a Local Nature Conservation Site.

Existing farmland to the immediate north and east is designated for major housing redevelopment in the LDP (HSG 29).

**Date registered** 10 April 2019

**Drawing numbers/Scheme** 01, 2b,16-26,

Scheme 2

**David Givan**  
Chief Planning Officer  
PLACE  
The City of Edinburgh Council

Contact: Stephen Dickson, Senior planning officer  
E-mail:stephen.dickson@edinburgh.gov.uk

**Links - Policies**

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**Relevant Policies:**

**Relevant policies of the Local Development Plan.**

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

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

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

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

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

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

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

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

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

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

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

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

### **Relevant Non-Statutory Guidelines**

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

# Appendix 1

## **Application for Planning Permission 19/01796/FUL At Land East Of 173, Gilberstoun, Edinburgh Demolition of the existing dilapidated farm buildings and erection of 10 new houses with associated roads, garages and parking (as amended from 19 houses).**

### **Consultations**

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#### **City Archaeologist**

Further to my earlier response of the 16th April I am now in receipt (20/06/19) of the required archaeological evaluation report and building assessment (as per policy ENV9) undertaken by AOC Archaeology on behalf of the applicant for this scheme to demolish an existing dilapidated farm building, upgrading of Brunstane Road South and erect 19 new houses with associated roads, garages and parking. Having assessed the report and result I would therefore like to make the following comments and recommendations.

Firstly, this application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

#### **Historic Buildings**

The historic building assessment has confirmed that the historic core of these farm buildings date to the late 18th/early 19th century and do not contain earlier upstanding phases which was reported earlier. Although of archaeological/historic significance given the poor state of the surviving building it is considered that preservation in this instance is not a viable option. However, it is essential that a detailed recording of Buildings A & B identified in AOC's assessment is undertaken prior to and during demolition to provide a permanent and accurate record of these buildings. This will necessitate building upon the assessment results with the production of rectified photographic, phased/annotated elevations and floor plans (including plan of floor surfaces not recorded during the assessment).

Fig 1 1st Edition 1850' OS map, arrow showing farm building proposed for demolition

#### **Buried Archaeology**

As outlined in my earlier response the site occurs within an area of archaeological significance relating from the development of Brunstane Farm and Estate to potentially medieval mining activity through to prehistoric occupation. AOC's archaeological result



have revealed archaeological remains relating in part to the 18/20th century occupation of the site but potentially earlier remains of unknown date.

Given these results and those from the earlier CFA survey (see earlier response for reference) and from the just completed excavations at the steading by NG Archaeology it is clear that the site contains and has a high potential for significant archaeological deposits. Such remains will be significantly impacted by ground breaking works associated by development.

Therefore, having assessed the archaeological implications and significance of the remains it has been concluded that if permission is granted, that is essential that an archaeological programme of work (strip, map record and excavate) is undertaken prior to development in order, to fully excavate, record and analyse any surviving archaeological remains affected.

In consented it is essential therefore that a condition be applied to any consent if granted to secure this programme of archaeological works based upon the following CEC condition;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis, reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

## **Roads Authority**

Further to the memorandum of 29 April 2019, there are no objections to the proposed application subject to the following being included as conditions or informatives as appropriate:

1. The applicant will be required to contribute £2,000 to progress a suitable stopping up order under Section 208 of the Town and Country Planning (Scotland) Act 1997 to relocate the existing footpath, currently to the southwest of the development, to through the development, i.e. on-road;
2. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;

3. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;
4. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;
5. The applicant should note that new road names may be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;
6. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;
7. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;
8. Electric vehicle charging outlets should be considered for this development;
9. The developer must submit a maintenance schedule for any SUDS infrastructure for the approval of the Planning Authority.

Note:

- o The proposed parking is considered acceptable.
- o The existing access on Brunstane Road South was expected to be improved and extended under a road construction consent dated 9 February 2009. It appears that this consent has not been fully implemented and has therefore expired as the 3 year time limit has been exceeded and an extension to the time limit has not apparently been requested;

### **Historic Environment Scotland**

We responded in detail to the previous application (18/10418/FUL) on 25 February 2019. However, we consider it is worth restating the background information again.

