

Development Management Sub Committee

Wednesday 29 January 2014

**Application for Planning Permission 13/03878/FUL
At Land 130 Metres West Of 12, Freelands Way, Ratho
Proposed residential development of 14 houses, footpaths
and landscaping at land to north of Freelands Way, Ratho.**

Item number	4.2
Report number	
Wards	A02 - Pentland Hills

Links

<u>Policies and guidance for this application</u>	LPRW, RWH1, RWH5, RWE35, RWE36, RWE42, RWH9, RWTRA6, RWTRA7, RWTRA4, RWTRA2, RWED10, RWE41, RWE1, RWE3, RWH7, RWE46, NSG, NSGD02, NSP, OTH, CRPRAT,
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Executive summary

Application for Planning Permission 13/03878/FUL At Land 130 Metres West Of 12, Freelands Way, Ratho Proposed residential development of 14 houses, footpaths and landscaping at land to north of Freelands Way, Ratho.

Summary

The proposal complies with the development plan. The proposal is acceptable in this location and is of an appropriate scale and design. The proposal accords with the principles for development in the Freelands Road Design Brief, will not adversely affect the character and appearance of the conservation area or result in an unreasonable loss of amenity to future occupiers or neighbouring residents. The proposal will not result in any traffic or road safety issues.

Recommendations

It is recommended that this application be Granted subject to the details below (in section 3 of the main report).

Financial impact

There are no financial implications to the Council.

Equalities impact

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

Sustainability impact

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

Consultation and engagement

Pre-Application Process

Pre-application discussions took place on this application.

Publicity summary of representations and Community Council comments

The application was advertised on 27 September 2013 and thirty two letters of objection were received. These included comments from Councillor Ricky Henderson.

The letters of representation raised the following material issues:

- road safety;
- principle;
- conservation and design - materials;
- contrary to development brief - breach of roadside verge, loss of views;
- residential amenity - privacy, daylight, sunlight; and
- infrastructure - pressure on capacity of local school.

Ratho Community Council commented on the principle of development, lack of a conservation and design statement, the loss of the roadside verge and proposed footpath, trees, residential amenity, materials and requirement for archaeological condition.

A full assessment of all the representations can be found in the main report in the Assessment Section.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

Application for Planning Permission 13/03878/FUL At Land 130 Metres West Of 12, Freelands Way, Ratho Proposed residential development of 14 houses, footpaths and landscaping at land to north of Freelands Way, Ratho.

1. Background

1.1 Site description

The application site is a sloping area of agricultural land of approximately 1.87ha. known locally as 'The Glebe'. It forms the undeveloped north-west corner of the larger 'Moorings' development site by Cala Homes.

It is bounded by Freelands Road to the north and Freelands Way to the south with modern housing to the east and older housing to the west with access to the site via these two aforementioned roads.

The topography of the site varies considerably with the land rising from Freelands Road to a crest before it falls steeply towards the south before rising significantly up to Freelands Way.

The site is partially located in the Ratho Conservation Area. This property is located within the Ratho Conservation Area.

1.2 Site History

Historically, the site formed part of a land fill site with a licence to accept inert material.

May 2008- A development brief for the moorings site (Cala Homes residential development) was approved by the Planning Committee following extensive public consultation including a local workshop independently facilitated by Planning Aid. This was subject to the addition of a requirement that the developer resolve the issue of accessibility across the canal to local services and road safety before the submission of a planning application; such a solution was to be approved by the planning authority and implemented at no cost to the council.

Whilst not forming part of the development brief, the 'Glebe land' site was referred to in paragraphs 7.2 and 7.3. These are set out below.

7.2 This development brief focuses on the development of the Freelands Road site, as identified in the local plan. However, the settlement boundary for Ratho includes a small area of agricultural land between the north-west boundary of the site and Freelands Road, known as the 'Glebe land'. While identified on the layout plan, this site does not form part of this brief. That it may be developed at some time in the future, however, is acknowledged.

7.3 The development principles set out in this brief will also apply to any future planning proposals for the 'Glebe land'. Proposals for this should ensure that views to the south

from Freelands Road are possible, that the daylighting, sunlight and privacy of neighbouring properties is not adversely affected and that the 1.2m high verge on Freelands Road is retained, where possible.

