

Development Management Sub-Committee Report

Wednesday 21 September 2022

**Application for Planning Permission
Land 39 metres west of 58, Gogarloch Road, South Gyle.**

Proposal: Erection of a new dwelling.

**Item – Committee Decision
Application Number – 22/02375/FUL
Ward – B03 - Drum Brae/Gyle**

Reasons for Referral to Committee

Recommendation

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

Summary

The proposal is not acceptable as it would result in the introduction of an incongruous development into an established landscaping strip and would have an adverse impact on the character and appearance of the surrounding area. The proposal would result in the loss of trees and landscaping worthy of retention, would not result in the creation of a satisfactory residential environment and raises issues in respect of road maintenance. In addition, it has not been satisfactorily demonstrated that the proposal will not be at risk of flooding or will not increase the flood risk to the surrounding area. The proposal is contrary to policies Hou 1, Hou 4, Des 1, Des 4, Des 5, Env 12 and Env 21 of the adopted Edinburgh Local Development Plan. As a result, the proposal is not in accordance with the development plan.

There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The site is a plot of land located between Gogarloch Road and South Gyle Road. The site is presently populated with trees, a hedge, shrubs and grass. The site area extends to 221 square metres. The applicant also owns the southern area (around 820 square metres). The site currently serves as a buffer strip separating an existing housing development to the east from a busy roundabout, South Gyle Broadway and Gogarloch Road.

The surrounding area has a mixed residential/commercial character. The area directly to the north, east and west is characterised by modern style residential development. The area to the south is characterised by offices and modern commercial buildings.

Description of the Proposal

The application is for the erection of a two storey dwellinghouse. This will be erected at the north end of the site. Plans show the proposed use of white render and a tile roof. No landscaping information has been submitted with the application. No car parking is proposed and access to the site will be from the existing South Gyle Road.

Supporting Information

- Planning Statement
- Tree Survey

Relevant Site History

No relevant site history.

Other Relevant Site History

05.07.2018 - Planning permission in principle refused for the redevelopment of area of landscaping into small residential development comprising detached houses (Application Reference 18/00618/PPP).

05.11.2019 - Planning permission in principle refused for the erection of a single dwelling house including car parking space (Application Reference: 19/04343/PPP).

Pre-Application process

There is no pre-application process history.

Consultation Engagement

Environmental Protection

Flood Planning

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 24 May 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable;

Site Notices Date(s): Not Applicable;

Number of Contributors: 31

Section B - Assessment

Determining Issues

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

Assessment

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

a) The proposals comply with the development plan?

The Development Plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Design Policies Des 1, Des 4 and Des 5
- LDP Housing Policies Hou 1, Hou 3 and Hou 4
- LDP Environmental Policies Env 12 and Env 21
- LDP Transport Policies Tra 2 and Tra 3

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering the above policies.

Principle

Policy Hou 1 (Housing Development) of the adopted Edinburgh Local Development (LDP) states that with respect to housing development, priority will be given to the delivery of the housing land supply on suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The site is identified as being within the urban area in the LDP. The proposal therefore could be considered acceptable in principle provided it is compatible with other policies in the plan.

Two previous applications for housing development on the same site have been refused and subsequent appeals dismissed. Application 18/00618/PPP sought permission in principle for up to four dwellings on the site whilst application 19/04343/PPP sought permission in principle for a single dwelling. The Local Development Plan has not changed since the refusal of these applications. This is a significant material consideration in the determination of the current application.

The applicant has indicated that the proposal should be supported as it will contribute to housing targets set out in the Local Development Plan. As set out in the most recent Housing Land Audit, the city has sufficient land allocated to meet housing targets. A proposal for one dwelling will not have a significant impact on these figures.

Character and Appearance of the Area

LDP Policy Des 1 (Design Quality and Context) states that planning permission will not be granted for poor quality or inappropriate design or for proposals which would be damaging to the character or appearance of the area around it.

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 on existing views.

Policy Hou 4 (Housing Density) states the Council will seek an appropriate density of development on each site having regard to its characteristics and those of the surrounding area and the need to create an attractive residential environment and safeguard living conditions within the development.

