

# Development Management Sub Committee

Wednesday 26 March 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  
(as amended).**

Item number	9.1
Report number	
Wards	A02 - Pentland Hills

## Links

<a href="#">Policies and guidance for this application</a>	LPRW, RWH1, RWH5, RWE35, RWE36, RWE42, RWH9, RWTRA6, RWTRA7, RWTRA4, RWTRA2, RWED10, RWE41, RWE1, RWE3, RWH7, RWE46, RWE7, NSG, NSGD02, NSP, OTH, CRPRAT,
--	---

## David R. Leslie

Acting Head of Planning and Building Standards

Contact: Brian Fleming, Planning Officer  
E-mail:brian.fleming@edinburgh.gov.uk Tel:0131 529 3518

# 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 (as amended).**

### 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

### Scheme 1

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; light intrusion; and
- infrastructure - pressure on capacity of local school.

Ratho and District 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.

### Scheme 2

The application was re-advertised and neighbours and representators re-notified on 7 February 2014. Eighteen letters and a petition with eighteen signatures objecting to the proposal were received. In addition, two letters of support were received.

The letters of representation reiterated those comments received in respect of scheme 1.

The letters of support supported development on the gap site, set out why it complied with local plan policy and welcomed the pedestrian links between Freelands Way and Freelands Road, especially the cemetery.

Ratho and District Community Council reiterated their comments on the principle of development, residential amenity and trees and expanded on conservation and design issues including materials, the design and conservation statement and non-compliance with the Freelands Road development brief.

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 (as amended).**

### **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'. The land is owned by the Church of Scotland and provides income for the Ministry in Ratho. It is located to the north-west 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 including the category 'B' listed former manse. Access to the site is 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**

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 additional 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.

### Relevant History- Adjacent Former Manse and Moorings Sites

#### Manse

17 April 2012- Listed building consent not required for the erection of three houses (12/02345/LBC).

10 September 2012- Planning permission granted for the erection of three houses in the garden grounds (12/02354/FUL).

#### Moorings

2 July 2010- Planning permission granted for a residential development of 119 units including 19 affordable houses, an 84 bed residential care home and a new canal basin with associated changing block (09/01067/FUL).

8 June 2012- Planning permission granted for proposed alterations to plots 92-100 to form 9 new houses resulting from increase in access road level (12/00787/FUL).

4 January 2013- Planning permission granted for a proposed residential development of 14 dwellinghouses on land formerly consented for care home use (09/01067/FUL) at Freelands Road, Ratho (12/02322/FUL).

2 August 2013- Non-material variation granted for the residential development consented under 09/01067/FUL (09/01067/VARY).

## **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 and two storeys high. The houses on plots 1, 11, 12, 13 and 14 will be accessed from Freelands Road. These houses will be one and a half storeys high. Plots 12, 13 and 14 are located in the Ratho Conservation Area. The remaining houses, plots 2 to 10, will be accessed by a new cul-de-sac off Freelands Way; these houses 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 proposed between the new plots and the existing houses. Plots 1, 11, 12, 13 and 14 run roughly parallel with Freelands Road. 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. Two openings are shared accesses for plots 11 and 12, and 13 and 14. Plot 1 has its own

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 render for the external walls with natural stone part ground floor, smooth cement bands around the windows and doors, pre-cast reconstituted stone cills and lintels, 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 render with buff or white smooth render base, pre-cast reconstituted smooth stone cills and lintels, 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

Originally, fourteen houses were proposed 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:

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

These are available to view at Planning and Building Standards Online Services:

## **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 and appearance of Ratho Conservation Area or the setting of a listed building;
- d) the infrastructure is acceptable to serve the development;
- e) the proposal has implications for road safety;
- f) the amenity of the 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) comments raised have been addressed.

a) Principle

The site is located within the settlement boundary of Ratho where policy H3 of the Rural West Edinburgh Local Plan (RWELP) supports housing development on infill sites provided it complies with certain criteria. The site is also classified as prime quality agricultural land and policy E7 of the RWELP applies. This seeks to protect prime agricultural land from development. The proposal is therefore subject to two competing policies.