2. Main report

2.1 Description Of The Proposal

It is proposed to erect fourteen detached dwelling houses with front and rear gardens on the site. The houses will be a mix of one and a half storeys high and two storeys. The houses (plots 1, 11, 12, 13 and 14) proposed to be accessed from Freelands Road will be one and a half storeys high. Plots 12, 13 and 14 are located in the Ratho Conservation Area. The remaining houses accessed from Freelands Way are two storeys high.

Plots 1 to 6 run parallel to the rear of the houses at 30 to 42 Freelands Way, which are located to the north-east. A landscaped tree belt is positioned between the houses. Plot 1 also runs roughly parallel with Freelands Road along with plots 11, 12, 13 and 14. These are set back from the road frontage by approximately 10.0m in the case of plot 1 and between 18.0m and 22.0m for the other plots.

Three openings are to be created in the roadside verge on Freelands Road providing shared accesses for plots 11 and 12 and 13 and 14 respectively. Plot 1 has sole access. The opening created between plots 11 and 12 also provides a footpath link from the cemetery to Freelands Way.

The topography of the site varies considerably with the houses accessed off Freelands Road sitting on a crest with the garden ground sloping down towards Freelands Way. An embankment is formed at the rear of the gardens with open meadow land proposed to the south-west corner of the site.

The proposed materials for the houses accessed from Freelands Road namely plots 1, 11, 12, 13 and 14 are wet dash roughcast for the external walls with natural stone part ground floor, smooth cement bands around the windows and doors, pre-cast reconstituted stone cills, lintels etc, timber doors and windows and natural slate for the roof.

The proposed materials for the remaining houses are a Tuscan beige, coral or dolo white coloured dry dash roughcast with buff or white smooth render base, pre-cast reconstituted smooth stone cills, lintels etc, white PVCu windows and concrete tiles for the roof.

The proposal does not include any affordable homes. A commuted sum in lieu of on-site provision is proposed.

Previous scheme

Proposed 14 houses with six of the houses with individual accesses off Freelands Road. The proposal also included the removal of the existing roadside verge and the installation of a two metre wide footpath on the south side of Freelands Road. The proposal included inappropriate materials for the houses located in the conservation area and did not include a conservation and design statement.

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

- Conservation and Design Statement; and
- Sustainable Urban Drainage System (SUDS) Statement.

2.2 Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

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?

2.3 Assessment

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

- a) the principle of the development is acceptable;
- b) the proposed development is appropriate in terms of scale and design;
- c) the proposal adversely affects the character of Ratho Conservation Area;
- d) the infrastructure is acceptable to serve the development;
- e) the proposal has implications for road safety;
- f) the amenity on occupiers of the proposed development and existing neighbouring properties would be adversely affected;
- g) sustainability requirements would be met;
- h) the proposals would be acceptable in terms of airport safety;
- i) contamination and land gas issues can be dealt with in an acceptable way;
- j) the proposal can proceed without significant environmental impacts;
- k) the proposal raises any equalities or human rights issues; and
- l) representations raise issues that require to be addressed.

a) Principle

The site is within the settlement boundary of Ratho where policy H3 of the Rural West Edinburgh Local Plan supports housing development on infill sites provided it complies with certain criteria.

The application site is an area of agricultural land with housing to its west, north, east and south. The proposal will not therefore lead to a loss of valuable open space or community facilities and will be compatible with neighbouring land uses. The proposal is therefore acceptable in principle subject to it not being detrimental to the character and amenity of the area and not conflicting with any other provision of the local plan.

The proposal is for private houses; no affordable houses are proposed. However, a commuted sum in lieu of on-site provision is proposed.

The housing proposed will generate an additional Affordable Housing Policy (AHP) requirement of 3.5 homes. The AHP states that the payment of commuted sums in lieu of on-site provision will only be acceptable where the total number of dwellings is below 20. A commuted sum of £160,000 is therefore appropriate. The Housing Service is confident that the above mentioned commuted payment can be spent on providing affordable units within the same area of the city within five years of the payment being made and is therefore supportive of this outcome.

The impact on the amenity of the future occupiers of the houses, neighbouring residents, road safety and the conservation area are addressed below.