The application site forms an established and defined landscape strip which provides a clear visual separation between the roundabout and the residential properties located directly to the north-east. The site combines with the other established landscape strips surrounding the roundabout which also provide a clear degree of separation between the road and residential/commercial buildings. The planned separation between the busy thoroughfare of South Gyle Broadway and the buildings which surround it is an important characteristic of the area and is important in terms of visual amenity.

The proposal would result in a notable intrusion into the landscape strip in the form of a new house. The proposed house would weaken the sense of separation which exists between the South Gyle Broadway and the surrounding buildings, resulting in a visually incongruous and highly prominent development which would have a detrimental impact on the character and appearance of the surrounding area.

Although it is not recorded in the Council's Open Space Audit, it is part of the characteristic, continuous boundary treatment of the area. The loss of part of this boundary treatment would be detrimental to visual amenity within an area of settled residential character, would be detrimental to the local green network and fragment habitat connectivity.

The site is a relatively linear and constrained strip to the west of the existing housing and garden space is proposed to the north and south sides of the property. In order to make a clear distinction between public and private space, enclosure of garden ground by defensible forms would be necessary. However, use of a high boundary fence or wall in this context would alter the pattern of open front gardens to the street.

The proposal would be damaging to the character and appearance of the surrounding area and the wider townscape and landscape. The proposal is contrary to LDP policies Des 1, Des 4 and Hou 4.

Amenity

LDP Policy Des 5 (Development Design - Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

Future Occupiers

The proposed dwelling has an approximate gross internal floor area of 101 square metres. This would exceed the minimum level recommended in guidance. Future occupiers would also have access to approximately 98 square metres of garden ground.

However, the proposed layout will necessitate the majority of any private garden space to be provided at the side of the proposed house instead of the rear. This would result in the formation of private garden space which would not benefit from the levels of privacy afforded to other residents in the surrounding area, to the detriment of prospective resident's future amenity.

The western elevation of the proposed dwelling is located approximately six metres from Gogarloch Road. Although no windows are proposed on this elevation, both the proposed dwelling and any associated garden ground would be in close proximity to a significant source of traffic noise to the detriment of the amenity of prospective residents. A Noise Impact Assessment would be required to assess whether an appropriate level of noise attenuation could be achieved. No such supporting information has been provided. The single aspect nature of the proposed dwelling would offer limited outlook for future residents and would be contrary to the level of amenity experienced by neighbours.

The proposal would not achieve a suitable residential environment.

Neighbouring Amenity

Plans show the proposed dwelling is approximately 15.3 metres away from the neighbouring property to the east and 14.6 metres away from the house to the north. Given these distances the proposal will not affect daylight to any neighbouring windows. The north elevation of the proposed dwelling does not have any windows and given the distance between the application site and neighbours to the east the proposal will not breach neighbouring privacy.

The proposed dwelling would be located approximately nine metres from the garden of the neighbour to the north. Given the location of the proposed dwelling to the south-west of the garden and an approximate height of 5 metres to the eaves, the proposed dwelling would not overshadow neighbouring gardens.

Neighbouring residents have expressed concern that the removal of trees will have a detrimental impact on security of the area. Although no landscape plans have been provided with the application, the supporting statement provided by the agent indicates that the existing hedge to the west of the site will be retained. There is no reason to conclude the proposed development will have a negative impact on security.

Trees and Landscaping

LDP Policy Env 12 (Trees) states Development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention unless necessary for good arboricultural reasons.

The existing trees are well established along this boundary and removal would be contrary to Policy Env 12. The value of this woodland is its contribution as a group of trees rather than the value of individual specimen trees and most are category B meaning they are of 'moderate quality and value with an estimated life expectancy of at least 20 years.' The tree survey notes that trees on site are generally in good condition and pose no concerns and that 16 trees would initially appear to require removal but that without topographical survey information the extent of any further removals cannot be quantified. There is no scope for replacement planting elsewhere on site due to its constrained nature.