The Local Development Plan (LDP) does not identify Freelands Road as a housing site as the majority of the site has been built out. This is consistent with the position taken on other housing sites across the city that were under construction at the time the Local Development Plan Proposed Plan was published. Along with the former Freelands Road housing site, the application site lies within the urban area in the Proposed LDP.

A representation was submitted to the Main Issues Report and Proposed Plan seeking the allocation of the application site for housing. The site was considered too small to allocate in an LDP and is included within the urban area.

The site is not located in the green belt.

The proposal will result in the permanent loss of prime agricultural land. However, the application site is a small parcel of agricultural land approximately 1.87ha in area with housing to its west, north, east and south. Scottish Planning Policy (SPP) recognises

the importance of prime agricultural land and advises that it should not be developed upon unless it is an essential component of the settlement strategy or is needed to meet an established need. The site is located in the settlement boundary and with housing proposed, it is a 'windfall' development which will contribute to the strategic housing land supply. The loss of this small area of prime agricultural land is justified in this instance.

The proposal will not lead to a loss of valuable open space or community facilities and will be compatible with neighbouring land uses.

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 Council 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 proposal is acceptable in principle subject to its design and impact on the amenity of the future occupiers of the houses, neighbouring residents, road safety and the conservation area which are addressed below.

#### 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 technically include this site, the development principles of the brief do 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 are 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 bed roomed, detached houses of a design and layout consistent with those of the adjacent 'Moorings' development and the house proposed on the adjacent manse 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 section 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 section, photomontages produced show the views of the Pentland Hills being maintained. The distances between the

houses of plots 12, 13 and 14 and the bridging of these gaps by a 900mm high beech hedge will also ensure views to the south are maintained from Freelands Road.

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 re-graded land and the lower lying ungraded land lessening its visual impact.

The proposal is acceptable in design terms.

### c) Conservation Area and Setting of Listed Building

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 inclusion of part of Glebe land in the conservation area is historic due to its links with the church and the setting it provided for the village and manse. However, this has been compromised by the allocation of the adjacent 'Moorings' site for housing, the planning consent for three houses on the manse site and the re-allocation of the land from green belt to within the settlement boundary. The site is therefore an infill site and no longer provides a setting for the village or the listed former manse.

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 render finish to the walls and natural slate to the roof. Render 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 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 on the adjacent manse site to the west is proposed to be finished in render and slate. Given the above, the use of wet dash render is appropriate at this location.

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

The proposed development is separated from the listed former manse by the aforementioned trees and a proposed house and therefore will have no impact on the setting of the listed building.

A design statement is required to be submitted for proposals for local developments in conservation areas. Whilst the proposal is for fourteen houses, only three of them are located in the conservation area and on this basis, the statement is proportionate to the development proposed.

The proposal will not adversely affect the character and appearance of the conservation area or the setting of the listed building.

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. However, Ratho is currently served by a bus service and the provision of these houses will improve the viability of the route rather than place a further burden on it. Under these circumstances, a one off payment of this scale is not necessary or reasonable in relation to the size of the proposed development and therefore it would not be appropriate to seek this payment. 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 are 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. On the basis of the species of trees specified and their positioning within the landscaped area, the tree planting proposed will not adversely affect sunlight to the adjacent properties.

Light intrusion into habitable rooms from the positioning of the proposed road off Freelands Way has been raised as an issue. A road providing access for nine houses will normally generate three peak flow movements an hour and on this basis will not have an adverse effect on neighbouring residential amenity.

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

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

j) Environmental Impacts

The site has been identified as occurring within an area of archaeological potential relating to medieval and later occupation of Ratho village. However, given its location it is considered ground-breaking works associated with the construction of the new development would have a potential low- moderate archaeological impact. Accordingly it is recommended that phased programme of archaeological work is undertaken. A condition to this effect is recommended.