The proposal largely complies with the principles set out in the development brief, local plan policy and non-statutory guidance.

b) Design

Design policies seek to draw upon the positive characteristics of the surrounding area to create or reinforce a sense of place. The aim is to ensure that developments have a positive impact on its setting, having regard to the positioning of buildings on the site, their height, scale and form, materials, landscape impacts and impacts on views.

Whilst the Freelands Road development brief does not include the 'Glebe' land, the development principles of the brief apply. Specifically, proposals for the site should ensure that views to the south from Freelands Road are possible, the daylighting, sunlight and privacy of neighbouring properties is not adversely affected and that the 1.2m high verge on Freelands Road is retained, where possible.

In relation to the development principles, the proposal is for a low density housing development of one and a half to two storeys high, four/five bedroomed, detached houses of a design and layout consistent with those of the adjacent 'Moorings' development and the house proposed on an adjacent site to the west.

The breaches in the roadside verge for shared pedestrian and vehicular access have been kept to a minimum and with the two metre footpath being positioned behind the verge, the visual impact on this rural part of Freelands Road will be minimised. The set back of the houses from the roadside will further reduce any visual impact on Freelands Road.

The shared access for plots 11 and 12 opens up this spot and allows a footpath link from the cemetery to Freelands Way. Views from Freelands Road to the Pentland Hills to the south are presently limited. However, at this spot, photomontages produced show the views of the Pentland Hills being maintained.

The topography of the site varies considerably and will be regraded. This will result in an embankment being formed between the gardens of the houses accessed from Freelands Road and the remaining lower lying land to their south (identified on drawings as open meadow land). The planting of trees and shrubs on the embankment provides a natural break between the regraded land and the lower lying ungraded land lessening its visual impact.

c) Conservation Area

The Ratho Conservation Area Character Appraisal refers to the area around the Bridge Inn and the bridge as marking the transition between the linear settlement and the loose knit dispersed semi-rural environment. The essential character of this area is predominantly of small scale vernacular cottages with simple pitched roofs, uniform in character using traditional materials which unify it with the village core. Prominent buildings in the village core provide landmarks and there is an important architectural grouping at the Bridge Inn.

The proposed houses located in the conservation area are one and a half storeys high and adopt a linear pattern along the south side of Freelands Road. The revised proposal retains the roadside verge on Freelands Road and reduces the number of accesses taken from it. The relocation of the footpath to the rear of the verge ensures that the semi-rural character is maintained.

The proposed materials for the houses in the conservation area include a wet dash roughcast finish to the walls and natural slate to the roof. Roughcast and slate are characteristic of the cottages and houses along the north side of Freelands Road with the exceptions being the manse on the south side and 3 Freelands Road on the north side which have stone walls and slate roofs. These buildings, it could be argued, signify the gateway to the village of Ratho and are more characteristic of the village core rather than the loose knit dispersed semi-rural environment identified in the character appraisal. In addition, a consented house proposed on an adjacent site to the west on the site of the manse is proposed to be finished in render and slate. Given the above, the use of roughcast is appropriate at this location.

There are no trees on the site. However, there are a number of trees on the adjacent site to the west. A condition safeguarding these trees from the proposed development is recommended.

The proposal will not adversely affect the character and appearance of the conservation area.

d) Infrastructure- education

The available capacity of Ratho Primary School will be taken up by the existing Freelands Road and the proposed Craigpark Quarry housing developments. The capacity at the associated nursery class of the school is similarly under pressure. A developer contribution towards works to relieve accommodation pressure at Ratho Primary School is therefore sought.

e) Road Safety

The proposal raises no road safety issues. Transport Planning has requested a financial contribution to assist its budget in respect of subsidising bus provision. Ratho is currently served by a bus service and the provision of these houses will improve the viability of the route. A one off payment of this scale is not considered necessary or reasonable in relation to the development. Transport Planning has no objections subject to road construction consent being applied for and the aforementioned financial contribution.

To encourage sustainable transport modes and tie in with the wider canal towpath a condition is recommended to ensure the proposed whin path is constructed to a minimum width of 3.5m to form a shared pedestrian / cycle route.

f) Residential Amenity

The proposed houses along Freelands Road are sufficiently distant from the existing properties on the north side of the road so as not to raise any privacy, daylighting or sunlight concerns. Each of the proposed houses have private rear gardens in excess of the nine metres depth set out in non-statutory guidance and are predominantly in gable to gable situations. The proposal therefore safeguards the amenity of the future occupants and neighbouring residents within the development.

