

City of Edinburgh Local Review Body

10.00 am, Wednesday, 6 August 2014

Present

Councillors Bagshaw (Chair), Dixon, Heslop, McVey and Milligan.

1. Chair

Councillor Bagshaw was appointed as Chair.

2. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted.)

3. Request for Review – 36 Colinton Mains Road, Edinburgh

Details were provided of a request for a review of the refusal of planning permission for a proposed a two storey rear extension together with decking and ballustrading in conjunction with re-division of existing two storey terraced house into two separate dwellings, at 36 Colinton Road, Edinburgh (Application No. 14/00889/FUL).

Assessment

At the meeting on 6 August 2014, the LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice, the report of handling and further representations, submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development.

The plans used to determine the application were numbered 01-12 (Scheme 1) being the drawings shown under the application reference number (14/00889/FUL) on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it and would therefore determine the review using the information circulated to it.

The LRB in their further deliberations on the matter considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:
Policy Des 11 (Alterations and Extensions)
Non-Statutory Guidelines on “Guidance for Householders”.
- 2) The procedure used to determine the application.
- 3) The reasons for refusal and the arguments put forward by the applicant in the request for a review.
- 4) The representations received in respect of the application and the review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer’s report and was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Acting Head of Planning and Building Standards.

Motion

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for the proposed two storey rear extension together with decking and ballustrading in conjunction with re-division of existing two storey terraced house into two separate dwellings, at 36 Colinton Road, Edinburgh, (Application No 14/00889/FUL).

Reasons for Refusal

The proposed extension by reason of its design, scale, form and prominence was an incongruous addition that would be detrimental to neighbourhood character. The proposal was contrary to local plan policy Des 11 and non-statutory 'Guidance for Householders'.

- Moved by Councillor Bagshaw, seconded by Councillor Dixon.

Amendment

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for a proposed two storey rear extension together with decking and ballustrading in conjunction with re-division of existing two storey terraced house into two separate dwellings, at 36 Colinton Road, Edinburgh (Application No 14/00889/FUL), subject to standard conditions and informatives:

Informatives

1. The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.

2. No development should 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.
 - Moved by Councillor McVey, seconded by Councillor Heslop.

Voting

For the motion – 3 votes.

For the amendment – 2 votes.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for the proposed two storey rear extension together with decking and ballustrading in conjunction with re-division of existing two storey terraced house into two separate dwellings, at 36 Colinton Road, Edinburgh, (Application No 14/00889/FUL).

Reasons for Refusal

The proposed extension by reason of its design, scale, form and prominence was an incongruous addition that would be detrimental to neighbourhood character. The proposal was contrary to local plan policy Des 11 and non-statutory 'Guidance for Householders'.

(References – Decision Notice, Report of Handling, Notice of Review and Further Representations, submitted.)

4. Request for Review – 75 East Trinity Road, Edinburgh

Details were provided of a request for a review of the refusal of planning permission to for a new stair/porch extension to front of house at 75 East Trinity Road, Edinburgh (Application No. 14/00552/FUL).

Assessment

At the meeting on 6 August 2014, the LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development.

The plans used to determine the application were numbered 1-7 (Scheme 1) being the drawings shown under the application reference number 14/00552FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information circulated to it.

The LRB in their further deliberations on the matter considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:
Policy Des 11 (Alterations and Extensions)
- 2) The Non-Statutory Guidelines on 'Guidance for Householders'.
The Non-Statutory Guidelines - Edinburgh Design Guidance.
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward by the applicant in the request for a review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application.

The LRB took into consideration the applicant's arguments the proposals were acceptable within the terms of Policy DES 11 on Alterations and Extensions and in particular did not conflict in any way with its purpose. The applicant also believed that the aesthetic judgements of "inappropriate in scale, design for form" and "overbearing and dominant" were not borne out by the facts.