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 and light intrusion, 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, poor design and design statement 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. In scheme 2, it expanded on conservation and design issues including the design and conservation statement and non-compliance with the Freelands Road development brief. 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.

The recommendation is subject to a legal agreement to secure a financial contribution towards 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 Freelands Road to Freelands Way shall be a minimum of 3.5m wide in order to form a shared pedestrian / cycle route and be implemented prior to the occupation of the houses.

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". The details of which shall be submitted to and agreed by the planning authority prior to the commencement of works on site.

**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;

(i) 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;

(ii) to make provision for the securing of the commuted sum of £160,000 for affordable housing provision with payment upon commencement of construction of the affordable homes.

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

7. 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.

The site is located within an Urban Area in the proposed Local Development 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.

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

### **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 Freelands 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 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.*

#### *Principle of Development*

*As indicated above, Freelands 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 Freelands Road have been taken from the consented height of the as yet un-built house at 4 Freelands Road. This is considered inappropriate; the 4 Freelands 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.*

## **Ratho and District Community Council (Scheme 2)**

*Ratho and District Council object to the revised proposals for the Glebe field, Ratho, on the grounds that they:*

*are not acceptable in principle;*

*are not acceptable because of their poor design quality which will damage the rural character of this part of the Conservation Area rather than enhance or preserve it;*

*are not acceptable because they fail to follow non-statutory supplementary guidance contained in the Council's 'Freelands Road Development Brief' aimed specifically at this site;*

*are not acceptable because they fail to follow non-statutory supplementary guidance contained in the Council's 'Edinburgh Design Guide' and as such fail to adhere to statutory policies on design contained within the Local Development Plan; and*

*lack elements essential to a planning application for development within a Conservation Area.*

*These proposals are not acceptable in Principle.*

*This site is not allocated for development in the Local Plan. The applicant in the 'Design Statement' admits to relying on 'general planning principles' for approval of this application. A unanimous decision of the Planning Committee however far outweighs 'general planning principles'. The Planning Committee on August 14th 2009 decreed that, because of its location and history, the status of this parcel of land should be determined by the local plan process, ie it should only be developed as and when the Local Plan says it should be. The applicant was represented at that Planning Committee and will have understood fully the implications of the Committee's decision, indeed that understanding may well have led the applicant to assure purchasers of new housing in the vicinity eg Freelands Way, that the Glebe was protected and would not be built on for many years, as several representations to the original application allege.*

*As confirmation, Freelands Road Development Brief states that this site is not allocated for housing in the current Local Plan. As such, the proposals run contrary to the Local Plan. The current use of the land is Prime Agricultural Land, as it has been for many hundreds, maybe thousands, of years.*

*Although the Development 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.*

*The applicant describes the site as 'white land' which can be defined as land without any specific proposal for allocation in a development plan, where it is intended that for the most part, existing uses shall remain undisturbed and unaltered. This gives further support for a plan-led solution to the status of this land as against an opportunistic speculative approach such as this application.*

*These proposals are not acceptable owing to their poor design quality.*

*Developers are required to harmonise the scale of buildings including their size and form, windows and doors and other features by making them a similar size to those of their neighbours.*

*Where the scale of proposed new development is different to that of surrounding buildings, developers should ensure there is a compelling reasoning for the difference.*

*The architectural character of the existing houses within the immediate vicinity is varied and whilst differing house types are proposed, there is a uniformity of architecture, most obviously displayed by the scale, roof pitches, eaves details, window types, materials, proportions and mass.*

*The scale and design of the proposed houses have a commonality of architecture which replicates the more suburban developments which are criticised in conservation areas as failing to take reference from the surrounding buildings and materials.*

*Houses on the north side of Freelands Road, in the immediate vicinity of these proposals, are obviously separate buildings. The clear gaps between them allow glimpses of the countryside to the north, enhancing the rural character of the area. The proposed houses on the other hand are linked by curtain walling which will give a completely enclosed feel to the street scene and will block important views to the Pentlands to the South. An opportunity has been missed to borrow features from the existing houses.*

