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EH21 8BZ

Mr MacFarlane.
160 Lanark Road West
Edinburgh
EH14 5NY

Decision date: 16 August 2023

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

Proposed 2x apartment development.
At Land 15 Meters North West Of 158A Lanark Road West Currie

Application No: 23/02074/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 12 May 2023, 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;

Reason for Refusal:-

1. The proposal does not have regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is not acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 and NPF4 Policy 7.
2. The proposal is contrary to LDP Policies Hou 1, Hou 4 and NPF4 Policy 16. The proposal is not acceptable as it will have a detrimental impact on the spatial character of the surrounding area.

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

Drawings 01-04, 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 proposal does not comply with the development plan and associated guidance. The proposal does not have regard to the desirability of preserving or enhancing the character or appearance of the conservation area and would disrupt the spatial character of the area. There are no material considerations that outweigh this conclusion.

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 Murray Couston directly at murray.couston@edinburgh.gov.uk.



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
Land 15 Meters North West Of 158A Lanark Road West, Currie,**

Proposal: Proposed 2x apartment development.

**Item – Local Delegated Decision
Application Number – 23/02074/FUL
Ward – B02 - Pentland Hills**

Recommendation

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

Summary

The proposal does not comply with the development plan and associated guidance. The proposal does not have regard to the desirability of preserving or enhancing the character or appearance of the conservation area and would disrupt the spatial character of the area. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is an area of grassland located on the north side of Lanark Road West, Currie. The site is located behind a former bank at no.158A and a convenience store/residential flats at nos. 160/162. The site would be accessed by footpath between the two properties with no vehicle access.

It lies within the Currie Conservation Area.

Description Of The Proposal

Planning permission is sought for two, one bedroom flats.

Supporting Information

None submitted.

Relevant Site History

No relevant site history.

Other Relevant Site History

No other relevant site history.

Consultation Engagement

Environmental Protection

Infrastructure, Structures & Flood Prevention

Archaeologist

Publicity and Public Engagement

Date of Neighbour Notification: 16 August 2023

Date of Advertisement: 2 June 2023

Date of Site Notice: 2 June 2023

Number of Contributors: 1

Section B - Assessment

Determining Issues

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations; and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals harm the character or appearance of the conservation area?

The Currie Conservation Area Character Appraisal states that it is defined by its architectural heritage which consists of a strong historic core of 19th century buildings centred around the Kirk and Brig; the farming hinterland to the south; the Water of Leith with its surrounding woodland and vegetation; and the linear development including public buildings along Lanark Road West. The mix of elements give Currie its unique sense of place and make it a very attractive settlement which has open views out to and in from the countryside beyond.

The proposal would result in backland development that would disrupt the linear pattern of the conservation area, a key characteristic as set out in the Conservation Area Character Appraisal.

Conclusion in relation to the conservation area

The proposal does not have regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is not acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997.

a) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF4 Policies 1, 7 and 16
- LDP Housing Policies Hou 1 and Hou 4

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration in the assessment of this application.

Principle

Policy Hou 1 of the adopted Edinburgh Local Development Plan (LDP) states that housing development will be permitted in other suitable sites in the urban area, provided that the proposals are compatible with other policies in the plan. Policy Hou 4 states that the council will seek an appropriate density of development on each site having regard to its characteristics and those of the surrounding area.

The proposal would result in the construction of properties which would have a detrimental impact on the established spatial character of the surrounding area. The introduction of backland development at this location is not compatible with the linear pattern of the area.

The proposal would have a detrimental impact on the established spatial character of the surrounding area, and is contrary to Policies Hou 1 and Hou 4 of the LDP, and NPF4 policies 7 and 16.

Conclusion in relation to the Development Plan

The proposal does not comply with the development plan.

c) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

non-material considerations

- comments received regarding construction access and traffic are non-material.

Conclusion in relation to identified material considerations

The proposal is not acceptable with regards to the above.

