

Development Management Sub Committee

Wednesday 25 March 2015

**Application for Planning Permission 14/05137/FUL
At Land 105 Metres East Of 48, Frogston Road West,
Edinburgh
Proposed development of 18 houses with associated
parking, access and landscaping.**

Item number	4.4
Report number	
Wards	A08 - Colinton/Fairmilehead

Summary

There is a shortfall of effective housing land supply therefore development plan policies on the supply of housing land are not up-to-date. In these circumstances the presumption in favour of sustainable development is a significant material consideration. However the proposal fails a number of SPP's general principles of sustainable development due to the site's constraints. These constraints determine the site is not an effective site as housing is not the preferred land use because its development would undermine Green Belt objectives and would be out of keeping with the character of the local area.

The proposal lies outwith the strategic development areas specified in the Strategic Development Plan and is not supported by SDP policy 7: Maintaining a five year housing land supply.

The proposal is also contrary to the adopted Edinburgh City Local Plan policy Env 10: Green Belt, as it introduces a non-conforming use in the green belt. The proposal is contrary to policy Env 10: Green Belt of the Second Proposed Local Development Plan that maintains the green belt designation and does not support housing.

The proposal fails to preserve or enhance the Morton Mains Conservation Area because its essential character, that is rural and secluded, would be lost and it would put pressure on trees that positively contribute to the character of the area. It is not consistent with the character appraisal and is contrary to policies Env 6: Conservation Areas - Development and Env 12: Trees.

The proposal also adversely affects the integrity and setting of the existing historic grouping and is contrary to policy Env 3: Listed Buildings - Setting.

The proposal results in the loss of an established and defensible greenbelt boundary and fails to provide a suitable replacement and is contrary to policy Des 8: Urban Edge Development. The proposed layout has little regard to the constraints imposed by the protected trees that enclose the site to the detriment of the future occupier's amenity and the longevity of the trees and is also contrary to policy Des 3: Development Design.

The proposal will not make a significant contribution to addressing the shortfall of the five year effective housing land supply and cannot be justified to set aside Green Belt policy objectives and the statutory duty to preserve and enhance conservation areas, the setting of listed buildings and protect trees. There are no material considerations that justify approval.

Links

<u>Policies and guidance for this application</u>	SDP, SDP07, LPC, CITD3, CITD4, CITD6, CITD8, CITE10, CITE3, CITE6, CITE9, CITE12, CITE16, CITE17, CITE18, CITH1, CITH3, CITH4, CITH7, CITCO1, CITCO2, CITT4, CITT6, LDPP, PLEV10, NSG, NSGD02, NSLBCA, NSMDV, NSOSS, NSP, OTH, CRPMOR,
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Report

Application for Planning Permission 14/05137/FUL At Land 105 Metres East Of 48, Frogston Road West, Edinburgh Proposed development of 18 houses with associated parking, access and landscaping.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site is broadly square and located on the south side of Frogston Road West. It is enclosed by a stone wall, which forms part of a category B listed building (reference 28093; dated 14 July 1966) and was formerly gardens to Morton House, a category A listed building (reference: 28092; dated 14 July 1966). An old cypress hedge-lined approach road to the house bisects the site. An unlit access track bounds the site to the east and leads to Morton Mains Farm. It is mainly flat and used as grazing land.

A Tree Preservation Order applies to most of the existing tree and woodland cover and affects the trees located along the east, south and west boundaries.

The area is semi-rural with open fields to the east and housing developments to the north and west of the site.

This application site is located within the Morton Mains Conservation Area.

2.2 Site History

2 February 1967 - planning permission refused to erect dwellinghouses, indicative layout for 43 houses (application reference: 66/01348). Planning permission refused because proposal would be contrary to control of development in the Green Belt and adversely affect landscape character and amenity of the area.

28 April 1981 - planning permission refused to erect 28 dwellings (application reference: 80/02576). Planning permission refused because proposal was contrary to Green Belt policy, contrary to structure plan policy and the application was premature pending the completion of the review of green belt policy.

29 October 1982 - subsequent appeal dismissed and decision to refuse planning permission upheld. The reporter did not accept the application site was enclosed by development to the north, west and south and found the development to the south, in well-wooded grounds, was a feature of the countryside and Green Belt. The reporter did not accept the argument that the present Green Belt boundary was not logical and supportable.

25 October 1989 - planning permission refused for residential development of 24 dwellings (application reference: 89/01797). Planning permission was refused because the proposal was contrary to Green Belt policy and could prejudice the continued value of the Tree Preservation Order on the site.

Other Relevant Site History

Land 88 metres east of 1 Winton Gardens

19 April 2012 - planning permission refused for the erection of 15 detached houses (application reference: 11/03948/FUL). Planning permission refused, contrary to officer recommendation, as the proposal was contrary to policy Env 10: Green Belt.

2 November 2012 - subsequent appeal dismissed and planning permission refused for residential development of 15 detached houses (appeal reference: PPA/230/2078).

Land 296 metres south of 17 Frogston Road East (Broomhills)

24 November 2014 - application for planning permission received for a major residential development, pending consideration (application reference: 14/04860/FUL).

Main report

3.1 Description Of The Proposal

The application proposes the erection of 18 houses; 14 detached houses and four semi-detached houses. The proposed layout follows the established building line on the south side of Frogston Road and is informal within the site. Dwellings are built around an elongated cul-de-sac accessed from Frogston Road West. The existing access would be repositioned 3.8 metres west and reduced from 9.5 metres to eight metres in width. A new pedestrian access will be formed along the east boundary.

There are seven different house types proposed; four house types have internal garages and three have detached garages. The proposed dwellings have five bedrooms, are either two storeys or two and-a-half-storeys with a pitched roof form, some with dormers and/or roof windows.

The external finish of the buildings is a combination of natural sandstone and wet dash render in shades of white and cream. Windows would be timber framed, painted white, and doors would be timber with a natural wood stain or painted finish. The roofs would be covered in slate. The dwellings would be bounded by a variety of enclosures including low and high hedges, and 1.8 metre high walls and fences.

Five trees along the east boundary, four sycamores and one ash, will be retained. One sycamore tree positioned on the north-east corner will be removed. The cypress hedge dividing the site will be removed. Additional tree planting is proposed throughout the site and along the east boundary.

Supporting 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:

- Design and Access Statement;
- Pre-application Consultation Report;
- Landscape and Visual Impact Assessment;
- Tree Survey;
- Habitat Survey;
- Transport Information;
- Site Investigation Report; and
- Noise Assessment.

3.2 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?

3.3 Assessment

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

- a) the proposal is acceptable in principle;
- b) the proposal preserves or enhances the character and appearance of the conservation area;
- c) the proposal adversely affects the setting of listed buildings;
- d) the landscape and visual impacts are acceptable;
- e) the design and layout are acceptable;
- f) the proposed development offers an acceptable living environment for future residents or adversely affects the amenity of neighbouring residents;
- g) the proposed development raises any parking or road safety implications;

- h) there are any material considerations that justify approval or refusal;
- i) any impacts on equalities or human rights are acceptable; and
- j) any comments raised have been addressed.

a) Principle

Scottish Planning Policy

Scottish Planning Policy (SPP) (2014) accepts there may be appropriate circumstances to justify development in the Green Belt. It states that, where a development plan is out-of-date, a presumption in favour of sustainable development will be a significant material consideration. It also states that, where there is a shortfall in the five year effective housing land supply, the development plan will not be considered up-to-date.