The trees are in good health and perform an important function in terms of privacy and noise buffering. The trees and landscaping make a contribution to the Green Network and habitat connectivity. The removal of the trees has not been justified on arboricultural grounds and is contrary to LDP Policy Env 12.

It should be noted that the removal of trees within the application site would require a felling licence from Scottish Forestry. Removal of trees without permission is a criminal offence.

Flooding and Surface Water Management

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

The Flood Prevention team was consulted on the proposal and raised an objection due to the fact that the proposal would be at risk from fluvial flooding and that a Flood Risk Assessment would be required. In addition, a Surface Water Management Plan should also be provided. Detailed landscaping plans have not been provided and it is therefore not possible to establish in the impact the development would have on flood risk for the site itself or the surrounding trees. No consideration has been given to the impact of removing trees on flood risk.

The proposal raises concerns with respect to flood prevention which have not been addressed as part of the application. The proposal is contrary to LDP Policy Env 21.

Road Safety and Parking

LDP policy Tra 2 (Private Car Parking) states that planning permission will be granted for development where proposed car parking provision complies with the levels set out in Council guidance.

LDP policy Tra 3 (Private Cycle Parking) states that planning permission will be granted for development where proposed cycle parking provision complies with the levels set out in Council guidance.

The proposal does not include off-street car parking and therefore does not conflict with car parking standards. There would be no anticipated impact on existing parking arrangements. No cycle parking is identified in the plans. However, bikes could reasonably be stored within the curtilage of the proposed dwelling. The proposal does not conflict with Policy Tra 3.

As noted in previous applications, the proposal involves development which potentially affects a section of land which is adopted for maintenance purposes by the Council as a public road under the Roads (Scotland) Act 1984. The proposal therefore has the potential to impede the ability of the Roads Authority to undertake its statutory requirements as outlined under the Roads (Scotland) Act 1984.

Developer Contributions

The site is within the West Edinburgh Healthcare Contribution Zone. The need for a new medical practice has been identified in the Local Development Plan Action Plan. A contribution of £1,050 per dwelling would be required in this location. The site is also identified with the West Edinburgh Education Contribution Zone. As one dwelling would not generate more than one expected primary or secondary school pupil, no contribution would be required.

As the proposal conflicts with the Local Development Plan and the recommendation is to refuse planning permission, no contributions are required.

Conclusion in relation to the Development Plan

The proposal is not acceptable as it would result in the introduction of an incongruous development into an established landscaping strip and would have an adverse impact on the character and appearance of the surrounding area.

The proposal would result in the loss of trees and landscaping worthy of retention, would not result in the creation of a satisfactory residential environment and raises issues in respect of road maintenance. In addition, it has not been satisfactorily demonstrated that the proposal will not be at risk of flooding or will not increase the flood risk to the surrounding area. The proposal is contrary to policies Hou 1, Hou 4, Des 1, Des 4, Des 5, Env 12 and Env 21 of the adopted Edinburgh Local Development Plan.

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

The following material planning considerations have been identified:

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 does not comply with the principles of sustainable development outlined in SPP. The proposal would have a negative impact on existing green infrastructure to the detriment of surrounding residents and the character of the area. The application site is within a known area of flood risk and conflicts with policies relating to climate change and adaptation.

Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents 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.

Equalities and human rights

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

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

Public representations

A summary of the representations is provided below:

material considerations

Objection

- Loss of trees - impact on character and amenity; this is addressed in section (a) above
- Not in keeping with wider area; this is addressed in section (a) above
- Loss of privacy; this is addressed in section (a) above
- Overshadowing; this is addressed in section (a) above
- Impact on parking; this is addressed in section (a) above
- Previous applications for similar development refused on the same site; this is addressed in section (a) above
- Contribution to housing targets would be limited; this is addressed in section (a) above
- Impact on potential flood risk; this is addressed in section (a) above
- Impact on security; this is addressed in section (a) above
- Conflicts with SPP; this is addressed in section (b) above

Support

- More housing is required; this is addressed in section (a) above
- Existing site does not contribute to character of the area; this is addressed in section (a) above
- Proposed development will contribute positively to the area; this is addressed in section (a) above

non-material considerations

- Loss of view; this is not a material planning consideration
- Potential donation of land to the local community; this is not material to the determination of the acceptability of the construction of a dwelling on this site
- Neighbours in wider area not consulted; all neighbours within 20 metres of the site were notified directly in line with legislation requirements

Conclusion in relation to identified material considerations

There are no material considerations which outweigh the conclusion above.