*The proposals include a patch of 'meadow land' within the Conservation to the south of the site on the land adjacent to Freelands Way which is to be re-modelled. What this meadow land is about remains a mystery as its existence is not rationalised anywhere in the documentation. Maybe it is being left as a vestige of the former use of the Glebe field as a means of supporting the Ministry in Ratho. If this is the case then the 'meadow' should better be positioned at the top of the hill, thus preserving its proximity to the Manse as a reminder of its former function. It would also preserve the important public views to the south from Freelands Road and maintain the rural feel of Freelands Road.*

*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.*

*The proposed use of reconstituted stone is of a lower quality than other materials within the conservation area and is unacceptable.*

*The proposed rain water goods are black plastic which is unacceptable in the Conservation Area. The use of a quality material should be required.*

*The colours used should be carefully chosen from a restricted earthy palette to harmonise with the existing older buildings within the Conservation Area.*

*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.*

*In brief, the proposed development does not strengthen the context of the existing conservation area and does not respect the topography, physical features, views and vistas.*

*Ratho and District Community Council regret that the design statement now provided falls well short of Edinburgh Design Guide requirements and those of PAN 68, in terms of structure and content and has clearly been retro-fitted to the scheme, with some changes to the scheme made as a result of the Community Council's first consultation response which pointed out that there was no required Design Statement; there is little evidence that the design process so well specified in the, rightly, much-lauded Edinburgh Design Guide, not to mention PAN 68, has been followed. It's depressing that, City of Edinburgh Council having taken the trouble to spoon-feed developers with such comprehensive guidance, it is perfunctorily ignored.*

*Policy References Edinburgh City Local Plan - Des 3 a) Rural West Edinburgh Local Plan - E 41, E42 Edinburgh Local Development Plan - Des 4 c)*

*These proposals are not acceptable as they ignore non-statutory guidelines specifically aimed at this site contained in the Council's Freelands Road Development Brief.*

*Following a draft brief provided at great time and expense by the City of Edinburgh Council a consultation was undertaken in which the Community Council, residents, the general public and the applicant were involved. Planning Aid Scotland facilitated an engagement meeting on the brief. Many suggestions were received by the Council. Further time and money was spent by the Council in answering suggestions and arbitrating on points of dispute. The final Development Brief was adopted by the Planning Committee in May 2008 and has the status of non-statutory guidance.*

*The site of this proposal is mentioned several times in the non-statutory guidance produced in the Development Brief for the adjacent CALA development now known as 'The Mooring'.*

*Freelands Road Development Brief (May 2008) 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.*

*The proposals do not comply with this requirement; they propose the breeching of the 1.2m verge without giving any rationale for so doing.*

*As proposed, there is 1.8 metre curtain walling between the houses on Freelands Road. This conflicts the requirement of Development 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 Development 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 Freeland's Road to the Pentlands should be preserved; The current proposals fail to do this.

The proposals also suggest a footway from the new Freeland's Way to the cemetery. There is no rationale for this. Villagers in general, having crossed the bridge from the south, will continue, as they have always done to access the cemetery via Baird Road and Freeland's Road, which is a much more pleasant walk than along the busy Freeland's Way through a modern housing development. The only purpose of this footway seems to be to force access from Freeland's Road into the proposed new houses.

Ratho Environment Group advises that the Freeland's Road 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 Freeland's Way and if feasible accessed therefrom.

Access to the new housing should be from the new Freeland's Way, as suggested in paragraph 6.2.4 of the Freeland's Road Development Brief. CALA at the meeting of the Planning Committee of 8 August 2009 stated that they would be able to comply with the Development Brief. Now, for reasons known only to themselves and not explained anywhere in the documentation, they refuse to.

Access from Freeland's Way is prescribed in the Freeland's Road Development Brief. The proposals however made a clear design choice to access the site from Freeland's Road. This choice is nowhere rationalised in the design statement, or elsewhere.