In relation to the properties to the north-east of the site at 30 to 42 Freelands Way, the proposed houses are located on an area of land where the existing ground level has been reduced and their respective distance from the neighbouring properties ensures that there is no daylighting, sunlight or privacy concerns. However, in terms of the loss of sunlight to their gardens from the trees within the landscaped area separating the houses, these are mostly small trees - apple, hazel and ornamental cherry with the exception of the field maple, which is larger growing. Notwithstanding this, the tree planting proposed will not adversely affect sunlight to the adjacent properties.

g) Sustainability

The applicant has advised that the proposal exceeds the requirements set out under Section 6 Energy of the 2010 Building Standards Regulations. The proposal complies with the requirements of Part A of the Edinburgh Standards for Sustainable Buildings.

h) Airport Safety

The proposal raises no airport safety concerns.

i) Site Contamination

The application site forms part of a historic landfill site.

Environmental Assessment has no objections to the proposal subject to a condition in relation to site contamination.

j) Environmental Impacts

The proposal has been assessed as having a potential low to moderate archaeological impact and therefore a condition requiring a phased programme of archaeological work is appropriate.

The application site is not identified as being at risk from flooding.

The site incorporates a sustainable urban drainage system (SUDS) where run off from roofs will receive 1 level of treatment and run off from hard standing areas will receive 2 levels of treatment.

The proposal does not raise significant environmental impacts.

k) Equalities and Human Rights

The proposal raises no equalities or human rights issues.

l) Representations

Material considerations -

- Principle, taken account of in section 2.3 a) above;
- Residential amenity issues - privacy, daylight and sunlight from tree belt proposed on boundary and height of new houses, taken account of in section 2.3 f) above;
- Road safety, taken account of in section 2.3 e) above.
- Contrary to development brief, breach of roadside verge, loss of views, taken account of in section 2.3 b) above;
- Conservation and design - materials, alter the rural character of Freelands Road, taken account of in section 2.3 c) above; and
- Infrastructure - pressure on capacity of local school, taken account of in section 2.3 d) above.

Community Council Comments - Ratho Community Council requested statutory consultee status and commented on the principle of development, lack of a conservation and design statement, the loss of the roadside verge, proposed footpath, tree protection, residential amenity, inappropriate materials for conservation area and the requirement for an archaeological condition. These points are addressed in sections 2.3 a), b), c), f) and j).

CONCLUSION

In conclusion, the proposal complies with the development plan. The proposal is acceptable in this location and is of an appropriate scale and design. The proposal accords with the principles set out in the Freelands Road Design Brief for 'Glebe land', will not adversely affect the character and appearance of the conservation area or result in an unreasonable loss of amenity to future occupiers or neighbouring residents.

The proposal will not result in any traffic or road safety issues. There are no other material considerations which outweigh this conclusion and approval is recommended.

The recommendation is subject to a legal agreement to secure a financial contribution towards improvements to the Public Transport Infrastructure and works to relieve accommodation pressure at Ratho Primary School and a commuted sum in lieu of on-site affordable housing provision.

3. Recommendations

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

3.2 Conditions/reasons

1. 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.

2. Prior to the commencement of construction works on site:

(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

(b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

3. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

4. A detailed specification, including trade names where appropriate, of all the proposed external materials 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.

5. The proposed whin path linking the cemetery on Freeland's Road to Freeland's Way shall be a minimum of 3.5m wide in order to form a shared pedestrian / cycle route.
6. The trees on the adjacent site to the west shall be protected during the construction period by the erection of fencing, in accordance with clause 2 of BS5837: 2005 " Trees in relation to construction".

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to encourage sustainable transport modes and tie in with the wider canal towpath.
6. In order to safeguard protected trees.

Informatives

It should be noted that:

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.

4. Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/operations-safety/>).

5. Prior to the issuing of consent the applicant shall enter into a suitable legal agreement to make provision for the following:

a developer contribution of £35,800 to address accommodation pressure at Ratho Primary School. Payment of contributions will be index linked to the BICS All in Tender Price Index with a base date of October 2009.