Effective land supply is the part of the established housing land supply which is free, or expected to be free, of development constraints in the period under consideration and will therefore be available for the contribution of housing.

The methodology for measuring the adequacy of the effective housing land supply is under consideration by SESplan. However it is accepted that there is currently a shortfall in Edinburgh. Accordingly, development plan policies on the supply of housing land are not up to date and SPP's presumption in favour of sustainable development is an important material consideration which must be afforded significant weight.

The presumption in favour of sustainable development must be guided by 13 principles set out in SPP (paragraph 29) to determine whether a proposal contributes to sustainable development. The proposal fails the following principles:

- supporting good design and the six qualities of successful places;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment; and
- avoiding over-development, protecting the amenity of new and existing development.

The reasons why it fails are its location in a conservation area, relationship to the setting of listed buildings, proximity to protected trees and its contribution to an established and defensible Green Belt boundary. These are discussed further in sections 3.3 (b), (c), (d) and (e).

Strategic Development Plan (SDP)

Strategic Development Plan Policy 1A: The Spatial Strategy: Development Locations, outlines the spatial strategy for the SDP area and identifies four Strategic Development Areas in Edinburgh. SESplan Housing Land Supplementary Guidance sets out the housing land requirement and the strategic spatial strategy by prioritising brownfield land and locating additional development in identified SDAs in the first instance.

The application site is located outwith all the SDAs as defined by the Second Proposed Local Development Plan and is contrary to the SDP's spatial strategy.

SDP policy 7: Maintaining a five year housing land supply, provides the principle for granting planning permission in appropriate circumstances for housing development to maintain a five-year effective land supply. This is subject to ensuring the development will be in keeping with the character of the settlement and local area, Green Belt objectives are not undermined, and any additional infrastructure required as a result of the development is either committed or to be funded by the developer.

The site is in control of the applicant, a national house builder, who considers the site to be effective. There are no physical or infrastructure constraints that would prevent or prejudice early development. The developer would not require deficit funding to carry out the development. The applicant believes there is a local market for the type of detached housing proposed. Housing is not the preferred land use of this site.

The application site is not effective because there is an absence of development plan policy support for the proposal as it would undermine Green Belt objectives and would be out of keeping with the character of the local area. The application site is not effective in terms of the criteria contained within PAN 2/2010 because it fails to accord with Green Belt objectives and does not fit well within the landscape or existing settlement. These constraints are set out in sections 3.3 (b) and (d) and find the site is unsuitable for development and cannot therefore be considered effective. The proposal is therefore contrary to SDP policy 7: Maintaining a five year housing land supply.

The proposal for 18 houses will not make a significant contribution to addressing the shortfall of the five year effective housing land supply and cannot be justified to undermine Green Belt policy objectives and the statutory duty to preserve and enhance conservation areas, the setting of listed buildings and protect trees.

Adopted Edinburgh City Local Plan (ECLP)

The application site is located in the Green Belt where there is a presumption against new development other than for uses appropriate to a rural area. The proposed housing development is for private sale and not for an agricultural, woodland, forestry or horticultural purpose. The proposal is contrary to policy Env 10: Green Belt.

The application site is not within the urban area and is contrary to policy Hou 1: Housing Development that supports housing developments on suitable sites in the urban area.

The proposal is contrary to ECLP policies Env 10: Green Belt and Hou 1: Housing Development.

Second Proposed Local Development Plan (LDP)

The Second Proposed LDP reaffirms Green Belt policy objectives and includes the application site as part of the Green Belt. The proposal is contrary to policy Env 10: Green Belt.

The representation period for the first Proposed LDP ran from 1 May 2013 until 14 June 2013. During this time, two representations were received from the landowner and the applicant's agent promoting the site for low density housing.

The representation period for the Second Proposed LDP ran from 22 August until 3 October 2014. During this time, one representation was received from the applicant's agent promoting the site for low density housing. Representations to the Second Proposed LDP are due to be reported to the Planning Committee on 14 May 2015.

The application site was considered as part of a comparative assessment of all potential housing sites in the LDP's supporting Environmental Report. The assessment determined the site was inappropriate because development would affect the landscape setting of the city, would not enable suitable greenbelt boundaries to be formed and could not be integrated or be in keeping with the character of the existing settlement.

Policy Conclusion

There is a shortfall of effective housing land supply therefore development plan policies on the supply of housing land are not up-to-date. In these circumstances the presumption in favour of sustainable development is a significant material consideration. However, the proposal fails a number of SPP's general principles that determine whether a proposal contributes to sustainable development due to the site's location in a conservation area, relationship to the setting of listed buildings, proximity to protected trees and its contribution to an established and defensible Green Belt boundary which are discussed further in sections 3.3 (b), (c), (d) and (e). These constraints determine the site is not effective as there is a lack of development plan policy support for the proposal. The proposal will not make a significant contribution to addressing the shortfall of the five year effective housing land supply and cannot be justified to undermine Green Belt policy objectives and the statutory duty to preserve and enhance conservation areas, the setting of listed buildings and protect trees. There are no material considerations that justify approval.

b) Conservation Area

The Morton Mains Conservation Area Character Appraisal emphasises two characteristics that make the conservation area distinctive and reinforce its essential character; (1) a rural quality and (2) a sense of seclusion. The rural quality is emphasised through the open countryside setting and the historic grouping of distinct rural buildings and the sense of seclusion is reinforced by the wooded setting. The buildings are hidden by tree belts that are surrounded by open fields in contrast to the urban character of the outer suburbs. The conservation area forms part of the landscape associated with the Pentland Hills and the open landscape that extends south from the city centre.

The application site was formally the garden area of Morton House. It is a readily identifiable boundary of the conservation area and makes an important contribution to the rural character and sense of seclusion when approaching the conservation area from Frogston Road West. The site is an important green space that provides a barrier to the suburban development on Frogston Road West and protects the setting of listed buildings located in its centre.

Development on the application site will result in the loss of an important green space that is vital to the rural character of the conservation area and the sense of seclusion within it. The proposed houses will harm the approach into the conservation area from Frogston Road West by encroaching upon its rural character and setting leading to the farm. The Landscape and Visual Assessment acknowledges the proposal will have a significant adverse effect on the conservation area's landscape setting from local views.

The spatial layout of the conservation area reflects practical considerations, like the group of farm buildings, and a previous social hierarchy owing to the relationship of Morton House to the workers cottages. The building groups are spaced apart along the winding road. The proposed layout and the design and massing of the buildings is not consistent with the character or appearance of the conservation area. The introduction of large detached dwellings has no spatial relationship to the existing built environment, will overwhelm an entrance to the conservation area and compete with the rural character.