The site concerned is within the setting of Brunstane House, a Category A listed building dating from the sixteenth century with historical additions by some of Scotland's foremost architects for important ministers of State. The house was subdivided in the nineteenth century but retains interiors of significance, and although its original wider policies have been reduced its setting is still of importance.

### **Background**

HES objected to the land allocation HSG29 due to the impact the new development would have on the important semi-rural setting of Brunstane House, and to a lesser extent Newhailes House and its designed landscape. After the site was allocated for housing your Council and ourselves were involved in lengthy discussions on how to mitigate harm to Brunstane's immediate and wider setting. These discussions centred on the extent of the new parkland ringing the walled boundaries of the property, and in retaining designed views from the principal rooms, including the Great Chamber in the north-eastern corner of the house. There was also consideration of how views towards the building could be maintained, and the treatment of the scheduled monuments within the wider site.

In assessing the proposals we have followed the guidance on setting within our Managing Change in the Historic Environment document; that is, firstly, identifying the historic asset, then defining its setting and finally assessing the impact of the development on this setting.

### Brunstane House and policies

The site concerned is to the south-east of the historic asset, Brunstane House. It is adjacent to the land allocation, but not part of it. The southern portion of Brunstane House contained the 1673 matching extension to the original sixteenth century tower house, and was designed by Sir William Bruce for the Duke of Lauderdale, Secretary of State for Scotland. Added to this, to the south, there is also a single storey range of offices designed in 1733 by William Adam for Lord Milton, Scotland's Justice Clerk. Adam also remodelled the house's interior and added a walled garden, two-storey summerhouse and fishponds by a hilltop folly to the south east of the site (now lost) immediately beyond the shelter belt of trees that forms the eastern edge of the proposed housing site.

Although the principal public rooms of the house were largely to the northeast of the house, the former principal bedrooms of the house overlook the site. Alongside views from the house, views to the house were designed to be seen from the site concerned, especially as it overlooked the former walled garden, which had raised viewing structures. Despite the contraction of Brunstane House's policies and the expansion of agricultural land, the open setting of Brunstane is still significant, both in views from and to the building.

### The site and setting

The site was originally orchard land for Brunstane House with, as above, Adam's walled garden situated immediately east of the existing shelter belt of trees which forms the eastern boundary to the site. This tree belt is an early feature shown in detail on the 1764 Leslie map and noted in supporting documents (for the major housing allocation) as the only surviving element of the early designed landscape. Despite agricultural expansion, the land concerned survived as part of the house's wider policies with clear views of the house from the site, which still retained mature trees until the twentieth century (a late C19th photograph shows a view from the site and the farm was run from the southern half of the mansion). The house's current garden wall boundaries were only finalised by 1934. The expansion of the mains farm and steading saw the proposed land being used for stabling, a milking parlour and piggery.

We believe the site, which is not allocated within the LDP, is important as part of the setting of Brunstane House, and is immediately adjacent to its reduced garden boundaries. An intensive development of the site would be visible from the house, and vice versa. A report by Andrew Wright on the importance of Brunstane House and its setting (2015) for the major housing allocation HSG29, notes that 'development in proximity to the site boundary of the garden walls would be inappropriate' and that views of the house from the east from within its historic policies were, and are, important.

### Consideration and impact on setting

The current proposals have amended the previous siting of houses, setting them back slightly further from the northern boundary with the proposed Brunstane Park. The frontages of the houses now appear to follow the SE alignment with the garden boundary walling of Brunstane House (with their gardens, road, etc in front). We welcome any moving back of built-development, (whilst noting the less-open terraced form), but consider the proposed development would adversely affect the setting of Brunstane House.

As before, we consider development in this location would also go against the broad principals established during the major housing allocation, that is, to retain a zone of open ground around the house and its walled garden boundaries in order to protect its important setting, including the surviving landscape tree-belt feature.

Again, we consider the best way to protect, or mitigate harm to the setting of Brunstane House would be to retain the site, or the majority of the site, as open ground, landscaped to form an adjunct of the adjacent planned Brunstane Park.