Overall conclusion

The proposal is not acceptable as it would result in the introduction of an incongruous development into an established landscaping strip and would have an adverse impact on the character and appearance of the surrounding area. The proposal would result in the loss of trees and landscaping worthy of retention, would not result in the creation of a satisfactory residential environment and raises issues in respect of road maintenance. In addition, it has not been satisfactorily demonstrated that the proposal will not be at risk of flooding or will not increase the flood risk to the surrounding area. The proposal is contrary to policies Hou 1, Hou 4, Des 1, Des 4, Des 5, Env 12 and Env 21 of the adopted Edinburgh Local Development Plan. As a result, the proposal is not in accordance with the development plan.

There are no material considerations which outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal: -

1. The proposal is contrary to policies Hou 1, Hou 4, Des 1, Des 4 Env 12 and Env 21 of the adopted Edinburgh Local Development Plan as it would have an adverse impact on the character and appearance of the surrounding area, would result in the loss of trees and landscaping worthy of retention, would not create a satisfactory residential environment and raises issues in respect of road maintenance and flood prevention.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 4 May 2022

Drawing Numbers/Scheme

01-02

Scheme 1

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

Contact: Christopher Sillick, Planning Officer
E-mail: christopher.sillick@edinburgh.gov.uk

Summary of Consultation Responses

NAME: Environmental Protection

COMMENT: The Site is adjacent to a significant source of traffic noise. It is recommended that the applicant provide a noise impact assessment which assesses the level of road traffic noise and recommends mitigation where necessary.

DATE: 13 June 2022

NAME: Flood Planning

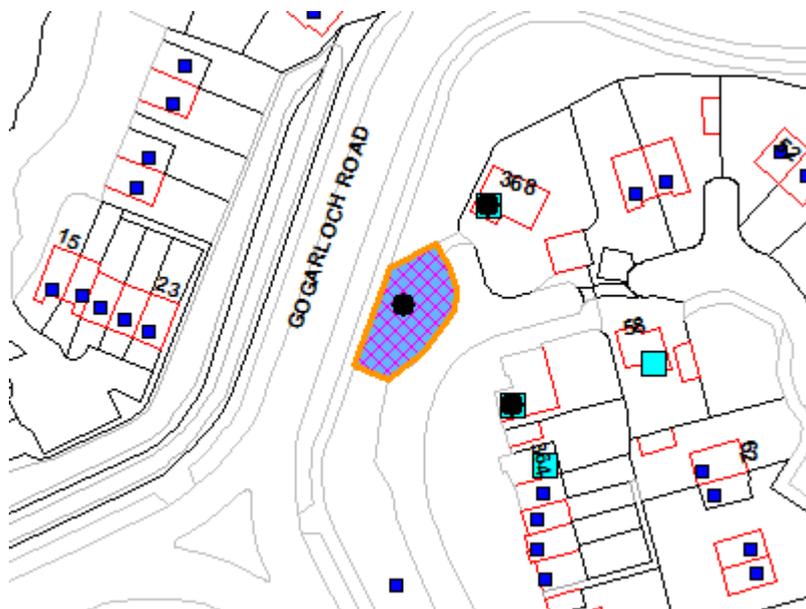
COMMENT: The online indicative SEPA flood maps identify a fluvial flood risk at the site from the Gogar Burn. A Flood Risk Assessment (FRA) will be required to support this planning application and confirm the 1:200-year return period event flood level (including an allowance for climate change).

A Surface Water Management Plan (SWMP) will also be required to confirm how surface water will be managed.

DATE: 23 June 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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