British Standard (BS) 5837:2012 requires the design layout to consider the effect trees may have on development. Protected trees may be felled or lopped in the interests of safety or to prevent or abate nuisance. The proposed dwellings positioned along the east and south boundaries introduce an undesirable juxtaposition between the future occupiers and the protected trees. The proposal is likely to lead to pressure from future occupiers to remove or thin trees that make a positive contribution to the conservation area's character, contrary to policies Env 6: Conservation Areas - Development, and Env 12: Trees.

The proposal fails to preserve or enhance the Morton Mains Conservation Area because the essential character, that is rural and secluded, would be lost and it would put pressure on trees that positively contribute to its character. It is not consistent with the character appraisal which considers the introduction of new build would be detrimental to the conservation area and is contrary to policy Env 6: Conservation Areas - Development.

c) Setting of Listed Buildings

The application site is important to the wider setting of the category A listed building (Morton House). Development of the site will adversely affect the integrity and setting of the existing historic grouping and relationship between the buildings. This is because open views of the woodland that surround the listed building will be lost and will adversely affect the listed building's sense of place and the context it is viewed against. The proposal adversely affects the setting of listed buildings and is contrary to policy Env 3: Listed Buildings - Setting.

Historic Scotland has strong concerns about the effect of the proposal on the setting of the listed building but does not formally object.

d) Landscape and Visual Impact

The application site is located on the Green Belt boundary on the urban edge. The site, together with the woodland and mature tree cover to the west of the site, establishes a clear demarcation that contains residential development to the north and west.

It is an established feature that provides an important transition between the urban area and open farmland. The requirements for a defensible Green Belt boundary that provides a clear demarcation between town and country would not be met due to the sparse nature of the trees along the eastern boundary. Its loss will not conserve or enhance the landscape setting of the city and the proposal will not create a defensible boundary.

The proposal affects a landscape that is subject to protection by Green Belt and conservation area policy objectives which emphasise its value as an established green belt boundary and its contribution to the rural character and seclusion of the area. The site is also part of a designed landscape around Morton House and a candidate Special Landscape Area. These characteristics and the site's strong visual relationship with the Pentland Hills form part of the city's regional landscape setting. The proposal mainly impacts on the local landscape, because it is enclosed by woodland and trees. These local impacts are significant and adverse because the receiving environment is viewed against distinctive local landscape characteristics and scenic qualities.

Development on the application site will result in the loss of an open space that makes an important contribution to the well defined transition between the urban area and the countryside and will have an adverse impact on the rural setting when accessing the countryside from Frogston Road West.

The current Green Belt boundary is logical and defensible. Development to the south of the application site, the mansion house in well-wooded grounds, workers cottages and farm buildings are an important countryside feature that contributes to the rural setting.

The proposal is contrary to policies Des 3: Development Design and Des 8: Urban Edge Development because it has adverse impacts on local landscape and results in the loss of an established and defensible greenbelt boundary.

e) Design and Layout

Development must have a positive impact on its setting having regard to wider townscape and landscape impacts and impacts on views. The proposal fails to achieve this as it is contrary in principle, to the conservation area's essential character and has an adverse impact on the local landscape as set out in sections (a), (b), (c) and (d).

The proposed layout achieves a level of density between the residential developments on the north and south, closest to that on the south side. It fails to adequately take into account the site's constraints due to the trees located along the east, south and west boundaries. This issue indicates the density and layout are inappropriate because the dwellings are located too close to trees that will limit the amount of sunlight gardens can receive and the proposed development may cause harm to protected trees. The proposal is contrary to policy Des 3: Development Design and the non-statutory Design Guidance because development of the application site would not have a positive impact on the landscape and the layout fails to acknowledge the constraints of the site's key features.

f) Amenity for Future Occupants and Neighbouring Residents

Future occupants

The proposed dwellings are dual aspect and exceed the minimum size for houses and are acceptable in terms of daylight and size. The proposed rear gardens exceed nine metres and are sufficiently enclosed to protect the privacy of future occupants. The proposed dwellings will achieve an acceptable standard of living accommodation for future residents.

The rear gardens of the dwellings positioned along the east and south boundaries will be overshadowed by existing trees located in and adjacent to the site and is contrary to part c of policy Des 3: Development Design due to the lack of amenity afforded to them.

A number of plots require close-boarded timber fences to protect their private amenity space from traffic noise. The introduction of such enclosures would be contrary to conservation area objective to retain open ground and emphasises the undesirable juxtaposition the proposal will place on balancing the expectations future occupant's may have to enjoy private amenity space against conservation area objectives. Environmental Assessment does not support the application in the absence of an acoustic barrier because of the low level amenity afforded to some plots.

The lack of sunlight and potential noise impacts infer the layout has not been designed to ensure all future occupants of the proposed dwellings will achieve adequate amenity and is contrary to part c of policy Des 3: Development Design.

Neighbouring residents

The proposed dwellings will not cause an unreasonable loss of neighbouring amenity because of their proximity from existing neighbouring properties and accords with policy Des 3: Development Design and non-statutory Edinburgh Design Guidance.

g) Parking and Road Safety

Each dwelling has parking within the curtilage to provide two spaces and accords with the non-statutory Parking Standards and policy Tra 4: Private Car Parking. The provision of parking within the curtilage is not at the expense of an active frontage and accords with policy Tra 6: Design of Off-Street Car and Cycle Parking.

The provision of 18 new dwellings will not have a materially detrimental impact on the road network. Transport Planning has been consulted and has no objections, including the relocation of the bus stop as it does not affect an existing residential frontage. A Transport Assessment is not required because the proposal is for fewer than 100 dwellings and it does not raise significant concerns to the Roads Authority. Contributions to improve the road network, public transport or infrastructure have not been requested.

The proposal raises no parking or road safety issues.

h) Any Other Material Considerations

Archaeology

The site is located within an area of archaeological and of historical significance with an overall moderate archaeological impact. Ground breaking works will have a significant effect upon any surviving buried remains. Subject to condition requiring a programme of archaeological works the proposal accords with policy Env 9: Development of Sites of Archaeological Significance and will not adversely affect archaeological remains.

Biodiversity

The five mature sycamore trees with bat roost potential are the most significant habitat feature on site. If development was acceptable in all other respects a bat survey will be required to ensure it will not result in a detrimental impact on this European Protected Species to accord with policy Env 16: Species Protection. Furthermore, any vegetation clearance should be undertaken out with the bird nesting season. Subject to appropriate conditions the proposal would not have had an adverse impact on local ecology.

Contaminated Land

Based on the Site Investigation Report that accompanied the application Environmental Assessment are satisfied the land is currently in a condition that presents a minimal level of risk from ground contamination and is generally suitable for the intended use. A condition requiring further investigation is not necessary.

Affordable Housing

The proposed 18 dwellings trigger an affordable housing contribution of 25% to accord with policy Hou 7: Affordable Housing. Subject to a suitable legal agreement to secure this contribution the proposal accords with policy Hou 7: Affordable Housing.

