

Development Management Sub Committee

Wednesday 5 December 2018

**Application for Planning Permission 18/01969/FUL
At Land 44 Metres Northwest Of 1, Cockburnhill Road,
Balerno
New Dwelling on Land to North of 1 Cockburnhill Road,
Balerno.**

Item number	4.3
Report number	
Wards	B02 - Pentland Hills

Summary

The proposed development is contrary to the Edinburgh Local Development Plan Policy Env 10: Development in the Green Belt and Countryside Areas and would also detract from the landscape quality and rural character of the area.

Furthermore, the location of the proposal and loss of trees within this woodland will have an adverse impact on the special character and quality of the Special Landscape Area.

The proposal is therefore contrary to Edinburgh Local Development Plan Policies Des 3: Development Design, Env 11: Special Landscape Areas and Env 12: Trees.

It is recommended that planning permission is refused.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES01, LDES03, LDES04, LDES05, LEN10, LEN12, LEN21, LHOU01, LHOU03, LHOU04, LTRA02, LTRA03, NSG, NSGD02, NSGCGB,
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Report

Application for Planning Permission 18/01969/FUL At Land 44 Metres Northwest Of 1, Cockburnhill Road, Balerno New Dwelling on Land to North of 1 Cockburnhill Road, Balerno.

Recommendations

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

Background

2.1 Site description

The site is a section of garden ground situated on the western side of Johnsburn Road. This area of ground forms part of the existing dwelling at 1 Cockburnhill Road which is a two storey dwelling located on the corner of Johnsburn Road and Cockburnhill Road.

To the north of the site lies a two storey stone built property on the corner with Glenbrook Road. A modern housing development is located to the east side of Johnsburn Road and a dense tree belt is located immediately to the west of the site.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The proposal is for the construction of an L shaped two storey four bedroom dwelling house on the site. The house measures 7.8 metres in height at the highest point and will cover a floor area of 257 square metres. Materials proposed are predominantly render to the elevations, rain screen cladding and a natural slate roof.

The proposal includes the removal of three trees located within the curtilage of the site to facilitate the development.

The applicant has submitted the following documents which are available to view via the Planning and Building Standards Online Service:

- Tree Survey; and
- Planning Statement.

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 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 landscape impacts are acceptable;
- c) the proposed scale, form and design are acceptable;
- d) the proposal will have a detrimental impact on the amenity of neighbouring residents;
- e) the proposal raises any concerns in respect of parking or road safety;
- f) the proposal raises any concerns in respect of flood prevention;
- g) there are any material considerations that justify approval or refusal;
- h) any issues raised by objectors have been addressed; and
- i) the proposal raises any issues in respect of equalities and human rights.

a) Principle of Proposal

Edinburgh Local Development Plan (LDP) policy Env 10 states that within Green Belt development will only be permitted:

- *For the purposes of agriculture, woodland and forestry, horticulture or countryside recreational;*
- *For the change of use of an existing building, provided the building is of architectural merit or valuable element in the landscape and is worthy of retention;*

- *For development relating to an existing use of building(s) such as an extension to a site or building, ancillary development or intensification of the use, provided the proposal is appropriate in type in terms of the existing use, of an appropriate scale, of high quality design and acceptable in terms of traffic impact.*
- *For the replacement of an existing building with a new building in the same use.*

The proposal is for the formation of a new dwelling which will form a new planning unit sitting within its own separate curtilage and as such does not constitute ancillary development or intensification which relates to an existing use or building(s).

The proposed new house does not meet the remaining criteria of policy Env 10 as it is not development for the purposes of agriculture, woodland and forestry, horticulture or for a countryside recreational use. Neither is it a change of use, or extension to an existing building, and it is not for the replacement of an existing building.

The proposal does not comply with LDP policy Env 10 or the Council's Guidance for Development in the Countryside and Green Belt and would not be supported in this location. For the reasons set out in section 3.3b) the proposals would also detract from the landscape quality and rural character of the area.

b) Landscape

The site is identified in the LDP as a Special Landscape Area (SLA). Policy Env 11 states that planning permission will not be granted for development which would damage or detract from the overall character and quality of the SLA. The Review of Local Landscape Designations, The City of Edinburgh Council, January 2010 outlines the potential pressures upon landscape integrity as being "*cumulative impacts upon landscape character and visual amenity.*"

SPP paragraph 202 states that the siting and design of development should take account of local landscape character. Decisions should also take account of potential effects on landscapes and natural environment.