6. Prior to the issuing of consent the applicant shall enter into a suitable legal agreement to make provision for the securing of the commuted sum of £160,000 with payment upon commencement of construction of the affordable homes.

7. Footways that traverse the site will be further considered at the Road Construction Consent stage should the application be approved.

8. 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.

**Statutory Development
Plan Provision**

The application site is located within the Settlement Boundary of Ratho in the Rural West Edinburgh Local Plan.

It is partially in the Ratho Conservation Area.

Date registered

13 September 2013

Drawing numbers/Scheme

01, 02A, 03-07, 08B, 09-13, 15B, 16A and 17,

Scheme 2

David R. Leslie

Acting Head of Planning and Building Standards

Links - Policies

Relevant Policies:

Relevant policies of the Rural West Edinburgh Local Plan.

Policy H1 says that new development will be supported on sites which already have planning consent and those which were previously identified in the 1999 Finalised Local Plan.

Policy H5 states that all new housing should harmonise with and reflect the character of its surroundings and should adhere to the criteria set out in the policy.

Policy E35 states that developments in Conservation Areas will only be permitted where all features which contribute to the special character and appearance of the areas are retained.

Policy E36 states that Development proposals in a conservation area should take into account the area's special interest and how its character and appearance may be preserved or enhanced

Policy E42 requires new buildings to make a positive contribution to the overall quality of the environment and the street scene, making provision for high quality landscaping and, where appropriate, new open spaces.

Policy H9 says that the Council will encourage and promote developments designed to increase the range and type of housing available within the local plan area.

Policy TRA6 says that the Council will support the development of a comprehensive network of cycle and pedestrian routes, including on-road provision and off-road cycleways and footpaths

Policy TRA7 says that development proposals should be laid out and designed to allow public transport to be as accessible as possible

Policy TRA4 says that development proposals should make specific provision for the needs of cyclists and pedestrians and provide convenient and safe access to existing or proposed networks where practicable

Policy TRA2 states that proposals will not be permitted where it would have an unacceptable impact on the existing road network; public transport operations; air quality; road safety, residential amenity and walking and cycling

Policy ED10 says that within the local plan area the height and detailed design of buildings will be controlled to ensure that airport operations and aircraft movements are not inhibited

Policy E41 encourages high standards of design for all development and its careful integration with its surroundings in terms of scale, form, siting, alignment and materials. New development should improve energy efficiency and reduce noise pollution.

Policy E1 seeks to prevent development which would be inconsistent with local plan objectives for sustainable development.

Policy E3 encourages all new development proposals to incorporate features in their design and layout to maximise energy efficiency and minimise waste.

Policy H7 states that planning permission for residential development, including conversions, consisting of 12 or more units, should include provision for affordable housing amounting to 25% of the total number of units proposed.

Policy E46 states that planning applications should demonstrate that proposals will not result in a significant increase in surface water run-off relative to the capacity of the receiving water course in flood risk areas.

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 and landscape, in Edinburgh.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Other Relevant policy guidance

The Ratho Conservation Area Character Appraisal emphasises the strong representation of vernacular development within the village core, the predominant building form of small-scale vernacular cottages providing a unified character, the consistency in the use of traditional building materials, the uncluttered streetscape and the prevalence of residential use.

Appendix 1

Consultations

Archaeology

The site lies on the eastern side of the B-listed Manse for Ratho Kirk and as such occurs on the edge of the presumed historic limits of the medieval settlement of Ratho. The current manse was constructed in 1803 with 18th century architectural fragments recorded in the ground attesting to an earlier manse. Given the sites close proximity also to nearby Parish Church of St Mary's (Romanesque dating to the 12th century though modified in the L-17th century, 1830's and 20th century) it is possible that the site has been occupied in some form since the medieval period.

Accordingly this site has been identified as occurring within an area of archaeological potential relating to medieval and later occupation of Ratho village. This application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Rural West Edinburgh Local Plan (2010) 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.

Given sites location it is considered ground-breaking works associated with construction of the new development would be regarded as having a potential low-moderate archaeological impact. Accordingly it is recommended that phased programme of archaeological work is undertaken. In essence this will see a phased archaeological programme of works, the initial phase being an archaeological evaluation up to a maximum of 10% of the site undertaken prior to construction. 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.