Education

Additional educational infrastructure is required to support housing growth in the area to accord with policy Com 2: School Contributions. Subject to a suitable legal agreement to secure this contribution the proposal accords with policy Com 2: School Contributions. Further information on the level of contribution required is available in Appendix 1.

GP Surgeries

Additional health facilities are not required for a development of this scale. NHS Scotland has no objections to the proposal because of its small scale and do not anticipate a problem for GP services. The proposal is not contrary to policy Com 1: Community Facilities.

Flooding and Drainage issues

The site is not at risk from fluvial flooding. It may be at risk from pluvial flooding if the drainage system is not designed to adequately protect against such risk. Flood Prevention requires detailed information with calculations to demonstrate the proposed system operates to provide appropriate surface water attenuation. As the principle of the development is not acceptable it is not necessary to address this issue further.

Provided the drainage system has been designed to address pluvial flood risk the proposal will not be at risk of flooding.

Sustainability

The applicant has submitted a sustainability statement in support of the application.

The proposal is a major development and has been assessed against Part B of the standards. The points achieved against the essential criteria are set out in the table below:

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	10
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	70

The proposal fails to meet the essential criteria because it is not located in a sustainable location because it is a Green Belt site that is not allocated for housing. The applicant has provided a commitment to further sustainability measures as set out in the desirable elements sections including the use of sustainable timber.

i) Equalities or Human Rights

This application has been assessed in terms of equalities and human rights. The proposals will offer a good standard of living with access to transport and public places including green spaces. The living accommodation is accessible for people with mobility issues. The proposals will have a positive impact in respect of equalities.

j) Public comments

Material Representations in objection

Principle:

- inappropriate development on the Green Belt, contrary to Green Belt policy and objectives - addressed in section 3.3a;
- contrary to local and proposed planning policies - addressed in section 3.3a;

Heritage concerns:

- not in keeping with the character and appearance of the conservation area - addressed in section 3.3b;
- application site forms an essential part of the character of the conservation area - addressed in section 3.3b;
- harm setting of listed building - addressed in section 3.3b;
- support Historic Scotland's comments in relation to the affect of the proposed development on the conservation area and setting of listed building - addressed in section 3.3b;

Landscape and visual impacts:

- loss of semi-rural character of the area - addressed in section 3.3c;
- loss of open, green space and recreation facilities - addressed in section 3.3c;
- incremental urban sprawl - addressed in section 3.3c;

Traffic, road safety and parking:

- new entrance considered detrimental to road safety of pedestrians and motorists - addressed in section 3.3f;
- lack of infrastructure to support additional houses - addressed in section 3.3f;
- additional traffic volume on an already busy road - addressed in section 3.3f;
- parking - addressed in section 3.3f;
- increase pressure on on-street parking - addressed in section 3.3f;
- relocation of bus stop - addressed in section 3.3f;
- full Transport Assessment required - addressed in section 3.3f;

Other material considerations:

- pressure on local services: schools; GP's - addressed in section 3.3g;
- cumulative impact of nearby housing sites that have or are identified for housing development on existing infrastructure and local amenities and services - the proposal is a speculative proposal on a site not designated for housing therefore the Action Plan that accompanies the Second Proposed LDP is intended to help align the delivery of the LDP with corporate and national investment in infrastructure;
- lack of public amenities provided;
- loss of habitats that support wildlife - addressed in section 3.3g;
- no affordable houses provided on site - policy Hou 7: Affordable Housing only requires provision to be made on site when the units exceed 20. The proposal accords with policy Hou 7: Affordable Housing;
- no children's play provision. The application site and the local area does not meet the playspace action standard set out in the Council's Play Space Action Plan . However, it would not be reasonable to require a development of this scale to address this deficiency;
- loss of daylight and sunlight to neighbouring properties - addressed in section 3.3e; and
- overdevelopment and excessive scale and massing - addressed in section 3.3d.

Non-material Representations

- effect of proposal on property values;
- effect of proposal on private views;

- start an undesirable precedent to allow development on the Green Belt;
- brownfield sites should be developed before greenfield sites;
- landowner no longer lives locally;
- profit driven scheme;
- noise and disturbance from development;
- loss of agricultural land;
- light pollution; and
- no market for type of houses proposed.

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

3.4 Conditions/reasons/informatives

Reason for Refusal:-

1. The proposal is contrary to Policy Env 10 of the Edinburgh City Local Plan in relation to Development in the Green Belt, as it constitutes a non-conforming use within the designated Green Belt.
2. The proposal is contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, as it fails to preserve or enhance the Morton Mains Conservation Area because the essential character, that is rural and secluded, would be lost and it would put pressure on trees that positively contribute to the character of the area.
3. The proposal is contrary to Edinburgh City Local Plan Policy Des 8 in respect of Urban Edge Sites, as it results in the loss of an established and defensible Green Belt boundary and fails to provide a suitable replacement.
4. The proposal is contrary to Edinburgh City Local Plan Policy Env 3 in respect of Listed Buildings - Setting, as it results in the loss of the former garden that provides open views of the woodland that surround the listed building and adversely affect its sense of place and the context it is viewed against.
5. The proposal is contrary to Edinburgh City Local Plan Policy Des 3 in respect of Development Design, as it results in the loss of a distinctive local landscape characteristics with scenic qualities that has a positive impact on the local landscape. The layout also has little regard to the constraints imposed by the protected trees that enclose the site to the detriment of the future occupier's amenity and the longevity of the trees.
6. The proposal is contrary to Edinburgh City Local Plan Policy Env 12 in respect of Trees, as the proposed root protection area is too narrow and likely to lead to pressure from future occupiers to remove or thin protected trees.
7. The proposal is not supported by the Strategic Development Plan spatial strategy and is contrary to SDP Policy 7.

8. The proposal is contrary to Policy ENV 10 in the Second Proposed LDP as it constitutes a non conforming use within the proposed Green Belt.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

In accordance with the Planning etc (Scotland) Act 2006, a Proposal of Application Notice was submitted and registered on 4 August 2014 (planning reference 14/03149/PAN). A copy of the notice was also issued to Fairmilehead Community Council.

A public exhibition was held in Fairmilehead Parish Church on Monday 29 September 2014 from 14:30 - 19:30. The proposal was also presented to Fairmilehead Community Council on Tuesday 2 September 2014.

Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards online service.

A pre-application report on the proposals was presented to the Development Management Sub-Committee on 22 October 2014. Committee noted the key issues and additionally raised the following points:

- access to the development due to the busy surrounding road network; and
- educational requirements for the development.

8.2 Publicity summary of representations and Community Council comments

The application was advertised as development affecting a conservation area on 6 January 2015 and attracted 102 letters of objection. These include objections from Ian Murray MP and Gordon Macdonald MSP.

Ian Murray MP objected to the principle of development on the green belt and considered it makes an insignificant contribution to the shortage of affordable housing.

Gordon Macdonald MSP objected to the loss of habitats, development on the greenbelt and in the conservation area, the loss of the area's rural character and additional traffic causing congestion.