The site is part of a larger woodland area which extends to the south and west and forms an important boundary between the transition from residential to the east and countryside to the west. The incursion of a single dwelling into this woodland will have an adverse impact on the special character and quality of this SLA.

The proposal will have an adverse impact on the Special Landscape Area and does not comply with LDP policy Env 11.

Policy Env 12 states that development will not be permitted if likely to have a damaging impact on a tree protected by a Tree Preservation Order or on any other tree or woodland worthy of retention unless necessary for arboricultural reasons.

A tree survey was submitted with the application. The submitted drawings for the development show three trees to be removed but the footprint of the proposed dwelling will result in more trees having to be removed. Whilst individually these trees may be of moderate to poor value it is their collective value within this woodland which is important and their loss will have an adverse impact on the character of this countryside location.

The proposal does not comply with LDP policy Env 12.

Policy Env 16 of the LDP states that development that would have an adverse impact on species protection will not be granted.

A bat roost survey has been submitted by the applicant. It is concluded from this that no further assessment is required for roosting bats.

The proposal will not have an adverse impact on species protection and complies with LDP policy Env 16.

c) Scale, design and form

The application property will be two storeys in height matching the character of the residential properties in the area. There is a difference of approximately 1.4 metres between the application site and the neighbouring site to the north and the proposal has been designed so that the height of the new dwelling will not sit higher than the neighbouring property. The contemporary design of the building provides a suitable contrast to the existing properties which in itself would not raise any significant design issues.

Policy Des 3 of the LDP aims to ensure that development will be supported where it is demonstrated that existing characteristics and features, including trees, woodland and landscape character worthy of retention on the site and surrounding area, have been identified, incorporated and enhanced through its design. This proposed dwelling will result in the loss of trees and coupled with the incursion to the woodland area will have an adverse impact on the special character and quality of this SLA.

The proposal fails to comply with LDP policy Des 3.

d) Amenity

LDP policy Des 5 states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity.

The proposed dwelling would meet the requirements of the Edinburgh Design Guidance in terms of the provision of adequate floorspace, and internal living environment for future occupiers. However, the open space provided for this site is covered with trees and this will have an impact on the level of daylight and sunlight that reaches this space and could potentially adversely affect the amenity of the occupiers.

Sunlight: The proposal marginally breaches the 45 degree/2 metre height on the boundary guidance. This represents a small area of garden ground of the neighbouring property and would not have a significant detrimental impact on the existing level of amenity enjoyed by the neighbouring occupants.

Privacy: The proposed dwelling is positioned 3.5 metres off the boundary to the north and is orientated so the main windows face west. The boundary to the north currently has vegetation which will provide adequate screening for the ground floor windows with the upper window serving an en-suite. The proposal will not raise any privacy issues.

Notwithstanding the concerns regarding the amenity of open space, the proposal will on balance not have a detrimental impact on residential amenity and accords with policy Des 5 of the LDP.

e) Road Safety

Policy Tra 2 of the LDP states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in the Council guidance.

The proposal includes the provision of a minimum of two parking spaces and complies with the Council's Non-Statutory Parking Standards for Development.

The Roads Authority has raised no objections to the proposal.

The proposal does not raise any issues in respect of parking provision and complies with LDP policy Tra 2.

f) Flood Prevention

Policy Env 21 of the LDP states that planning permission will not be guaranteed for development that would increase a flood risk.

No details of a surface water management plan has been submitted and it cannot be demonstrated that the proposal will not raise any concerns in respect of flooding.

g) Other considerations

Children and Families

The Council's Supplementary Guidance 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.

Using the pupil generation rates set out in the Supplementary Guidance, the development of one house is not expected to generate one additional pupil. A contribution towards education infrastructure is therefore not required.

h) Public Comments

Material Representations – Objection

- The site is within the Greenbelt and Special Landscape Area – addressed in section 3.3a).
- Not in keeping with the area – addressed in section 3.3c).
- Loss of trees – addressed in section 3.3b).

Balerno Community Council

The Balerno Community Council did not request to be a statutory consultee but it objected on the following grounds:

- Greenbelt – the site is in a sensitive location in a rural and countryside character - assessed in section 3.3a).
- Special Landscape Area – the proposal will detract from the landscape quality of the area - assessed in section 3.3b).

