

**Planning Permission in Principle 12/03282/PPP
at
Land 46 Metres East Of Norton Cottage Hillend
Harvest Road
Newbridge**

**Development Management Sub-Committee
of the Planning Committee**

1 Purpose of report

To consider application 12/03282/PPP, submitted by Mr Alexander Allison. The application is for: **Application in principle for the erection of one house.**

It is recommended that this application be **Refused** by Committee.

2 The Site and the Proposal

Site description

The application site is a triangular area of land located on the west side of Baird Road. The site is approximately 0.4ha in area and is currently grassland. The site falls predominantly from west to east towards Baird Road.

To the south of the site there is a single track with a tree belt beyond. The tree belt forms the northern embankment of the M8 motorway. The motorway lies at a lower level than the application site and is crossed over by Baird Road.

Hillend Cottages lie to the immediate north of the application site.

Bus stops exist on both sides of Baird Road at this location.

Site History

October 1997- Planning permission refused for the erection of two houses in outline (application reference 97/00167/FUL).

September 2001- Outline planning permission refused for the erection of a single house with ancillary landscaping (application reference 01/01297/OUT) as the proposal would be sporadic development in the countryside, isolated from other development, contrary to approved Structure Plan Policy ENV 16 and would be contrary to the adopted policy where there is a presumption against such development in the countryside except where it is essential in that policy and in policies 2.2, and 2.29 of the Ratho, Newbridge and Kirkliston Local Plan and in policy E5 of the Finalised Rural West Edinburgh Local Plan.

July 2002- Appeal in respect of the erection of a single house with ancillary landscaping dismissed. The reporter held that no justification had been made showing that the proposed development was essential to the operation of a countryside activity and that it was contrary to policy ENV16 of the Lothian's Structure Plan and policy E5 of the Finalised Rural West Edinburgh Local Plan. The reporter also concluded that there were no material considerations to justify a departure from the development plan (appeal reference PPA/230/408).

Pre-Application Process

There is no pre-application process history.

Description Of The Proposal

The proposal is to establish the principle of a house on the site.

It is proposed to use an existing access to the field off Baird Road for the house. No details of the design, scale or layout have been provided.

The applicant has submitted a supporting statement in support of the proposal.

This is available to view at Planning and Building Standards Online Services.

3. Officer's Assessment and Recommendation

Determining Issues

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?

ASSESSMENT

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

- a) whether the proposal is acceptable in principle and;
- b) if there are any material considerations which would justify a departure from the development plan.

a) The proposal is for a house in principle on a site that is located in a Countryside Policy Area in the Rural West Edinburgh Local Plan (RWELP).

Edinburgh and the Lothian's Structure Plan policy ENV 3 sets out under which criteria development in a countryside location will be permitted. Policy E5 is the relevant policy in the RWELP.

Both policies seek to protect the landscape quality, rural character and amenity of the Countryside Policy Area.

This is a Greenfield site, clearly visible from Baird Road. It is not derelict or unsightly as implied in some of the representations.

It has not been demonstrated that there is an operational requirement for the proposed house in a countryside location. The proposal therefore fails to comply with policy ENV3 of the Edinburgh and the Lothian's Structure Plan and policy E5 of the Rural West Edinburgh Local Plan. It therefore has to be assessed whether there are any compelling reasons for approving the development.

b) There has been a change in the development plan since the previous refusal and appeal decision but the policies for development in the Green Belt and Countryside Areas have essentially remained the same. The aforementioned assessment (a) takes account of the current development plan policies.

The applicant refers to support for rural housing in Scottish Planning Policy (SPP) and the former Chief Planners letter of 4 November 2011 on Occupancy Restrictions and Rural Housing. In both cases, the advice provided relates to Scotland and is aimed at housing to support rural communities and sustain fragile, rural areas. Their direct relevance to an application for an individual house in the countryside around the city of Edinburgh is limited.

Scottish Planning Policy still identifies the efficient use of existing buildings and the protection and enhancement of landscape among other things as key considerations in a settlement strategy. SPP also adds that authorities should set out the circumstances in which new housing outwith settlements may be appropriate, particularly in rural areas.

The applicant has argued that the Main Issues Report (MIR) for the forthcoming Local Development Plan advances rural housing in this area as a possible scenario.