Material Representations in objection

Principle:

- inappropriate development on the Green Belt, contrary to Green Belt policy and objectives;
- contrary to local and proposed planning policies;

Heritage concerns:

- not in keeping with the character and appearance of the conservation area;
- application site forms an essential part of the character of the conservation area;
- harm setting of listed building;

Landscape and visual impacts:

- loss of semi-rural character of the area;
- loss of open, green space and recreation facilities;
- incremental urban sprawl;

Traffic, road safety and parking:

- new entrance considered detrimental to road safety of pedestrians and motorists;
- lack of infrastructure to support additional houses;
- additional traffic volume on an already busy road;
- parking;
- relocation of bus stop;

Other material considerations:

- pressure on local services: schools; GP's;
- cumulative impact of nearby housing sites that have or are identified for housing development on existing infrastructure and local amenities and services;
- lack of public amenities provided;
- loss of habitats that support wildlife;
- no affordable houses provided on site;
- no children's play provision;
- loss of daylight and sunlight to neighbouring properties; and
- overdevelopment and excessive scale and massing.

Non-material Representations

- effect of proposal on property values;
- effect of proposal on private views;
- •start an undesirable precedent to allow development on the Green Belt;
- brownfield sites should be developed before greenfield sites;
- landowner no longer lives locally;
- profit driven scheme;
- noise and disturbance from development;
- loss of agricultural land;
- light pollution; and
- no market for type of houses proposed.

Community Council Comments

Fairmilehead Community Council was consulted on 19 December 2014 and object to the proposal on the following grounds:

- contrary to Edinburgh City Local Plan;
- contrary to Green Belt policy;
- loss of agricultural land;
- support Historic Scotland's comments in relation to the affect of the proposed development on the conservation area and setting of listed building;
- no affordable housing provided on site;
- increase traffic volumes;
- increase pressure on on-street parking;
- concern about cumulative effect with nearby housing developments at Burdiehouse and Broomhills; and
- full Transport Assessment required.

The community council note there appears to be local opposition to the proposal. A full copy of the community council's consultation response can be found in appendix 1.

A full assessment of 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](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision****Relevant Development Plans**

The current Development Plan for this site, comprises the Strategic Development Plan for South East Scotland (June 2013) and the Edinburgh City Local Plan (ECLP).

The Edinburgh City Local Plan identifies the application site is located in the green belt and Morton Mains Conservation Area.

Date registered

12 December 2014

Drawing numbers/Scheme

01; 02A; 03-10; 11B; 12A; 14-19; 20A; 23-31,

Scheme 1

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Elaine Watson, Planning Officer

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Links - Policies

Relevant Policies:**Relevant Policies of the Strategic Development Plan**

Policy 7 requires that a 5 year housing land supply is maintained. Sites within or outwith Strategic Development Areas may be allocated in LDPs or granted consent subject to the development; being in accord with the character of the settlement or area, not undermining green belt objectives and any additional infrastructure required is either committed or to be funded by the developer.

Relevant policies of the Edinburgh City Local Plan.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 4 (Layout Design) sets criteria for assessing layout design.

Policy Des 6 (Sustainable Design & Construction) sets criteria for assessing the sustainable design and construction elements of development.

Policy Des 8 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

Policy Env 10 (Green Belt) identifies the types of development that will be permitted in the Green Belt.

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

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

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

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

Policy Env 16 (Species) sets out species protection requirements for new development.

Policy Env 17 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

Policy Env 18 (Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

Policy Hou 1 (Housing Development) supports housing on appropriate sites in the urban area, and on specific sites identified in the Plan.

Policy Hou 3 (Private Open Space) sets out the requirements for the provision of private open space in housing development.

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

Policy Hou 7 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

Policy Com1 (Community Facilities) sets requirements for the provision of community facilities associated with large scale residential development, and the protection of existing community facilities.

Policy Com2 (School Contributions) sets the requirements for school contributions associated with new housing development.

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

Policy Tra 6 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Relevant policies of the Proposed Local Development Plan.

Policy Env10 (Development in the Green Belt and Countryside) sets out where development proposals will be permitted in the green belt and countryside.

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 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-statutory guidelines on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

The Open Space Strategy and the audit and action plans which support it are used to interpret local plan policies on the loss of open space and the provision or improvement of open space through new development.

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

Other Relevant policy guidance

The Morton Mains Conservation Area Character Appraisal emphasises the significance of local topography and landscape to the form and setting of the conservation area, the vernacular and rural nature of the farm buildings contrasting with the classical appearance of Morton House, the extensive views out to the surrounding countryside, mature trees and woodland as a key feature and the use of traditional building materials, predominantly sandstone and Scots slate.

Appendix 1

Application for Planning Permission 14/05137/FUL At Land 105 Metres East Of 48, Frogston Road West, Edinburgh Proposed development of 18 houses with associated parking, access and landscaping.

Consultations

Historic Scotland

The site concerned lies to the north of Morton House, a Category A listed building within the Morton Mains Conservation Area, and to the immediate south of Frogston Road West. To the south east of the house is the A listed belvedere. The historic estate is surrounded by B-listed boundary walls.

To the west of the site lies C20th housing, mainly large villas in generous grounds, and to the east a C20th approach road to Winton Mains Farm (on axis with the belvedere) and beyond open countryside. The site was formerly gardens to Morton House and is bounded by Category B listed walling and bisected by an old tree or hedge-lined approach road to the house.

Morton House dates from 1702 with an additional wing to the north dated 1713. The main house faces east/west with C18th entrance pavilions flanking the west elevation. Onto this elevation, in the early years of the nineteenth century, a new entrance front was added.

In terms of the immediate setting of Morton House the main views are those to-and-from the west and east, the latter over open countryside framed by obelisks. Views to the north and south are not immediately apparent, being mainly shielded by planting, although historically the north of the site was open garden ground within the estate. Your Council's detailed Morton Mains Conservation Area Appraisal (2001) makes clear that the site concerned has been specifically designated within the conservation area to protect the vital rural setting of the existing buildings and wider conservation area. New building is seen as detrimental to the conservation area. In a previous application in 2011 new development within this wider rural setting was seen as failing to preserve the character or appearance of the conservation area. The site does not appear as an allocation in the LDP.

We consider that the application takes limited account of the historical evolution of the estate aiming to remove the later nineteenth century hedge-lined approach to Morton House and even the removal of the curved screen walling and gates (Would this require listed building consent?). The new development also provides little in the way of mitigation to the setting of Morton House with, for example, no enhancement of the woodland to the south of the site and the proposed new housing appears to be a fairly standard layout.

We believe, and agree with your Council's CAA, that the field concerned is important to the wider setting of the Category A listed house and that consequently the development proposed would adversely affect its setting and that of the historic estate. It is bounded by the listed estate walling which allows the house's setting to remain in open ground. Open views of the mature woodland that currently surround the house would be lost from Frogston Road West, and open views to (and from) the belvedere may also be altered.

However, despite our strong concerns the application falls short of the national significance required to warrant an objection on setting grounds primarily as the immediate primary setting of the house is on an east west axis.

Whilst we believe the application adversely affects the setting and is unwelcome, should your Council be minded to approve development on this site we would recommend a more sensitive layout of housing, increased open ground, retention of historic features (walling and hedge-lined approach) and stronger mitigation of the setting of house and belvedere with appropriate planting.