Overall conclusion

The proposal does not comply with the development plan and associated guidance. The proposal does not have regard to the desirability of preserving or enhancing the character or appearance of the conservation area and would disrupt the spatial character of the area. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The proposal does not have regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is not acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 and NPF4 Policy 7.
2. The proposal is contrary to LDP Policies Hou 1, Hou 4 and NPF4 Policy 16. The proposal is not acceptable as it will have a detrimental impact on the spatial character of the surrounding area.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 12 May 2023

Drawing Numbers/Scheme

01-04

Scheme 1

**David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council**

Contact: Murray Couston, Planning Officer
E-mail:murray.couston@edinburgh.gov.uk

Appendix 1

Consultations

NAME: Environmental Protection

COMMENT: No response

DATE:

NAME: Infrastructure, Structures & Flood Prevention

COMMENT: No response

DATE:

NAME: Archaeologist

COMMENT: No objection subject to a condition requiring a survey

DATE:

The full consultation response can be viewed on the Planning & Building Standards Portal.

Appendix 2

Application Certification Record

Case Officer

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: Murray Couston

Date: 16 August 2023

Authorising Officer

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Alan Moonie

Date: 16 August 2023

Comments for Planning Application 23/02074/FUL

Application Summary

Application Number: 23/02074/FUL

Address: Land 15 Meters North West Of 158A Lanark Road West Currie

Proposal: Proposed 2x apartment development.

Case Officer: Murray Couston

Customer Details

Name: Mr James Taylor

Address: 119 Lanark Road West Currie Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We object to the proposed building of 2 apartment flats in the garden adjoining our double garage. The reasons are as follows:

1. We do not grant access for the builders to be able to carry out this work.
2. There is only one access point to be able to carry out this work and this is a narrow private driveway for ourselves and three other residents who have private garages and parking spaces too. Therefore there is no access for commercial vehicles.
3. Although there is a plinth present as seen on the plan of the garden, we did verbally agree that the previous owner could park her car there, using our access. However this benefit is discontinued on her death and we will not be agreeing to any commercial or private vehicles using our drive way or passing our garage for whatever reason.

In conclusion, we therefore cannot see how this building work could take place in the first instance and there will be no permission granted for either commercial or private cars to have access down our driveway or past our garage.

Memorandum

To Head of Planning
City of Edinburgh Council
Planning and Transport
Place
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

F.A.O Planning Local 1

From John A Lawson

Date 30th May 2023

Your ref 23/02074/FUL
Our ref 23/02074/FUL

To whom it may concern,

Land 15 Meters North West Of 158A Lanark Road West Currie

Further to your consultation request I would like to make the following comments and recommendations regarding this application for a proposed 2x apartment development.

The proposed development site occurs within limits of the historic village of Currie, as indicated by General Roy's Military Survey of c.1752 (see fig 1 below) and is currently occupied by a 1970s former bank and commercial building. The settlement is recorded as early as 1210, with the earliest sections of Currie's Parish Kirk of St Kentigern dating from this period. It is possible however that settlement at Currie is older, as the church is thought to have been active in the area from the 11th century.



Fig 1 General Roy's 1750's Survey of Scotland showing Currie.

The site is regarded as occurring within an area of potential archaeological significance relating to the development of the historic settlement of Currie. Accordingly, this application must be considered under

terms of Scottish Government's Our Place in Time (OPIT), NPF4 Policy 7, PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & ENV9.

Buried Archaeology

Ground works associated with both the proposed demolition and development have the potential for disturbing significant archaeological charting the history of the site from the 19th century through to the early-medieval. It is recommended therefore that a programme of archaeological works is undertaken during demolition and prior to development to fully record and excavate any significant archaeological deposits and remains.

Public Engagement

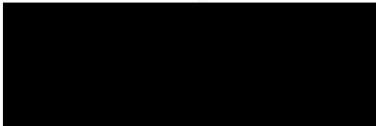
Furthermore, given the site's public location and potential for significant remains dating back to the origins of the village, it is considered important that as part of the overall programme of archaeological works that a programme of public engagement is undertaken. The full the scope of which will be agreed with CECAS prior to development commencing but is likely to include temporary interpretation boards, site open days and a social media/comms strategy.

This programme of work should be secured by the following recommended condition.

'No demolition/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.

Yours faithfully



John A Lawson
(Archaeology Officer)