This is an inaccurate interpretation of the Main Issues Report. The Report does not indicate any intention to change the policy position in relation to housing development in the countryside and the application site is not located within West Edinburgh Strategic Development Area where sites are being considered to meet strategic housing requirements.

In terms of emerging planning policy, neither the Proposed Strategic Development Plan or LDP Main Issues Report provide support for the application.

Whilst there are letters in support of the proposal, the development of one house is not going to make any meaningful difference in terms of addressing housing need, reducing commuting traffic and providing support for the local primary school. The site is not derelict or unsightly.

The sightlines from the existing access are satisfactory and there is no objection subject to the parking standards being met and the existing vehicular access being utilised.

Environmental Services has no objection subject to a condition on contaminated land as the site is adjacent to a landfill site and there are concerns relating to seepage of contaminants to the application site.

As there are records of badgers in the area, a badger survey would be required. Had other aspects of the proposed development been acceptable, this would have been requested with necessary conditions being attached to any consent following its assessment.

There are no material considerations which would justify a departure from the development plan.

In conclusion, the proposal does not comply with the development plan and non-statutory guidance in respect of development in a countryside location. There are no material considerations which outweigh this conclusion.

It is recommended that the Committee refuses this application, for the reason stated.

REASON FOR DECISION

The applicant has failed to demonstrate that the proposed use for residential is appropriate to its countryside location contrary to the development plan.

David R. Leslie
Acting Head of Planning & Building Standards

Contact/tel	Brian Fleming on 0131 529 3518
Ward affected	A01 – Almond
Local Plan	Rural West Edinburgh Local Plan
Statutory Development Plan Provision	Countryside Policy Area
Date registered	11 September 2012
Drawing numbers/ Scheme	01 Scheme 1

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing at [Planning and Building Standards online services](#)

If you require further information about this application you should contact the following Principal Planner, Helen Martin, helen.martin@edinburgh.gov.uk, 0131 529 3517

Appendix A



Application Type Planning Permission in Principle
Application Address: Land 46 Metres East Of Norton Cottage Hillend
Harvest Road
Newbridge

Proposal: Application in principle for the erection of one house.

Reference No: 12/03282/PPP

Consultations, Representations and Planning Policy

Consultations

Transport Planning

No objections to the application subject to the following being reserved matters.

- a) Parking to comply with this Department's parking standards. (The location lies within Zone 6 of the parking standards)*
- b) The applicant to utilise the existing access off Harvest Road as this is the optimum location with regard to the visibility envelopes. The visibility envelope dimensions will be agreed with the Head of Transport.*

Informative

1) The applicant will require to apply to Services for Communities and the Local Area Roads Manager (Mr George Kennedy, Chesser House, Gorgie Road, Edinburgh, EH11 3YJ) for a road permit under Section 56 of The Roads (Scotland) Act 1984 to carry out any works on Harvest Road to construct the new access.

Environmental Assessment

The land identified for the proposed erection of a single house is approximately within 100m of the site boundary south of Norton Quarry. Records show that the quarry was used for disposal of trade and domestic waste and plant residue. Landfill gas monitoring has been on going at the site boundary since 1990. In principle Environmental Assessment has no objections to this proposal however, it will be necessary to attach the following contaminated land condition to the proposed application prior to development of the site.

S102C 1 Prior the commencement of the work on site;

a) The levels of gas within the site shall be monitored to the satisfaction of the Head of Planning.

b) Should an issue be identified regarding the migration of landfill gas, a detailed scheme of measures, in the form of gas barriers and/or dispersal to the atmosphere, for protecting the development from gas shall be submitted to and approved in writing by the Head of Planning; this scheme shall make provision for long term monitoring of gas, and for maintenance of the protective measures.

c) The approved protective measures shall be implemented fully to the satisfaction of, and in accordance with any schedule of works or maintenance required by the Head of Planning.

SEPA

SEPA do not hold any record of historic landfill in this area and do not regulate any processes at this site. As such, SEPA cannot comment further at this stage.