Notwithstanding our comments above, we confirm that your Council should proceed to determine the application without further reference to us.

Affordable Housing

1. Introduction

I refer to the consultation request from the Planning Department about this planning application.

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

o 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.

o This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.

2. Affordable Housing Requirement

This application is for 18 houses and as such an AHP contribution (25%) will be required. The applicant has made no reference to the AHP within the application.

It is the aim of this department, in line with the AHP, to secure affordable housing through registered social landlords wherever possible. Considering that the houses are likely to be of high value and the total number of homes to be delivered onsite is less than 20, the Council are willing to consider alternative options for the delivery of the affordable housing contribution. If the developer deems that it is not viable to deliver subsidised affordable units onsite, there are flexible alternatives to on-site land provision.

Should the developer decide that it wishes to go down the route of providing a commuted sum, the land value per unit should be derived by dividing the land value by the total number of units proposed on the site. The AHP states that where a commuted sum is to be employed, a direct percentage of 25% should be applied. Therefore, in this instance there will be a requirement of a land payment for 4.5 affordable units.

We would therefore request that the applicant submits the land value of the site in question to this department so that it can be assessed by the district valuer.

On applying the above formula and in the terms of the AHP procedure on calculating commuted sums, the developer will be required to enter into a Section 75 legal agreement to secure the affordable provision. This should be included in the informatives section of the report to committee.

Archaeology Service

Land 105m East of 48 Frogston Road East

Further to your consultation request I would like to make the following comments and recommendations concerning this application for development of 18 houses and associated parking, access and landscaping.

Morton is first recorded in 1182 (Harris S, Place Names of Edinburgh) and again in 1476. It is unclear what form of occupation these charters refer to though by Bleau's map of 1654 of the Lothians (a copy of Pont's earlier plan of the 1590's) the site is shown as being occupied by a country house. The present listed house at the adjacent to the sites southern boundary was constructed in 1702. The original main access to the house runs down the western third of this application site from Frogston Road West, and the 18th century entrance still survives today.

The site lies within the conservation area encapsulating the post-medieval estate of Morton Mains. Accordingly the site has been identified as occurring within an area of archaeological and of historical significance. This application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan (2010) policy ENV8 & ENV9 and Craigmillar Urban Design Framework. 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.

Frogston Road historic entrance and estate boundary walls

It is essential that the historic estate boundary walls and original entrance way to Frogston Road West are retained conserved within the new development proposals. As such a detailed conservation statement must be submitted and agreed prior to development commencing.

Buried archaeology

The archaeological evidence as outlined above demonstrates that the application site may contain a wide range of significant archaeological remains relating to the historic estate of Morton Mains. The proposed development will require significant large scale ground breaking /engineering works during construction.

Such works will have a significant affect upon any surviving buried remains. Accordingly this proposed residential scheme is considered as having an overall moderate archaeological impact.

It is therefore recommended that a programme of archaeological works is undertaken prior to development and demolition. 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 and metal detecting survey.

The results of this programme of evaluation will 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 development.

Archaeological Public Engagement

Further given the potential for discovering buried remains it is considered important that the programme of archaeological works contain provision for a programme of public/community engagement. The scope of this public engagement will be agreed with CECAS and informed by the results of the evaluation works but could include public lectures, viewing points, temporary interpretation boards etc.

It is therefore recommended that if consent is granted that in the following condition be attached to ensure that a programme of archaeological works is undertaken prior to/during construction.

'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, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

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

Education

Policy Com 2 in the Edinburgh City Local Plan indicates that new housing development which would lead to an additional demand for school places that cannot be met in schools serving the development will be expected to make a financial contribution to meet the cost of providing the necessary additional places.

The Second Proposed Local Development Plan, accompanying Proposed Action Programme the Developer Contributions and Affordable Housing Guideline (February 2014) set out a new approach to developer contributions focussing on identified actions.

The application site is not identified as a housing proposal in the Second Proposed Plan and it does not lie within a Contribution Zone.

A new policy is being prepared to cover education contributions for development on sites outwith Contribution Zones. In the meantime, the Guidance states "the net impact on infrastructure capacity will be assessed. If it is necessary to mitigate that impact by providing additional capacity above and beyond the actions identified within the Action Programme, the Council will consider whether a legal agreement can be used to mitigate those impacts. These identified infrastructure requirements may be added to the actions in the Action Programme. The Council will always ensure that contributions are proportionate to the impacts arising from any new development and used to mitigate those impacts."

Children and Families has indicated that contributions are required towards increasing capacity at non-denominational primary and secondary schools in the vicinity of the site. The non-denominational catchment schools for the application site are Firhill High and Pentland Primary. Using the assumed pupil generation rates set out in the Edinburgh Local Development Plan Revised Education Appraisal (June 2014), Children and Families has advised that the development will generate four high school pupils and five primary school pupils.

Information held by Planning indicates that in 2013/2014 Firhill High School was at 95.5% capacity and its feeder primary schools were at 97% capacity (Pentland Primary), 93 % capacity (Oxgangs Primary), 48 % capacity (Colinton Primary), 94 % capacity (Bonaly Primary) and 85% capacity (Longston Primary). A report on Rising School Rolls to the Education, Children and Families Committee on 9 December 2014 indicated that there will be insufficient capacity in primary and secondary schools across the City within eight years.

The Developer Contributions Guidance requires the Council to ensure that contributions are proportionate to the impacts arising and used to mitigate those impacts. At present it has not been possible for a new contribution zone with appropriate actions to be developed for the area in which this development site is located. In the absence of a contribution zone, it is proposed to use the figures in the Council's previous developer contributions policy to identify "a proportionate contribution". In October 2009, these were £2,567 per house for non-denominational primary and £2,142 per house for non-denominational secondary. This would equate to a total education contribution of £84,762 (at 2009 prices) for the proposed 18 house. These figures will be index linked when payment is made but, for information purposes, equates to a total of £100,755 at 1st quarter 2015 values.

It is recommended that this be secured through a legal agreement which will include a requirement for the Council to identify and implement relevant actions to increase non-denominational capacity at Firhill High School and one or more of its feeder primary schools within a set time limit.

If there is a funding shortfall in providing additional non-denominational primary capacity in this area, it is the Council's responsibility to investigate other means of addressing this. This may have financial implications for the Council as at present there is no budget provision for education infrastructure required as a result of new development.

Environmental Assessment

TOWN AND COUNTRY PLANNING ACT 1997

Proposed development of 18 houses with associated parking, access and landscaping on land 105m East of 48 Frogston Road West (14/05137/FUL).

The applicant proposes developing 18 new large residential properties with associated car parking. The site is predominantly comprised of arable farmland; bound to the north by Frogston Road West (B701) and to the east by an access road and farmland. The A720 lies approximately 460m to the south of the proposed development and residential housing bounds the west of the site. The site is bordered to the north by an existing stone wall, approximately 1.8m high and to the east by an existing stone wall approximately 1.3m high. These wall structures will remain as part of the proposed development. The application site is not considered for residential use in the Local Development Plan and associated Transport Appraisal.