Accordingly it is recommended that the following condition be attached consent, if granted, to ensure that a programme of archaeological works is undertaken prior to construction in order to excavate, record and analysis any significant archaeological deposits that may be uncovered.

'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.

Resources, Children and Families (Education)

This site is located within the catchment areas of:

*Ratho Primary School;
Fox Covert RC Primary School;
Balerno High School; and
St Augustine's RC High School.*

It is now considered that the available capacity at Ratho Primary School will be taken up with the existing Freelands Road development by the proposed development by Cala at Craigpark Quarry. The associated nursery class at the school is also coming under pressure and a visit was made to the school to assess the situation.

Based on a development of 14 houses, a developer contribution of £35,800 would be sought for works to address accommodation pressure at Ratho Primary School. Payment of contributions will be index linked to the BICS All in Tender Price Index with a base date of October 2009.

Edinburgh Airport Ltd.

No objections subject to the following informative.

Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes and Other Construction Issues' (available at <http://www.aoa.org.uk/operations-safety/>).

Ratho and District Community Council

Context, ie Freelands Road Planning Brief, non-statutory Guidelines.

The site of this proposal is mentioned several times in the non-statutory guidance produced in the Planning Brief for the adjacent CALA development now known as 'The Mooring'. For ease of reference site-specific references to the 'Glebe land' as the site is known are cited in full and verbatim below; the paragraph numbers are those of the adopted Planning Brief. Aspects of this non-statutory guidance which the Community Council consider particularly important have been emboldened; this text in the original Planning Brief is plain.

2.2 The site is bounded to the west by Baird Road and to the south by the Union Canal (see Figure 2). To the east, it adjoins further land in agricultural use, the boundary of which is identified by a 3m tree belt. There is a marked break in slope at the boundary

in the south-east corner of the site resulting from previous landfill activity. The northern boundary of the site is less well defined. Part of it adjoins Freeland's Road itself; the remainder abuts an area of land (Glebe Land) currently owned by the Church of Scotland which, though referred to in the brief, is not part of the local plan proposal.

6.24 The road layout and other infrastructure provision, including water and drainage, should reflect the fact that the 'Glebe land' to the north-west of the site may be developed in the future.

7.2 This development brief focuses on the development of the Freeland's Road site, as identified in the local plan. However, the settlement boundary for Ratho includes a small area of agricultural land between the north-west boundary of the site and Freeland's Road, known as the 'Glebe land'. While identified on the layout plan, this site does not form part of this brief. That it may be developed at some time in the future, however, is acknowledged.

7.3 The development principles set out in this brief will also apply to any future planning proposals for the 'Glebe land'. Proposals for this should ensure that views to the south from Freeland's Road are possible, that the daylighting, sunlight and privacy of neighbouring properties is not adversely affected and that the 1.2m high verge on Freeland's Road is retained, where possible.

Principle of Development

As indicated above, Freeland's Road Planning Brief paragraph 2.2 specifies that this site is not allocated for housing in the current adopted Rural West Edinburgh Local Plan. Nor is the site identified as a housing proposal in the Edinburgh City Plan currently under examination by the Scottish Government. As such, the proposals are contrary to the Local Plan and accordingly Ratho & District Community Council objects to these proposals. The current use of the land is Prime Agricultural Land, as it has been for many hundreds, maybe thousands, of years. A change of use is therefore sine qua non.

Although the Planning Brief acknowledges that this land may be developed at some time in the future, this is nowhere close to saying that it will or should now be developed. It could be said that any land in West Edinburgh may be developed at some time in the future. While the planning system remains plan-led this land should remain prime agricultural land.

Design Statement

The application, being in part within the Conservation Area, should be accompanied by a Design Statement. None is available. Inter alia, the Design Statement should cover things including approach to affordable housing which is not mentioned anywhere, rationale behind the proposed removal of the embankment, justification for massive landscape re-moulding, as well as the usual matters.

Building Height

It is noted that the proposed heights of the houses along Freeland's Road have been taken from the consented height of the as yet un-built house at 4 Freeland's Road. This is considered inappropriate; the 4 Freeland's Road site is separated not only visually but also physically from the Glebe land by a mature belt of trees. The buildings to

which the new houses will most relate, and from which the heights would more appropriately be taken are those on the north side of Freelands Road. These are Bungalows or single-storey artisan cottages. Moving the housing further down the slope would allow the required 2-storey house whilst relating to existing more appropriately. It would also allow some variation in what is an unremittingly uniform and banal roofscape.