The applicant-chosen access from Freeland's Road to the Glebe was suggested as a consultation response to the Development Brief (not by the applicant but by J Longstaff); this was not accepted by the Council.

The alternative access to the Glebe from Freeland's Way (new road) was also suggested as a consultation response (by the Public at Engagement meeting, by Ratho & District Community Council, by Freeland's Road Residents Association et al.); this was accepted by the Council as being most appropriate and the layout amended.

The applicant was involved in the consultation after the community engagement facilitated by Planning Aid Scotland which led to the production of the Freeland's Road Development Brief and made many suggestions. The applicant made no comment on the issue of access to the Glebe field although it was clearly an issue. Further, the applicant's own plans of the adjacent site 'The Mooring' development clearly show access indicated to the Glebe from the new road.

This is a further example of the applicant ignoring the expensively produced Development Brief in which the City Council and the Community invested heavily and to which the Community committed as the best way of having their interests looked after. Other examples are available.

*These proposals are not acceptable because they fail to follow non-statutory supplementary guidance contained in the Council's 'Edinburgh Design Guide' and as such fail to adhere to statutory policies on design contained within the Local Development Plan*

*The aims of Edinburgh Design Guidance are to provide guidance on how to comply with the design related policies in the local plans and explain the key ideas which need to be considered during the design process.*

*The Edinburgh Design Guidance states that Irrespective of the scale of development, the design statement must be supported by good graphics.*

*An obvious, clear, logical and unavoidable corollary to these aims is that where an application does not comply with Edinburgh Design Guidance it does not comply with design related policies in the Local Plan, which is statutory.*

*At a very basic level, the least a Design Statement should do is to allow anyone reading it to be able to picture how the whole site will look after the proposals have been completed. This gives the reader the ability to judge the overall effect of the development in its context. That's why a design statement is so useful in any development but a requirement in a conservation area. This Design Statement provides no contextual illustration showing perspective such as an axonometric drawing, an artist's impression or a computer-generated image of how the developed site will look.*

*It is possible to see what individual houses will look like, but nothing is available to give an overall picture.*

*Design choice of access from Freelands Road rather than the more obvious Freelands Way is unexplained in the Design Statement and runs contrary to the Development Brief (see above).*

*These proposals are not acceptable because they lack elements essential to a planning application for development within a Conservation Area.*

*A tree survey is required substantially in the form specified in BS 5837:2012 for all trees with a stem diameter of 75mm or more at .5m above ground on the site or within 12m of its boundary. Trees should then be categorised in accordance with their quality and suitability for retention.*

*To avoid problems of development being too close to trees, an assessment of the resource should be carried out by an arboriculturalist before any design is started, and should transparently inform the design process. This will be a main determining factor in the layout and landscape structure of the site. Using this information, a Tree Constraints Plan (TCP) should be prepared to show the below and above ground issues that need to be taken into account during the design process to ensure successful survival of these trees.*

*There are at least a dozen such mature trees along the western boundary of the site, well within 12m of the boundary. About half of these are 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.*

*Neither tree survey nor any tree constraints plan has been supplied with this application. Granting consent to these proposals would potentially put these fine trees, of great landscape value, at risk.*

*The 'Design Statement' contains minimal site history including Planning history, which is considerable. Less than ten years ago this land and the adjacent landfill site, were part of the Green Belt. The site's history goes back to still quite recent planning decisions related to the production of the current Rural West Edinburgh Local Plan RWELP.*

*The countryside at Freelands Road originally consisted of a portion of land that had been subject to inert landfill and the glebe field. Both parts were productive arable land and within the Green Belt until Council accepted the Reporters' RWELP Modification 52, removed both parts from the Green Belt and allocated the landfill part for housing (HSG7) in the RWELP. In the process the Council repelled hundreds of objections to the adoption of modification 52.*

*In May 2009 the Committee heard deputations from Ratho & District Community Council and Freelands Road Residents Association. Much of what was discussed concerned the way this land and the adjacent landfill site were removed from the Green Belt.*