Environmental Assessment has raised concerns regarding developments in this area and the cumulative impacts they may have if all developed out in regards to the impacts on local air quality. The applicant has investigated potential transport noise impacts and suggested mitigation measures in a supporting noise impact assessment.

Local Air Quality

It has been noted that this development is relatively low density however Environmental Assessment are concerned with the level of development anticipated in the wider area as per the Local Development Plan. Environmental Assessment believe that when the area is developed out in full (in accordance to the Local Development Plan) then this will put pressure on the existing road network and increase the likelihood of congestion. Any additional developments will therefore likely add to this pressure and if unmitigated further increase congestion to the detriment of local air quality on roads which have existing residential properties in close proximity to the kerbside.

Noise

Environmental Assessment raised concerns regarding the possible impact noise may have on the amenity of the newly proposed residential properties. The development site is exposed to noise from road traffic. The applicant has submitted a noise impact assessment in support of the application. The noise impact assessment has demonstrated noise can be mitigated by careful building layout and design along with 1.8m high acoustic barrier and appropriate insulation can provide a reasonable level of protection for amenity for gardens and habitable rooms.

Environmental Assessment is satisfied that noise can be mitigated using the above methods. Planning has confirmed that they would not be able to support the erection of the acoustic barrier required to mitigate the road noise. Therefore Environmental Assessment cannot support this method of mitigation. As there is no alternative form of mitigation being recommended Environmental Assessment cannot support this application due to the low level amenity afforded to some of the plots.

Contaminated Land

With reference to the following document; Frogston Road West, Edinburgh: Report on Site Investigations: Mason Evans; November 2014: G2014/228.

The document has been reviewed by this Department in view of the proposed residential development. Consideration has been given toward the reported type and

level of risks associated with the development of the land in connection with the identified ground conditions and potential for contamination of the land.

The document is considered sufficient to determine that the land is currently in a condition that presents a minimal level of risk from ground contamination and is generally suitable for the intended use. Therefore no additional supplementary information will be requested by this Authority in terms of this material consideration, in support of the application.

Nevertheless, this assessment has been based upon the information supplied by the applicant in the report described, and does not mean the site is removed from risks attributable to land contaminants. It is based upon an understanding that recommendations given in Section 10.3 of the 'Report on Site Investigations' entitled 'Mitigation Measures' will be fully carried out and completed prior to any development related works. For confirmation, Section 10.3 requires for the removal of all localised made ground soils at the location of BH2 prior to development further to identification of concentrated lead in the representative soil sample retrieved from this location.

It should be noted that current planning guidance taken from Planning Advice Note 33; 'Development of Contaminated Land' (Scottish Executive 2000) allocates the responsibility for the safe development of the site to the developer.

In the event that unreported ground conditions that indicate the possible presence of contaminants are identified during development related works; for example asbestos fragmentation, visual and/or olfactory indications; it is requested for detailed investigation to be progressed by a competent environmental consultant in the area of concern and reported to this Department.

Please do not hesitate to contact me to discuss this response to the 'Report on Ground Investigations' or the progress of the recommendations made in this report.

Therefore in conclusion Environmental Assessment cannot support this application for the following reasons; the low level of amenity afforded to some of the plots due to traffic noise. Environmental Assessment also has concerns with the overall level of development in the area and possible adverse impact this may have on local air quality.

Flood Prevention

Flood Risk

No comment on flood risk has been provided as part of this application. It is noted that the SEPA pluvial flood map shows an area of ponding water at the north east of the proposed development. According to the topographic survey drawing this is the low point of the site. The applicant must provide sufficient information to show the proposed development is protected from pluvial flooding.

Drainage Strategy

No details of the proposed drainage strategy have been provided for the proposed development beyond a plan showing the location of permeable paving and pipeline routes. CEC Flood Prevention requires detailed information showing the drainage strategy for the site along with calculations to show the proposed drainage system

operates to provide appropriate surface water attenuation. Details of the system must be provided as per the CEC Flood Prevention guideline.

Transport Planning

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

PLANNING APPLICATION No: 14/05137/FUL

FOR: PROPOSED DEVELOPMENT OF 18 HOUSES WITH ASSOCIATED PARKING, ACCESS AND LANDSCAPING

AT: 105 METRES EAST OF 48 FROGSTON ROAD WEST, EDINBURGH

Further to my memorandum of 31 December 2014, I confirm that I have no objection to the proposed application subject to the following being included as conditions or informatives as appropriate:

- 1. A Quality Audit is required to be submitted as set out in Designing Streets. The proposed layout is therefore not approved at this stage;*
- 2. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of separate applications for road construction consent.*

Note:

Current Council parking standards for residential development in this area (Zone 4) require 1 to 2 spaces per unit depending on the number of rooms. The development proposes to provide 36 spaces.

Fairmilehead Community Council

Fairmilehead Community Council wish to lodge objections to the above planning application for the reasons detailed below.

- 1. The Proposals are Contrary to the Local Development Plan (LDP)*

In the adopted LDP the proposed development site was not allocated for housing. It was designated as Green Belt as well as a Conservation Area where there is a presumption against such development. The same position holds with the new LDP which is currently under consideration. The Community Council do not agree with the representations made by Cala during the consultation process for the new LDP that this site should be allocated for residential development.

- 2. The Proposed Site lies within the Green Belt*

The proposed development site lies wholly within the Green Belt and therefore various policies apply to this site. These are all against housing development in the Green Belt.

SPP21 states: " Green belt designation should be used as a long term land use planning tool to provide clarity and certainty on where development will and will not take place. There is presumption against inappropriate development in green belts. Where necessary the proposed release of green belt land should be taken forward as part of a long term settlement strategy in the development plan".

The Edinburgh and the Lothians Structure Plan 2015 Policy ENV2 indicates: "a presumption against development in the Green Belt unless necessary for the purposes of agriculture, horticulture, forestry, countryside recreation or uses appropriate to the rural character of the area".

The relevant policy under the LDP is ENV10 which states:

"Within the Green Belt development will only be permitted:

a) where necessary for the purposes of agriculture, woodland and forestry, horticulture or for a countryside recreational use compatible with an agricultural or natural setting, and provided also that any necessary buildings, structures or hard standing areas are ancillary to the main use, small scale and of high design quality

b) where the proposal is for the change of use or small scale extension of an existing building, particularly a building of architectural or historic merit, provided that any proposed extension or ancillary development would not be detrimental to the character or appearance of the Green Belt

c) where related to an existing non-conforming use or building in the Green Belt and provided the proposal is appropriate in type, scale and design to the existing building and not detrimental to the character or appearance of the Green Belt".

In this application none of these exceptions are applicable.

3. The Proposed Site is Agricultural Land

The proposed development site lies wholly on agricultural land. Similar restrictions on development, as with the Green Belt mentioned above, apply. Any development should only be permitted under these strict guidelines and where necessary for agricultural use. In this application none of these exceptions are also applicable.

