

**Full Planning Application 06/04006/FUL
at
Between Nos 12 Buie Brae + 13 Buie Brae
Kirkliston
Edinburgh
EH29 9FB**

**Development Quality Sub-Committee
of the Planning Committee**

1 Purpose of report

To consider application 06/04006/FUL, submitted by The Residents (10-14 Buie Brae). The application is for: **Change of use from footway (Planning Condition) to landscaped area (grass)**

It is recommended that this application be **REFUSED**

2 The Site and the Proposal

Site description

The site is a small part of the larger housing development which is nearing completion on the former Drambuie factory in Kirkliston. It is located between two houses at the end of a small cul de sac which lies close to Main Street Kirkliston to the north. The site is currently an area of grass bounded by a tall leylandii hedge. A bus stop is located close to the site on Main Street Kirkliston.

Site History

17.9.2004 Planning permission was granted for a residential development of 79 houses and land designated for 14 affordable units all with associated road and parking (03/00399/FUL)

Description of the Proposal

The proposal is to alter the approved layout for the site by not implementing a footpath connection between the cul de sac called Buie Brae and Main Street Kirkliston.

3 Officer's Assessment and Recommendations

Determining Issues

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, are there any compelling reasons for approving them?

ASSESSMENT

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

- a) The proposal will be detrimental to the community in terms of loss of pedestrian linkage
- b) The proposal will adversely affect the amenity of residents
- c) The proposal raises any transportation or road safety issues

a) The design and location of the footpath proposed for removal was considered acceptable when the application for the housing development was approved. Specific reference was made in the report to the Development Quality Sub Committee that it achieved good linkages into the existing community in compliance with Policy E41 of the Rural West Edinburgh Local Plan. The proposal to remove the footpath would be contrary to the aims of that policy.

Policy E42 also requires new development to be accessible, create new open spaces and improve the public realm. The loss of this footpath connection

would reduce the design quality of the development by altering its permeability.

b) The footpath would be well overlooked by houses within the development and has clear lines of sight from start to finish. It is not immediately adjacent to the walls or windows of houses and would not adversely affect residential amenity. As with the rest of the road and path network within this development, the path is intended to be a publicly maintained and publicly useable provision for the benefit of both local residents and the wider community. While the change proposed for this piece of ground would not adversely affect the amenity of residents neither would the provision of the footpath as approved, and its loss would be detrimental to the wider community.

c) The footpath provides a direct and easy access to a bus stop in compliance with policy TRA7 of the Rural West Edinburgh Local Plan. Its removal would not be to the benefit of public transport users or pedestrians seeking to access local amenities such as the bus stop. The implementation of the path between Buie Brae and Main Street Kirkliston is not a danger to the public.

In conclusion, the footpath was approved as an important part of a wider footpath and road network. It will not reduce residential amenity or create any road safety issues. The exclusion of the footpath from the housing development would be to the detriment of the wider community with no significant benefits to be gained if it were not to be implemented.

It is recommended that the proposal be refused for these reasons.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	David McFarlane on 0131 529 3512
Ward affected	03 - Dalmeny/Kirkliston
Local Plan	Rural West Edinburgh Local Plan
Statutory Development Plan Provision	Housing Development Opportunity
Date registered	26 September 2006
Drawing numbers/ Scheme	1,2,3 Scheme 1

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing on the Planning and Building Control Portal: www.edinburgh.gov.uk/planning.

If you require further information about this application you should contact the following Principal Planner, Helen Martin on 0131 529 3517. Email: helen.martin@edinburgh.gov.uk.

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail gavin.king@edinburgh.gov.uk or carol.richardson@edinburgh.gov.uk

Application Type Full Planning Application
Application Address: Between Nos 12 Buie Brae + 13 Buie Brae
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Proposal: Change of use from footway (Planning Condition) to landscaped area (grass)

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Consultations, Representations and Planning Policy

Consultations

Lothian and Borders Police

The Council's Police Architectural Liaison Officer has consulted with the local beat officer and there have been no major youth problems in this area at present. No objection to one or both of these lanes being opened up onto the Stirling Road.