*The Planning committee resolved, after a division (9-4), that the Local Plan be altered to delete the housing designation in respect of the Freelands Road site and restore it to the Green Belt and to include the outline-consented housing development at the ex-Continental site in Newbridge to take its place in terms of the strategic housing requirements of the Lothian Structure Plan.*

*The glebe field has never been allocated for housing. For at least 200 years and probably a lot more this parcel of land has formed Ratho church's glebe field and has been productive arable land providing income for the Ministry in Ratho.*

*In August 2009, following the threat of legal action by the developer CALA, who had an interest in the Freelands Road site but not in the Glebe, the Planning Committee again considered the status of these 2 pieces of land. The Committee again divided as to whether or not to rescind their May decision. However, both the motion and the amendment contained a secondary element, which was identical, viz:*

*To consider the allocation of the site through the new-style local development plan, due to start in spring 2011.*

*This indicates that the Committee, with representatives from all political parties, was unanimous on this second part. The perceived view of the debate and the decision by elected members, the public and probably even CALA, who were represented, was that any part of the former Green Belt land without a planning consent by the time the Local Plan was revised, should be returned to the Green Belt. Why the clear remit from the Planning Committee does not seem to have been carried out remains an issue for another day.*

*The landfill part of the countryside at Freelands Road site was granted consent in 2010 and the development there is now almost complete. The application being considered is the first received ever for the Glebe field.*

### *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 and District Community object to these proposals as the site is not identified for development in the Local Plan, but has been identified by the Planning Committee as being appropriate for having its fate determined by the Local Plan process.*

*They include a 'Design Statement' not fit for its purpose as specified in the Edinburgh Design Guide and PAN 68 in that:*

*it lacks adequate contextual illustration;*

*the stated design is poor with scant supporting rationale; it would harm the character of the Conservation Area rather than enhance or protect it;*

*it fails to ensure the protection of valuable trees potentially at threat from the development;*

*it fails to explain the site's history;*

*they ignore significant site-specific non-statutory guidelines contained in the Freelands Road Development Brief, ie:*

*maintenance of views south from Freelands Road;*

*retention in its entirety of the 1.2m high verge/ embankment on the south side of Freelands Road;*

*access from Freelands Way;*

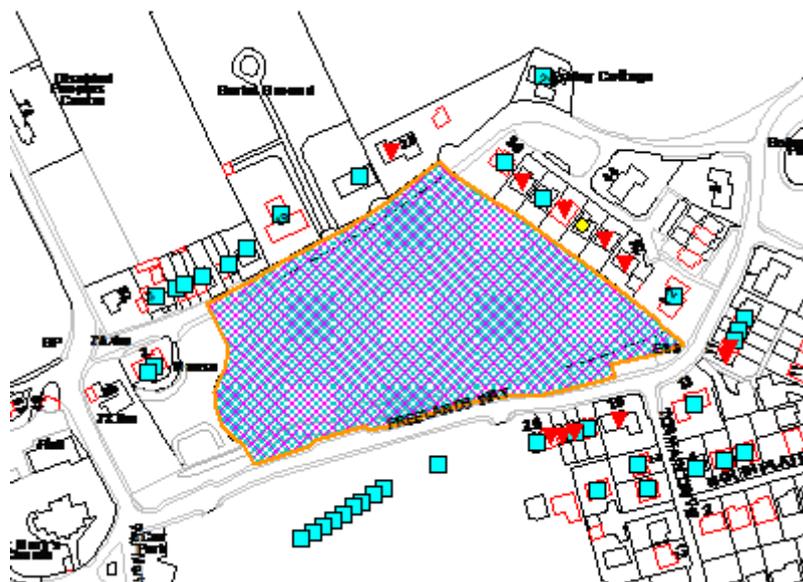
*involve the loss of prime agricultural land; and*

*have the potential to affect residential amenity adversely; and*

*specify inferior materials and should be refused.*

## Location Plan

---



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420

END