4. The Proposed Site lies entirely within a Conservation Area

The area where the proposed development site would lie is wholly within the boundary of the Morton Mains Conservation Area. Development in Conservation Areas is covered by ENV 6 in the LDP.

The Morton Mains Conservation Area Character Appraisal states in relation to new development:

"With the Green Belt designation, there is already a presumption against new development other than for uses appropriate to a rural area. The open space around the conservation area provides a rural setting to the buildings and the conservation area in general hence its inclusion within the conservation area. The Green Belt has therefore been a significant factor in terms of protecting the special qualities of the conservation area. In assessing new development within a conservation area, the Memorandum of Guidance states that the first priority should be to have regard to those special architectural and visual qualities which give rise to an area's designation and whether any proposals could erode these qualities. Apart from the conversion of the existing buildings, it is considered that the introduction of new build would be detrimental to the conservation area. It would inevitably require the loss of the existing

open space and landscape that is vital to the rural character of Morton Mains. New build would also affect the integrity of the existing historic grouping and relationship between the buildings".

This development would be detrimental to the Conservation Area. It would also result in the removal of the hedge-lined approach to Morton House which goes back to the later 19th Century.

The Community Council agree with the comments made by Historic Scotland in their letter of 5 January 2015 commenting on this application.

5. Affordable Housing

Under the LDP Policy HOU 7 developments consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed. Whenever practical, the affordable housing should be integrated with the market housing.

This proposed development has 18 units - therefore this would fall under HOU7. There does not appear to be provision in the plans in respect of on-site affordable housing.

Attention is drawn to the recently approved Edinburgh Planning Guidance on Developer Contributions and Affordable Housing.

6. Transport

This proposed development would increase traffic volumes and on-street parking issues, and give rise to road safety issues and concerns. At present there are issues with car parking in Frogston Road West, principally during business hours.

Traffic on Frogston Road West increases considerably in the summer months when the caravan and camping site at Mortonhall is in full use. Another time that traffic is increased on Frogston Road West is when it is used as the official diversionary route in the event of the City Bypass being closed. Depending when such an occurrence happens, there can be considerable traffic of all types in the area.

The proposed large housing developments at Burdiehouse and Broomhills will also result in increased traffic volumes on Frogston Road West and this should be taken into account.

Due to these factors, traffic emerging from the proposed development site could have some difficulty exiting the site. Parked cars on Frogston Road West in the vicinity of this site would obscure sight lines. Double yellow lines on that part of Frogston Road West might be required.

There is a bus stop close to the proposed site entrance. Should any development be allowed, this should be moved to a more suitable location.

A full transport assessment should be done prior to this application being determined. The Community Council agree with the comments made by the Council's Transport Policy and Planning Team in their Memorandum dated 31 December 2014 commenting on this application.

Other Issues

1 Location Plan for the Application

The Location Plan lodged by Cala includes that part of Frogston Road West immediately adjacent to this site as being within the application. It is not clear why this was done. Frogston Road West is a public road.

2 Entrance to the proposed development site

Access to the site would be through an existing entrance off Frogston Road West. However that entrance would require to be widened, which would involve the removal of a semi-circular gate feature which is part of the stone wall enclosing the site. It is understood that stone wall is listed and appropriate consents would be required for such work. A planning agreement would be required to ensure the stone wall was not damaged during building operations etc. and restored as necessary.

3 Pre-Application Consultation

Responses to the pre-application consultation showed a large majority of responses were negative towards this development. In addition to the matters detailed above, there is concern that if planning permission is granted for this site, this will set an unsatisfactory precedent which could result in further housing development being permitted to the east of this site. It is also felt there is over- development of this site and a lack of open space. Attention is again drawn to the points mentioned by Historic Scotland in their comments. In summary it would appear there is opposition to this development.

SUMMARY

1. The Proposals are Contrary to the LDP

This site has been excluded from housing/development in both the adopted and new LDP.

2. The Proposed Site lies within the Green Belt

This site lies wholly within the Green Belt and the various existing policies which apply would rule against this proposed development.

3. The Proposed Site is Agricultural Land

Again the applicable policies in relation to development on agricultural land would rule against this proposed development.

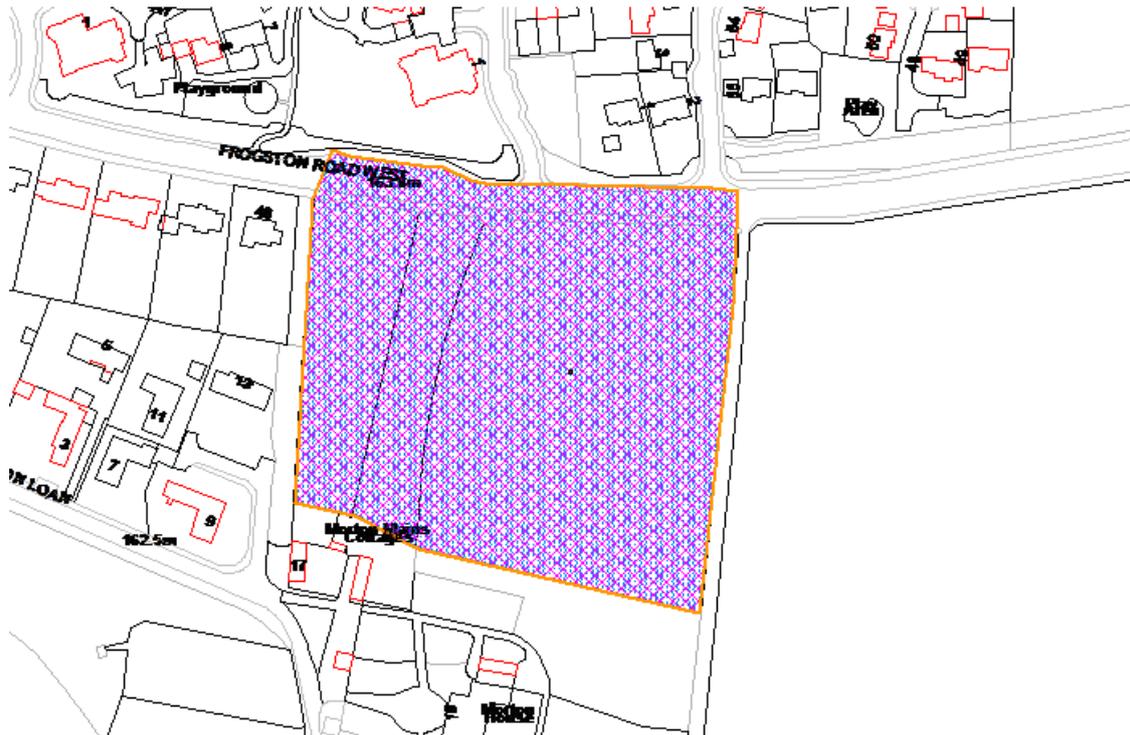
4 The Proposed Site lies entirely within a Conservation Area

This site lies wholly within a Conservation Area and the various existing policies which apply would rule against this proposed development.

5 Traffic

A number of issues require to be addressed here :- increased traffic, existing local road network, on-street parking issues, entering and exiting this site.

Location Plan



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END