Curtain Walling and historic views

As proposed, there is 1.8 metre curtain walling between the houses on Freelands Road. This conflicts the requirement of Planning Brief's guidelines paragraph 7.3: proposals should ensure that views to the south from Freelands Road are possible. With the proposed walling, The existing public views of the setting of the village below the Pentlands will be lost. Despite the Planning Brief's promise that important public views will be protected with development, the publicly important views of Edinburgh Castle and Arthur's seat not only from Baird Road and the Bridge but also from the Canal towpath in the vicinity of the 'resting place' depicting both have gone, completely obscured by housing. As well as the aesthetic pleasure these views used to give, they were symbolic reminders of the Village's enduring connection to Edinburgh City. Many people are resentful of the loss of these important public views and do not want our important public views eroded any further; it is our opinion that the views south from the roadway of Freelands Road to the Pentlands should be preserved; The current proposals fail to do this.

The walls themselves are not in keeping with the completely natural stone walls found everywhere north of the canal in the Conservation Area.

The proposed footway on Freelands Road/The embankment

As can be seen from the Planning Brief's guidelines paragraph 7.3 cited above, the 1.2m high verge on Freelands Road is to be retained where possible. This embankment along with the footway is a vestige of an iron-age route west over Platt hill and should be conserved. The embankments either side of the roadway, taken together with the level of the roadway is archaeological evidence of the use of this route for thousands of years. As an existing feature within the Conservation Area it should be retained. The City's Archaeologist should be consulted specifically with regard to the proposed removal of this very important archaeological feature, rare in Scotland and rarer in Edinburgh.

This application makes no attempt to comply with the guideline relating to the embankment in the Planning Brief, rather the opposite; the inclusion of a 2 metre footway requires the complete obliteration of the verge to the south of the roadway. This would be a footway from nowhere to nowhere. It will be the widest footway in Ratho and is without justification.

Freelands Road is now a cul-de-sac. All of the new culs-de-sac in 'The Mooring' development enjoy shared surfaces as an aid to road safety and aesthetics. Freelands Road has always been a shared surface for this part of its length and should continue to be so. There is no history of accidents involving pedestrians on this length of the Road even when it was a major through-road rat-run.

A footway never has been and is not now necessary. This proposed footway is merely a device to remove the embankment protected by the non-statutory guidelines. The

embankment is important because of its age, archaeological importance and the intimacy and rurality it imparts to this part of the Road.

Ratho Environment Group advise that the embankment has a rich biodiversity, built up over many centuries. Flora and fauna abound, including wild orchid, insects, shrews, voles and field mice. Lizards have also been observed there, taking advantage of the sunny, warm and sheltered southerly aspect. The verge is thus also a food source for birds, especially hawks, owls and insect-eaters such as robins, all of which are common in this vicinity. In order to protect this valuable habitat, development, should it occur, should be restricted to the lower part of the Glebe adjacent to Freelands Way and if feasible accessed therefrom.

Trees

The Application form associated with this application answers 'no' to the question 'Are there any trees on or adjacent to the application site?'. There are at least a dozen such mature trees along the western boundary of the site. About half of these are 'Category A ~ High quality and value with an estimated life expectancy of at least 40 years'. All of their crowns spread well onto the application site. As they are all within the conservation area they are protected, and should be protected from damage during any construction that might take place.

Residential Amenity

It is feared that the right angle at which the new junction joins Freelands Way will mean that the residential amenity of those opposite the junction will be badly affected, particularly in regard to headlight intrusion.

Materials

Conservation area guidelines are very clear that wood, slate and natural stone should be used in the Conservation Area. Some of the materials specified fall short of Conservation Area guidelines.

Conditions

Given the site's location and history, the Community Council expect an archaeological condition to be attached to any consent.

Conclusion

In conclusion, Ratho & District Community object to these proposals as they:

Are contrary to the Local Plan;

Ignore all existing site-specific non-statutory guidelines contained in the Planning Brief;

Neglect to mention affordable housing;

Are not accompanied by the required design statement;

Are not in keeping as they do not relate in height to their nearest neighbours;

Fail to acknowledge the context and history of the site;

involve the loss of prime agricultural land;

Have the potential to affect residential amenity adversely; and

Specify inferior materials.

and should be refused.

