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Mr Andrew Laing
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Edinburgh
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Decision date: 9 April 2019

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013**

Proposed New House.
At Land 54 Metres West Of 19 Lanark Road West Edinburgh

Application No: 18/01627/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 16 April 2018, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Conditions:-

Reasons:-

1. The proposal is contrary to the adopted Edinburgh Local Development Plan Policies Des 3, Env 11 and Env 18 as the location of the proposal and the loss of trees within this woodland will have an adverse impact on the special character and quality of this Special Landscape Area
2. The proposal is contrary to Edinburgh City Local Plan Policy Env 21 Flood Protection, as it cannot be demonstrated that the proposal will not raise any concerns in respect of flooding.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings , represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The location of the proposal will have an adverse impact on the special character and quality of this Special Landscape Area, will result in the loss of open space and there are no exceptional planning reasons for the approval of a new dwellinghouse in this location. No details of a surface water management plan have been submitted and it cannot be demonstrated that the proposal will not raise any concerns in respect of flooding. The proposal is contrary to policy Env 11, Env 18 and Env 21 of the adopted Edinburgh Local Development Plan

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Lynsey Townsend directly on 0131 529 3905.

D R Leech

Chief Planning Officer

PLACE

The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.
2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

Application for Planning Permission 18/01627/FUL At Land 54 Metres West Of 19, Lanark Road West, Edinburgh Proposed New House.

Item	Local Delegated Decision
Application number	18/01627/FUL
Wards	B02 - Pentland Hills

Summary

The location of the proposal will have an adverse impact on the special character and quality of this Special Landscape Area, will result in the loss of open space and there are no exceptional planning reasons for the approval of a new dwellinghouse in this location. No details of a surface water management plan have been submitted and it cannot be demonstrated that the proposal will not raise any concerns in respect of flooding. The proposal is contrary to policy Env 11, Env 18 and Env 21 of the adopted Edinburgh Local Development Plan

Links

<u>Policies and guidance for this application</u>	LDPP, LEN01, LDES03, LDES05, LEN11, LEN16, LEN18, LEN21, LTRA02,
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Report of handling

Recommendations

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

Background

2.1 Site description

The site comprises an area of ground on the south side of Lanark Road West at the top of the Water of Leith valley. The site slopes steeply down to the south and its immediate surroundings are densely planted with mature trees.

An existing lodge style bungalow is situated to the east of the site. The junction of Lanark Road West and Muir Wood Road is opposite the site to the north and a former refuse tip and wooded embankment lie to the west of the site. There is a cluster of dwelling houses to the south-east of the site at the bottom of the valley.

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 a new dwelling. The dwelling will be single storey to the front and three stories to the rear with a raised terrace due to the slope of the site. The dwelling will be finished in 'Hardieplank' panels, zinc roof, grey Upvc doors and windows.

A new access will be formed onto Lanark Road West with a paved car run in and parking spaces to the front.

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, it needs to be considered 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) any issues raised by objectors have been addressed, and;
- h) the proposal raises any issues in respect of equalities and human rights.

a) The Principle of Development

The site is identified as 'open space' within the Edinburgh Local Development Plan (LDP). Policy Env 18 provides that, *"proposals involving the loss of open space will not be permitted unless it is demonstrated that:*

- a) there will be no significant impact on the quality or character of the local environment;*
- b) the open space is a small part of a larger area or of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area; and*
- c) the loss would not be detrimental to the wider network including its continuity or biodiversity value;*
and either
- d) there will be a local benefit in allowing the development in terms of either alternative equivalent provision being made or improvement to an existing public park or other open space, or*
- e) the development is for a community purpose and the benefits to the local community outweigh the loss."*

The site is a sloping area of land, heavily planted with a mixture of trees and shrubs that forms an important green corridor to the Water of Leith. The proposed building and hardstanding would cover approximately 23% of the site area and would involve the loss of a number of trees and vegetation. This loss will have a significant impact on the quality and character of the local environment and does not comply with part a).

The area of open space is identified as a walkway and core path in the Council's Open Space Audit. The site is of limited leisure value and is categorised as fair quality. Whilst the site cannot be utilised for leisure purposes, it is not of limited amenity value as it provides an important transition between the urban area and the beginning of the green corridor to the Water of Leith which provides an important biodiversity value. This does not comply with part b or c.

With regard to the second element of the policy, (d) or (e) there will not be a local benefit in allowing this development in terms of alternative provision or improvements and the proposal is not for a community purpose.