If, however, your Council is minded to allow some development on the site, (and again we note the previous approval in 2008 to convert the ruinous stone farm building), we would strongly recommend that any development is both less-intensive and situated to the southern part of the proposed site only, and that the northern part of the site remains undeveloped. The existing ruinous farm buildings would be a logical form/layout and northern boundary to any new development following their line - or that of the body of the adjacent steading. Again, stone from the ruinous farm buildings could be utilised to create new boundary walling, with the northern portion of the site open and landscaped to adjoin the adjacent Brunstane Park. There may also be scope to design less impactful lower-scaled housing e.g. timber faced and without pitched roofs.

Such an approach would help retain the important setting of the house and its garden boundaries, a principle supported by the significant level of supporting information associated with the adjacent major housing allocation.

We would also recommend, as suggested, that the historic tree-belt on the east of the site is managed and upgraded with appropriate trees. (a landscape architect's involvement is suggested). The current drawings show a pump house and drainage zone within the tree-belt. The drawings now show that the northern tip of this tree belt will be restored as part of the adjacent housing development, which we welcome.

It is not clear whether improvements to the approach to the site from Brunstane Road South are required, but 'adoptable standards' are noted for the access road. As before, despite housing development encroaching on this road, it still retains a rural feel, with

mature trees, stone boundary walls, its eighteenth century bridge and a reinstated line of Lime trees. Any urbanization of this approach would be damaging to the wider setting of Brunstane House.

As before, we would be happy to discuss the proposals further, and would be happy to comment on any revisions.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

#### Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

### **Children and Families**

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2019).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the finalised Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (August 2018).

#### Assessment and Contribution Requirements

Assessment based on:

10 Houses

There is no spare capacity in the existing schools that serve the site to accommodate an increase in pupil numbers as a result of the development.

This site falls within Sub-Area C-3 of the 'Castlebrae Education Contribution Zone'. The impact of the site was not taken account of when the Education Appraisal. The Council has therefore assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

There is an identified action to deliver a new primary school within the Brunstane housing site. This can provide the additional capacity necessary to accommodate the cumulative

increase in primary school pupils that will be anticipated in the area if this development progressed.

Additional secondary school capacity will be required to accommodate the increase in the number of secondary school pupils now expected to be generated in the area as a result of this development.

The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone. The established rates are based on the delivery of a new primary school and the provision of additional secondary school capacity.

If the appropriate infrastructure and land contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:

£222,810

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

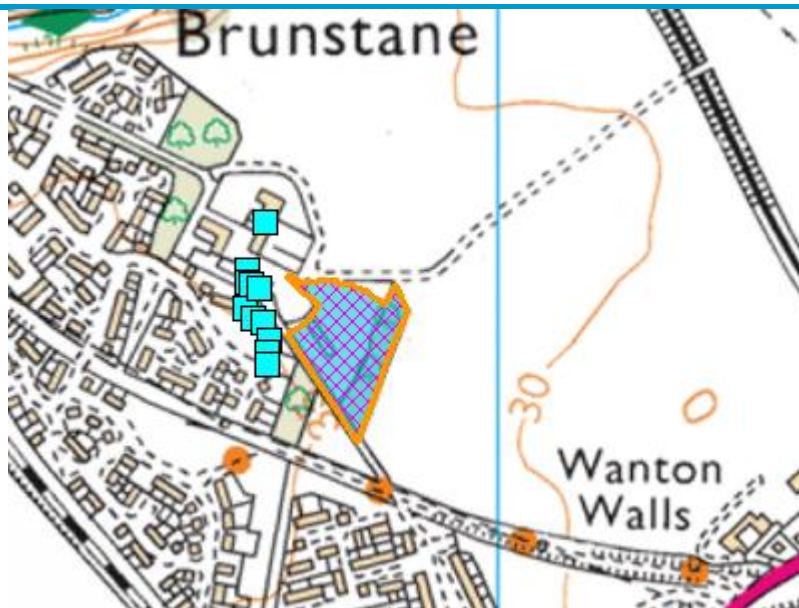
Total land contribution required:

£26,790

Note - no indexation to be applied to land contribution.

## Location Plan

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**END**