Transport Planning (Development Control)

It is advised that the application be refused. Access to the bus stop from the development site must be maintained

Representations

The proposal was advertised on 13.10.2006 and ten letters of representation and a petition were received.

One letter of objection has been received. The comments made are as follows:-

Points addressed in assessment a)

- Contrary to the approved layout of the housing site
- The removal of this pedestrian link would create a precedent and lead to a similar proposal to remove the only other pedestrian only link out of the site.

Points addressed in assessment c)

- The proposal would remove a safe pedestrian access to bus stop and Main Street Kirkliston

Nine individual letters of support have been received and a support letter of petition with 10 signatories. The supporting comments are as follows:-

Points addressed in assessment a)

- The access is not required as there is already another path serving the site plus the main vehicular access

Points addressed in assessment b)

- Amenity of the cul de sac would be reduced via loss of enclosure
- The creation of a path linkage would provide opportunities for anti social behaviour

Points addressed in assessment c)

- The access is a danger for children

Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.

Planning Policy

The site is identified as a housing proposal on the Rural West Edinburgh Local Plan.

Relevant Policies:

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

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

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

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

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Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that this application be **REFUSED**

Reasons

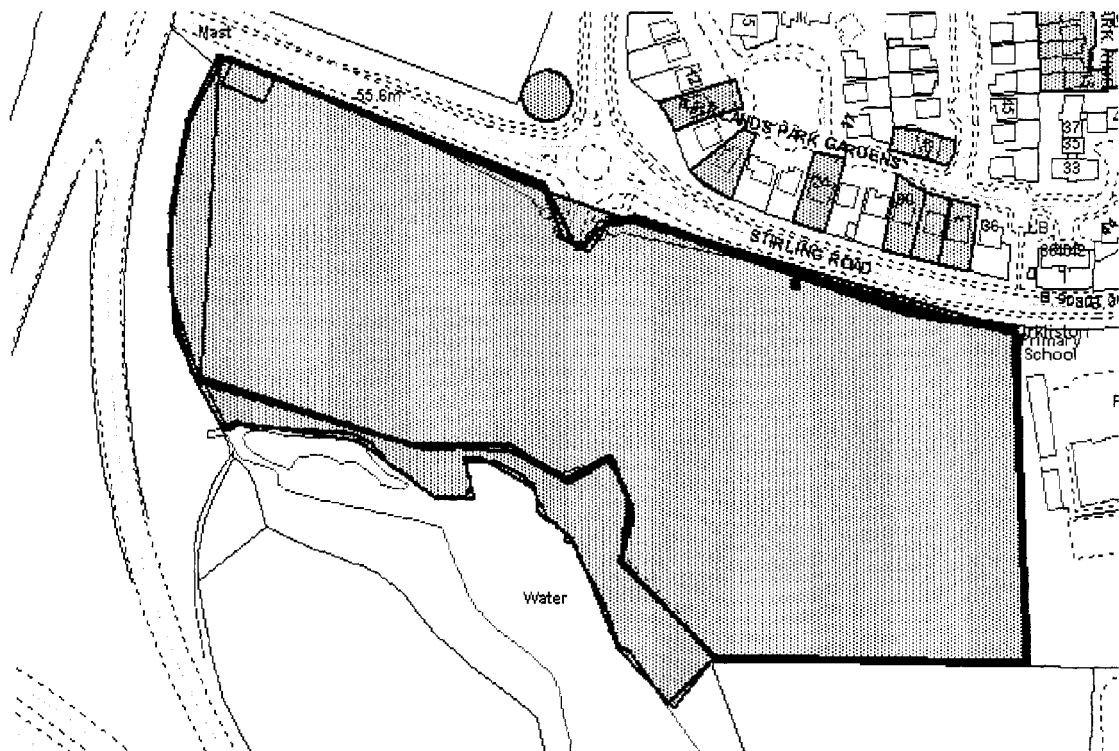
1. The removal of the footpath from the approved housing layout would reduce the integration of the development into the community to the detriment of pedestrians, contrary to policies E41, E42 and TRA7 of the Rural West Edinburgh Local Plan

End

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Location Plan

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