Archaeology

The site occupies an area of open field on the eastern slopes of Hillwood hill immediately to the north of Ratho. The Summit of Hillwood Hill is occupied by the probable remains of an Iron Age ditched enclosure or fort identified from as crop-marks occupying the summit of the adjacent Hillwood Hill (NMRS Ref No. NT17SW 92). A further Hillfort is thought to occur across the summit of South Platt Hill to South. Excavations across the western end of South Platt Hill in advance of the M8 also unearthed a complex site comprising both prehistoric remains (including a Bronze Age cremation cemetery, a palisade & ring ditch) and significantly an Anglian settlement of the 7th-9th century AD. Excavations immediately to the south of the site by CECAS in 1993 on what was thought to be a burial mound but turned out to be probably natural did unearth a fragment of a prehistoric shale bracelet and a worked flint flake suggesting prehistoric activity in the area.

Accordingly this application must be considered under terms of the following Scottish Government policies Scottish Planning Policy (SPP), PAN 2/2011 and SHEP and also under CEC's Rural West Edinburgh Local Plan policy E30. 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.

The proposed scheme will likely require significant ground-breaking works associated with the construction of the new houses and associated access & services. Such works must be considered as having a potential archaeological impact given the areas prehistoric history, though one which is considered to be low-moderate. Accordingly it is recommended that a programme of archaeological works is undertaken prior to development. In essence this will see a phased programme of works, the initial phase being an archaeological evaluation up to a maximum of 10% of the site. The results of which would allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains prior to construction commencing.

It is essential therefore that a condition be applied to any consent 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 (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

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

Representations

The application was advertised on 28 September 2012. Eleven letters of representation have been received; nine of which are from neighbouring residents and two from members of the public. Of those received, nine are in support of the proposal and two are objections.

The grounds of support include:

- schools currently under capacity
- application site has good transport links
- change in policy to allow new developments in rural areas
- extensive house building to the north-east side of Ratho sets precedent for small scale housing units in the area
- opportunity to improve the landscape and habitats for wildlife through appropriate planning conditions

- site is currently an eyesore and a single house within a landscape setting would improve the visual amenity
- accord with current Scottish Planning Policy in relation to appropriate new housing outwith settlements in rural areas
- brings an unused small area of land into use
- single house will enhance the local area and contribute to its rural character
- help reduce the housing shortage

The material grounds of objection/concern being:

a) Issues of principle, taken account of in assessment a:

- sporadic development
- no need or operational requirement for a house in this location

b) Transport issues, taken account of in assessment b:

- road safety
- access to the site unsafe with sixty mile per hour speed limit on road

c) Nature conservation issues, taken account of in assessment b:

- land of environmental value to support local wildlife and vegetation

Representations, if any, are available to view in the document list at [Planning & Building Standards online services](#).

Planning Policy

The application site is identified as being in a Countryside Policy Area in the Rural West Edinburgh Local Plan.

Relevant Policies:

Scottish Planning Policy (SPP) - The SPP sets out Scottish Government policy on nationally important land use matters and includes subject specific policies on: economic development, town centres and retailing, housing, rural development, coastal planning, fish farming, historic environment, landscape and natural heritage, open space and physical activity, green belts, transport, renewable energy, flooding and drainage, waste management, minerals, on-shore oil and gas, surface coal mining and communications infrastructure.

Relevant policies of the Edinburgh and Lothian's Structure Plan
Policy ENV3 states that development in the countryside will be allowed where it has an operational requirement for such a location that cannot be met within the urban area and is compatible with the rural character of the area.

Relevant policies of the Rural West Edinburgh Local Plan.

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

Policy E22 says that development proposals which have the potential to harm a protected plant or animal species or its habitat will not be permitted unless the protection of species can be secured through the appropriate design and construction methods.

Relevant Non-Statutory Guidelines

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

Non-statutory guidelines on BIODIVERSITY sets objectives for habitat creation and enhancement, lists protected species and how developments can make provision for these, and lists the sites of national and local nature conservation interest.

Appendix B



Application Type Planning Permission in Principle
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Conditions/Reasons associated with the Recommendation

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

Reasons:-

1. It has not been demonstrated that the proposal is necessary for the purposes of agriculture, horticulture, forestry, countryside recreation or other uses appropriate in the countryside. The proposal will therefore have an adverse effect on the landscape quality, rural character and amenity of its countryside location and is contrary to policy ENV3 of the Edinburgh and Lothian's Structure Plan, policy E5 of the Rural West Edinburgh Local Plan and Non-statutory Guidance on Development in the Countryside and the Green Belt.

End

Appendix C

Application Type Planning Permission in Principle

Proposal: Application in principle for the erection of one house.

Reference No: 12/03282/PPP



Location Plan

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