Material Representation – Support

- Little impact on its surroundings - assessed in section 3.3b).
- Not intrusive to the area - assessed section 3.3b).
- Edge of greenbelt - assessed in section 3.3b).

i) Equalities and Human Rights

The application was assessed in terms of equalities and human rights. In summary, the building would be fully accessible to those with varying needs relating to mobility, sight impairment, hearing impairment and varying degrees of disability.

Conclusion

The proposed development is contrary to the Edinburgh Local Development Plan Policy Env 10: Development in the Green Belt and Countryside Areas and would also detract from the landscape quality and rural character of the area.

Furthermore, the location of the proposal and loss of trees within this woodland will have an adverse impact on the special character and quality of the Special Landscape Area.

The proposal is therefore contrary to Edinburgh Local Development Plan Policies Des 3: Development Design, Env 11: Special Landscape Areas and Env 12: Trees.

It is recommended that planning permission is refused.

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 adopted Local Development Plan (LDP) and the Council's Guidance for Development in the Countryside and Green Belt as it would involve the development of a new build dwellinghouse in a green belt location with no exceptional planning reason to justify a dwelling house in this location and will detract from the landscape quality and the rural character of the area.

2. The proposal is contrary to the adopted Edinburgh Local Development Plan Policies Des 3, Env 11 and Env 12 as the location of the proposal and loss of trees within this woodland will have an adverse impact on the special character and quality of the Special Landscape Area.

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 18 May 2018. Twenty eight letters of objection and twenty eight letters of support regarding the proposal were received. A full summary of the matters raised by the objectors can be found in section 3.3 (h) of the main report.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The site is designated as Green Belt, Special Landscape Area: Pentlands in the Edinburgh Local Development Plan.

Date registered

3 May 2018

Drawing numbers/Scheme

01-05,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynsey Townsend, Senior Planning Officer

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

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

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

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

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

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

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, parking, streets and landscape, in Edinburgh.

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

Appendix 1

Application for Planning Permission 18/01969/FUL At Land 44 Metres Northwest Of 1, Cockburnhill Road, Balerno New Dwelling on Land to North of 1 Cockburnhill Road, Balerno.

Consultations

Roads Authority

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. Any off-street parking space should comply with the Council's Guidance for Householders dated 2017 (http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guidelines_including);

- a. Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);
- b. A length of 2 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;
- c. Any gate or doors must open inwards onto the property;
- d. Any hard-standing outside should be porous;
- e. Any works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point

Note:

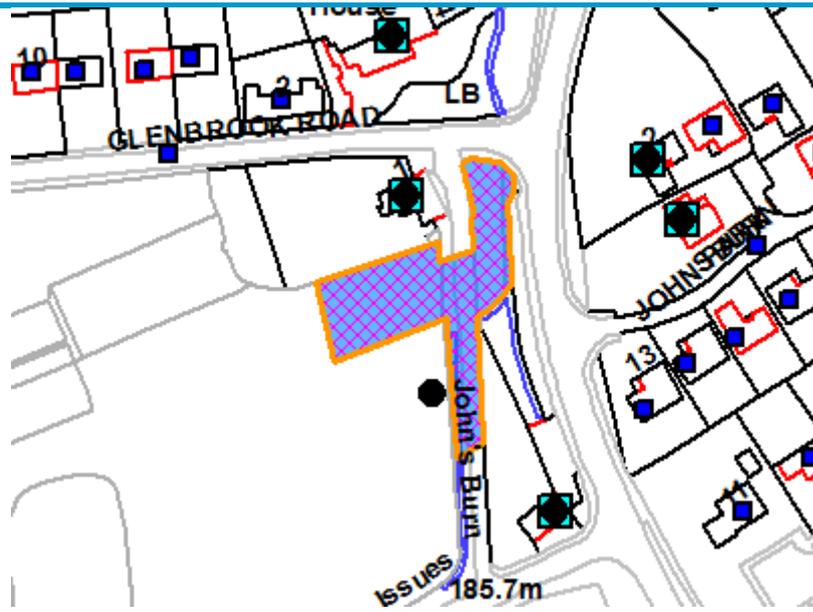
The proposed development meets the current Council parking standards of a maximum of 2 spaces.

Children and Families

The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.

Using the pupil generation rates set out in the Supplementary Guidance, the development of one house is not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required.

Location Plan



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