Environmental Assessment

The application site is upon a historic landfill site therefore further information will be required on possible land contamination.

Therefore Environmental Assessment has no objection to this proposed development subject to the following condition;

Prior to the commencement of construction works on site:

(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

(b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

Transport Planning

No objections to the application subject to the following condition being applied.

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.

Prior to the issuing of consent the applicant to enter into a suitable legal agreement to make provision for the following;

Contribute the sum of £15,000 for improvements to the Public Transport Infrastructure (Reason the proposals will generate further demand and to encourage more use of Public Transport the contribution will aid the departments limited budget for improvements / continuation of the service to Ratho).

INFORMATIVE

Footways that traverse the site will be further considered at the Road Construction Consent stage should the application be approved.

The predicted vehicle movements generated by the development will be 6 movements in the peak hour through the main street. A Traffic Regulation Order (TRO) is currently being promoted for the main street and is subject to objections the TRO was requested to aid the movement of vehicles through the main street.

Transport Planning (additional comment)

Public Transport Contribution

Ratho is currently served primarily by Lothian Buses on a daily basis and due to the limited passenger uptake support by the Council is needed. Currently the Council subsidises the service from Ingliston to Ratho and return to Ingliston (part route) at a cost of some £50,000 per annum.

On considering applications for increased housing in the Ratho area it is felt appropriate to condition applications to support public transport. The Freelands Road application made infrastructure improvements for public transport and the £15,000 request under this application is for the provision of the service. Cala are fully supportive and agree the contribution level.

Services for Communities- Affordable Housing

Services for Communities have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more. This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.

Affordable Housing Provision

This application is for 14 homes and therefore the AHP will apply. The AHP requirement for this proposal will be 3.5 homes.

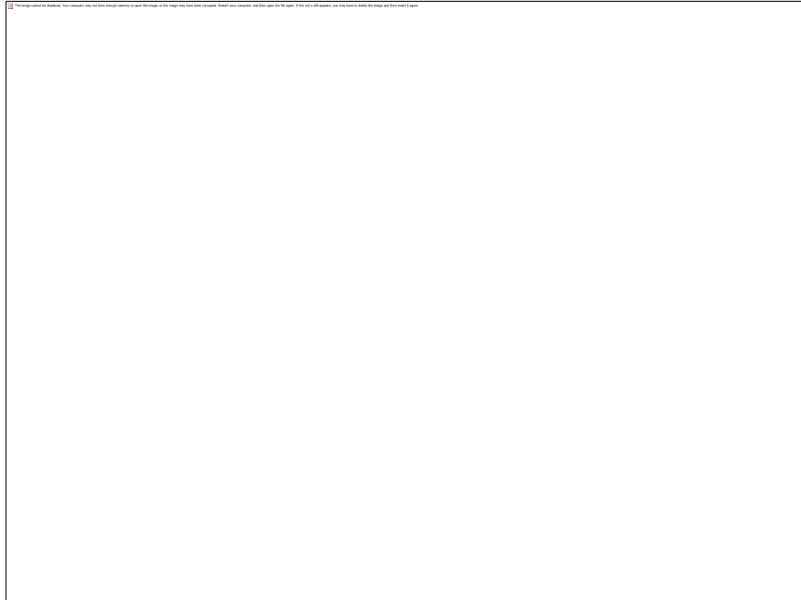
Regarding applications of this size, the AHP states that the payment of commuted sums in lieu of on-site provision will only be acceptable where the total number of dwellings is below 20. A commuted sum is therefore acceptable on this site.

In pre-application discussions with the applicant and Planning officials, the applicant had calculated the sum due to be £160,000 and the Council agreed that this sum would be used to facilitate the construction of affordable housing units on alternative, larger sites within the same Ward as prescribed in the AHP.

Summary

The Council is confident that that the abovementioned commuted payment can be spent on providing affordable units within the same area of the city within five years of the payment being made and is therefore supportive of this outcome. We would request that the Informatives section of the report to Committee includes a requirement to secure this commuted sum with payment upon commencement of construction of the affordable homes.

Location Plan



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