Accordingly, the proposal does not comply with LDP policy Env 18 and is not acceptable in this location.

b) Landscape Impact

The site is identified in the LDP as a Special Landscape Area (SLA). Policy Env 11 Special Landscape Areas states that planning permission will not be granted for development which would have an adverse impact on the special character or qualities of the SLA. The Edinburgh Landscape Character Assessment (2010) outlines the pressures upon landscape integrity as *"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 in a prominent location forming part of the Water of Leith Valley. The valley has a natural open character that is an important feature of the surrounding area. The application site is undeveloped with trees and vegetation contributing to the natural green landscape. 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 arbocultural reasons. Policy Env 16 of the LDP states that development that would have an adverse impact on species protection will not be granted.

A tree survey was submitted and this recommended four trees to be removed due to their condition. The submitted drawings for the development shows seven trees to be removed. The footprint of the proposed dwelling along with the formation of the paved run in will result in more trees than this being 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.

A walkover Ecology Survey has been submitted by the applicant. No evidence of any protected species, other than foraging bats was identified on site. However, the site is not thought to be important as a foraging location.

The proposal complies with LDP policy Env 16.

c) Scale, form and design

The proposed dwelling will be set back within the site, sitting down the slope and will not be highly visible from Lanark Road West. The contemporary design of the building would not raise any significant design issues.

The aim of Policy Des 3 is to ensure development proposals are informed by a detailed analysis and understanding of the site and that existing characteristics including tree, woodland and landscape character are identified, incorporated and enhanced through its design.

As detailed in 3.3b the proposal will have an adverse impact on the landscape character and trees and woodland and does not accord with policy Des 3 of the LDP.

d) Neighbouring 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. The open space is being provided by a raised terrace and windows are proposed on the rear elevation at the basement, lower floor and mid floor level.

The proposal will not result in any adverse impact to the amenity of the neighbouring property located to the east of the site.

The proposal will 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 Council guidance.

The proposal includes the provision for a minimum 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 granted for development that would increase a flood risk.

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

h) Public Comments

Material Representations - Objection:

- detrimental Impact on landscape - addressed in section 3.3b
- inappropriate design, scale and size - addressed in section 3.3c
- increased traffic and access to the site - addressed in section 3.3e

Non Material Representations

- Concerns over ground stability was raised- not relevant to the Planning. This would be addressed through the building warrant process.

i) Equalities and Human Rights

The proposal has been assessed and raises no issues in respect of equalities and human rights.

Conclusion

In conclusion, the site is in a prominent location, forming part of the Water of Leith Valley. The location of the proposal will have an adverse impact on the special character and quality of this Special Landscape Area, will result in the loss of open space and there are no exceptional planning reasons for the approval of a new dwellinghouse in this location. No details of a surface water management plan have been submitted and it cannot be demonstrated that the proposal will not raise any concerns in respect of flooding. The proposal is contrary to policies Des 3, Env 11, Env 18 and Env 21 of the adopted Edinburgh Local Development Plan (LDP).

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the adopted Edinburgh Local Development Plan Policies Des 3, Env 11 and Env 18 as the location of the proposal and the loss of trees within this woodland will have an adverse impact on the special character and quality of this Special Landscape Area
2. The proposal is contrary to Edinburgh City Local Plan Policy Env 21 Flood Protection, as it cannot be demonstrated that the proposal will not raise any concerns in respect of flooding.

Risk, Policy, compliance and governance impact

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

Equalities impact

5.1 The equalities impact has been assessed as follows:

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

Consultation and engagement

6.1 Pre-Application Process

Pre-application discussions took place on this application.

6.2 Publicity summary of representations and Community Council comments

Five letters of representations has been received. This is addressed in the Assessment section of the report.

Background reading / external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

**Statutory Development
Plan Provision**

Edinburgh Local Edinburgh Plan - The site is designated as a Local Nature Conservation Site, Special Landscape Area and Open space.

Date registered

16 April 2018

Drawing numbers/Scheme

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Lynsey Townsend, Senior Planning Officer
E-mail:lynsey.townsend@edinburgh.gov.uk Tel:0131 529 3905

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

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

LDP Policy Env 11 (Special Landscape Areas) establishes a presumption against development that would adversely affect Special Landscape Areas.

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

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

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

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.

