

Development Management Sub Committee

Wednesday 13 April 2016

**Application for Planning Permission 15/05897/FUL
At 4 Freelands Road, Ratho, Newbridge
Form new access and drainage connections to previously
consented house Plots 2 & 3 at 4 Freelands Road Ratho.**

Item number	4.4
Report number	
Wards	A02 - Pentland Hills

Summary

The proposals comply with the development plan and non-statutory policies, have no adverse effect on the character or appearance of the conservation area or setting of the listed building and have no detrimental impact on residential amenity or road safety. There are no significant impacts in terms of flooding or aerodrome safety and no identified impacts on equalities or human rights.

It is recommended that this Committee approves this application.

Links

<u>Policies and guidance for this application</u>	LPRW, RWE35, RWE36, RWE32, RWE15, RWE46, RWTRA2, RWED10, NSG, NSLBCA, NSGD02, NSMDV, CRPRAT,
---	--

Report

Application for Planning Permission 15/05897/FUL At 4 Freelands Road, Ratho, Newbridge Form new access and drainage connections to previously consented house Plots 2 & 3 at 4 Freelands Road Ratho.

Recommendations

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

Background

2.1 Site description

The application refers to a plot of land lying east of the garden of no. 4 Freelands Road and north of Freelands Way. No. 4 Freelands Road is a category B listed, two storey former manse, dating from 1803 (reference no. 27729, listed on 22.01.1971). The site slopes from north to south and the level is below that of Freelands Way at the southern edge of the site.

The site is under excavation as part of a development of 14 houses to the north of Freelands Way. Planning permission has been granted for the erection of three houses in the garden ground of no. 4 Freelands Road.

There are newly built houses on the south side of Freelands Way on Canalside and the surrounding area is predominantly residential.

This application site is located within the Ratho Conservation Area.

2.2 Site History

02 May 2014 - planning permission refused for residential development of 14 houses, footpaths and landscaping on land to north of Freelands Way (application no. 13/03878/FUL).

18 November 2014 - appeal to The Scottish Ministers allowed on the grounds that the development would preserve the setting of the listed building and character and appearance of the conservation area, whilst contributing to meeting housing need (appeal no. PPA-230-2125).

10 September 2012 - planning permission granted to erect three houses in the garden ground of no. 4 Freelands Road (application no. 12/02354/FUL).

Main report

3.1 Description Of The Proposal

The application is to form a new gravel track with drainage to access two of the three new houses in the garden ground of 4 Freelands Road. The width of the track will range from 3.5 to 5 metres.

The remainder of the site will be landscaped in accordance with the previous planning permission for 14 new houses to the north of Freelands Road, i.e. wildflower and turf.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

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 proposals will adversely affect the character or appearance of the conservation area and setting of the listed building;
- b) the proposals will result in loss of neighbouring amenity;
- c) the proposals will have a detrimental impact on road safety;
- d) there is a significant risk of flooding or any significant impact on aerodrome safety;
- e) any impacts on equalities or human rights are acceptable; and
- f) comments raised have been addressed.

a) Character of Conservation Area and Setting of Listed Building

The site lies within the rural edge of Ratho Conservation Area to the north of the Union Canal. The Ratho Conservation Area Character Appraisal refers to this area around the Bridge Inn as "...marking the transition between the linear settlement and the loose knit dispersed semi-rural environment."

However, the essential character of this area has been changed by the planning permission for housing on either side of Freelands Way. The re-allocation of this land from green belt to within the settlement boundary of Ratho has enabled these developments and the area no longer provides a semi-rural setting for the village or the listed former manse at no. 4 Freelands Road.

The originally approved access to the two new houses at the southern end of the garden of no. 4 Freelands Road was directly south of the building plot, across a steep embankment onto Freelands Way. This route is no longer viable due to the presence of large underground pipes within the embankment. Also, the topography is a significant obstacle in construction terms.

The new access will run along the existing depression in the land to the north of Freelands Way and the layout will be informal using a gravel surface to maintain the landscape character. No street lighting is proposed.

This previous permission (reference no. 12/02354/FUL) included the removal of several trees on the plot, including those between the south-east area of the site and the current application site. No further tree removal is proposed.

The proposals will therefore have no adverse effect on the character or appearance of the conservation area or setting of the listed building.

b) Neighbouring Amenity

The proposed access will not be conspicuous due to its sunken location, except from the north side of Freelands Way. The visually dominant part of the site will be the landscaped slope on the northern edge.

The proposal will not therefore have an adverse effect on neighbouring amenity.

c) Road Safety

The new access will serve two houses only and traffic levels using the track will not be significant. Informatives have been added to ensure that the driveway is constructed to the appropriate standards.