Appendix 1

Consultations

Roads Authority

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

1. *Secure and covered storage to be provided for a minimum of 3 bicycles. Details to be agreed in writing;*
2. *Access to any car parking area is to be by dropped kerb with a maximum width 3m, including transition kerbs;*
3. *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;*
4. *Any gate or doors must open inwards onto the property;*
5. *Any hard-standing outside should be porous;*
6. *The 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*
7. *The applicant should note that any work, including alteration to the ground level or slope, to the rear of the footway on Lanark Road West is likely to require structural approval;*
8. *Alterations required to the existing "Keep Clear" markings on the westbound approach to the Blinkbonny Road traffic signal junction to extend the area to include the proposed dropped kerb opening. Details to be agreed in writing;*
9. *The selection of property boundary treatment along the frontage on Lanark Road West, and on the eastern side of the site where it interfaces with the Lanark Road West should be such as to maximise forward visibility for a driver exiting the property. Details to be agreed in writing;*
10. *Electric vehicle charging outlets should be considered for this development. Passive provision should be made as a minimum, including ducting and infrastructure to allow a charging point(s) to be readily accommodated in the future.*

Note:

1. *The application has been assessed under the 2017 parking standards for Zone*
3. *These permit up to 2 parking spaces for the development proposed;*
2. *The current standards require covered and secure storage for a minimum of 3 bicycles for the development proposed.*

Environmental Protection

Planning application 18/01627/FUL is for the erection of a new house on land 54 metres west of 19 Lanark Road West, Edinburgh.

The application site is currently unused and vacant land which is overgrown with a mixture of mature trees and shrubbery. The site is adjacent to a recently constructed residential property to the east at 19 Lanark Road West. The north-east part of the site borders Lanark Road West, and the north-west part of the site is bound by Blinkbonny Road. The Water of Leith forms a natural boundary to the southern edge of the site.

Lanark Road West is well established with residential accommodation on both sides of the road to the east and west. It is also a busy route and traffic noise could potentially have an effect on amenity, however, it is noted that on the elevation facing Lanark Road West, the proposed dwelling only has windows for the hall / gallery. All noise sensitive rooms face either the south west, south east or north east. However, due to the position and height of the building in relation to Lanark Road, the windows will be screened from the road due to the gradient of the land which drops steeply from north to south.

It was noted that the application site includes an area previously used as a refuse tip. Therefore, a condition has been recommended concerning ground investigations.

Elevation drawing No. 16 shows a solid fuel heating appliance flue. City of Edinburgh Council is a smoke control area, therefore if it is a wood burning stove that is to be installed, it must be an approved appliance. It should be also noted that wood burning stoves are not exempt from Statutory Nuisance provisions. Due to the position of the proposed building within the glen and the flue height in relation to the neighbouring building at 19 Lanark Road West, there is the potential that combustion fumes will not adequately disperse in the immediate vicinity. This could be a problem for the neighbour at no. 19 if they are affected by odour from the wood burner. Any complaints received would be investigated under Statutory Nuisance provisions and action taken as appropriate.

Environmental Protection poses no objection to this application subject to the following conditions.

Conditions

1) i) Prior to the commencement of construction works on site:

a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

Informative

1. It is recommended that the car parking is equipped with an electric vehicle charging station of minimum standard 7kW (16 amp).

Grants are available for the installation of EV charge points, more information can be found at;

<http://www.energysavingtrust.org.uk/scotland/Organisations/Transport/Electric-vehicles/Electric-Vehicle-Charge-Point-Funding>

2. The elevation drawing No. 16 shows a solid fuel heating appliance flue. City of Edinburgh Council is a smoke control area, therefore if it is a wood burning stove that is to be installed, it must be an approved appliance. This can be checked at the Defra website: <https://smokecontrol.defra.gov.uk/appliances.php?country=scotland>

END



Millbank,
33 Lanark Road West,
Currie,
EDINBURGH.
EH14 5JX.

Local Review Body Support Team,
City of Edinburgh Planning
Local Review Body,
Business Unit G2, Waverley Court,
4 East Market Street,
EDINBURGH. EH8 8BG.
For the attention of Gina Bellhouse

26th June 2019

Dear Sirs,

The Town and Country Planning (Scotland) Acts
Planning permission for: Proposed house on land 54 metres west of 19 Lanark Road
West, Currie. Planning Application No. 18/01627/FUL

Thank you for your letter of 20th June 2019 advising that the Council has received a request that its refusal to grant permission respecting the above be reviewed.

I am content that the decision of the Council to refuse the application was soundly based and reflected my own views. I would merely ask the review body to re-read my letter of 14th May 2018 as I have serious concerns about the impact such a development would have on road safety in the area. The photograph (re-attached here) shows what can happen when an incident occurs at this location.

It is not my intention to attend the meeting on the 21st August.

Yours faithfully

Archibald J.C.Clark