The proposals will not therefore have a detrimental impact on road safety.

d) Flood Risk and Aerodrome Safety

The site does not lie within a flood risk area and the existing underground stream will not pose any significant flooding risk. Edinburgh Airport has raised no objections in terms of aerodrome safety, subject to the submission of details regarding Sustainable Urban Draining Systems (SUDS). An informative has been added regarding compliance with the relevant advice note. A condition would not be appropriate given that the development is for a drive only.

e) Impact on Equalities and Human Rights

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

f) Comments

The material concerns raised are as follows:

Ratho and District Community Council

- no explanation has been given for the need for new access arrangements - this has been addressed in section 3.3 a). Technical factors have necessitated the proposed new access.
- the development will be detrimental to road safety due to the proximity of a public cycleway and footpath - this has been addressed in section 3.3 c). The traffic levels using the new access will not be significant.
- the new access will have a negative impact on the conservation area - this has been addressed in section 3.3 a). The semi-rural character of this part of the conservation area has been changed by new housing developments since its removal from the green belt.
- the development will result in the loss of mature trees covered by a TPO - this has been addressed in section 3.3 a). The planning permission for the erection of three houses in the garden ground of 4 Freelands Road included the removal of trees where the new access is proposed.
- loss of a proposed wildflower meadow - this has been addressed in section 3.3 a). Areas of wildflower and turf will be formed on the site embankments and the northern slope is the most conspicuous part of the site.
- the new access will have an adverse impact on road safety on Freelands Way - this has been addressed in section 3.3 c). The traffic levels using the new access will not be significant.
- the low site level and presence of an underground stream will pose a flood risk - this has been addressed in section 3.3 d). The site lies outwith a flood risk area and no flood risk has been identified.

The comments regarding the construction details of the road, refuse collection, disruption during construction and public adoption of sewers are non-material in planning terms.

Conclusion

The proposals comply with the development plan and non-statutory policies, have no adverse effect on the character or appearance of the conservation area or setting of the listed building and have no detrimental impact on residential amenity or road safety. There are no significant impacts in terms of flooding or aerodrome safety and no identified impacts on equalities or human rights.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
2. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
2. In order to ensure that the approved landscaping works are properly established on site.

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. 1. A culverted watercourse and multiple drainage pipes are present within the existing embankment. The section of land adjacent to Freelands Way does not form part of the road and is not owned by the Council. It is understood that the applicant does not own this section either. The applicant should ensure that they have the appropriate permissions and authority to carry out the works.
- 4.2 The proposed access will not require Road Construction Consent and will not be adopted for maintenance purposes by the Council as it serves fewer than 3 properties.
- 4.3 Any works affecting the existing carriageway/footway/verge on Freelands Way must be carried out in accordance with "Development Roads - Guidelines and Specification". See pages 5, 15 & 16 of http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders, i.e. to an adoptable standard, and will require permission of the current Road Construction Consent owner.
- 4.4 Access should be by dropped kerb (i.e. not bell mouth).
- 4.5 A minimum of 6 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road. It is understood that the proposal is to provide 8m.
- 4.6. Any gate or doors must open inwards onto the property and not over the road.
5. The development should comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)' to avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)' (available at <http://www.aoa.org.uk/operations-safety/>).

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:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 15 January 2015. Eleven representations were received, including a letter from Ratho and District Community Council.

The following material objections were raised:

Ratho and District Community Council

- no explanation given for need for new access arrangements; and
- road safety due to proximity of public cycleway/footpath.

Neighbours

- negative impact on conservation area;
- removal of mature trees covered by TPO;
- loss of proposed wildflower meadow;
- road safety on Freelands Way; and
- flood risk.

The comments regarding the construction details of the road, refuse collection, disruption during construction and public adoption of sewers are non-material in planning terms.

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**

The site is located with the Rural West Edinburgh Local Plan in a Settlement.

Date registered

31 December 2015

Drawing numbers/Scheme

01 - 04,

Scheme 1

John Bury

Head of Planning & Transport
PLACE
City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer
E-mail:clare.macdonald@edinburgh.gov.uk Tel:0131 529 6121

Links - Policies

Relevant Policies:

Relevant policies of the Rural West Edinburgh Local Plan.

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 E32 seeks to ensure that proposals affecting a listed building will be considered for their effect on the character of the building. The restoration of architectural character will be an overriding consideration. Alterations will only be permitted where they respect the architectural integrity of the building.

Policy E15 seeks to ensure the survival and retention of healthy mature trees as part of development proposals. Where the loss of woodland, trees or hedgerows is unavoidable, the developer will be required to undertake equivalent replacement planting.

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 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

Relevant Non-Statutory Guidelines

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 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 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

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

Application for Planning Permission 15/05897/FUL At 4 Freelands Road, Ratho, Newbridge Form new access and drainage connections to previously consented house Plots 2 & 3 at 4 Freelands Road Ratho.

Consultations

Environmental Assessment

The application site is on land previously used for landfill activity. While this is not considered to represent a material issue of concern for the subject development application, the applicant should be made aware that any application for future residential development in proximity to the landfill site would likely necessitate an assessment of risks that may arise from any potential landfill gas migration, which may be influenced by the use and any encapsulation of the land in the area. Environmental Assessment would be willing to further discuss this matter if necessary.

Environmental Assessment has no objections to this proposed development.

Edinburgh Airport

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below:

[_ubmission of SUDS Details

Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)'. The submitted Plan shall include details of:

- Attenuation times*
- Profiles & dimensions of water bodies*
- Details of marginal planting*

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)' (available at <http://www.aoa.org.uk/operations-safety/>).

We, therefore, have no aerodrome safeguarding objection to this proposal, provided that the above conditions are applied to any planning permission.

It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, and the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.

Location Plan



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