The LRB, having taken all the above matters into consideration, did not agree with the officer's assessment, and was of the view that the proposed new stair/porch extension at the front of the property was not contrary to Policy Des 11 – Alterations and Extensions – of Edinburgh City Local Plan and the Non Statutory Guidance for Householders. Having regard to the character of the surrounding area and the different styles of building, the LRB concluded that the extension and alterations to the front were not of an inappropriate scale, design and form. The LRB, having considered the supporting information submitted and the photomontages, was of the view that the alterations would not create an overbearing and dominant addition to the detriment of the original dwellinghouse and the streetscene.

The LRB were of the opinion that the material considerations that it had identified were of sufficient weight to allow it to overturn the original determination by the Acting Head of Planning and Building Standards and to grant planning permission.

Decision

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for a new stair/porch extension to front of house at 75

East Trinity Road, Edinburgh (Application No. 14/00552FUL) subject to standard informatives:

Informatives

1. The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
2. No development should 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.

(References – Decision Notice, Report of Handling and Notice of Review, submitted.)

5. Request for Review – 42D Milton Street, Edinburgh

Details were provided of a review of the refusal of planning permission for a proposed new dormer to rear at 42D Milton Road, Edinburgh (Application No. 14/00564/FUL).

Assessment

At the meeting on 6 August 2014, the LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development.

The plans used to determine the application were numbered 01A-02 (Scheme 1) being the drawings shown under the application reference number 14/00564FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it, and would therefore determine the review using the information circulated to it.

The LRB in their further deliberations on the matter considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:
Policy Des 11 (Alterations and Extensions)
- 2) The Non-Statutory Guidelines on 'Guidance for Householders'.
- 3) The procedure used to determine the application.

- 4) The reasons for refusal and the arguments put forward by the applicant in the request for a review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application.

The LRB took into consideration the applicant's arguments that

- the proposed extension was to be constructed in high quality finishes;
- the existing block 42 A-D was of a completely different character to the surrounding tenements and other buildings;
- the proposed extension was to be contemporary in style and would, if anything, enhance the existing block;
- the proposed extension would look onto parkland; and
- the applicant required the space for his family.

The LRB, having taken all the above matters into consideration, attached significant weight to the character of the surrounding area as shown in the case officer's site photographs and the likely impact of the specific design of the proposals and did not agree with the officer's assessment. The LRB was of the view that the proposed new dormer to rear of the property was not contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions or to the Non Statutory Guidelines in respect of "Guidance for Householders". The LRB therefore concluded that the scale, design and position of the proposed extension and dormer window, in public view, would not dominate the form and appearance of the original building and would not be to the detriment of the character of the property or the visual amenity of the area.

The LRB were of the opinion that the material considerations that it had identified were of sufficient weight to allow it to overturn the original determination by the Acting Head of Planning and Building Standards and to grant planning permission.

Motion

To uphold the decision of the Acting Head of Planning and Standards to refuse planning permission for a proposed new dormer to rear at 42D Milton Road, Edinburgh (Application No. 14/00564/FUL).

Reasons

The proposal was contrary to the Edinburgh City Local Plan Policy DES 11, in respect of alterations and extensions, and to Non Statutory Guidelines in respect of "Guidance for Householders" as the scale, design and position of the proposed extension and dormer window, in public view, would dominate the form and appearance of the original building, to the detriment of the character of the property and the visual amenity of the area.

- Moved by Councillor Bagshaw, seconded by Councillor Milligan.

Amendment

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for a proposed new dormer to rear at 42D Milton Road, Edinburgh (Application No. 14/00564/FUL), subject to standard planning conditions and informatives.

Informatives

1. The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
 2. No development should 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.
- Moved by Councillor McVey, seconded by Councillor Heslop.

Voting

For the motion – 2 votes.

For the amendment – 3 votes.

Decision

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for a proposed new dormer to rear at 42D Milton Road, Edinburgh (Application No. 14/00564FUL) subject to standard planning conditions and informatives:

Informatives

1. The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
2. No development should 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.

(References – Decision Notice, Report of Handling and Notice of Review, submitted.)

6. Request for Review – 26 Polwarth Terrace, Edinburgh

Details were provided of a review of the refusal of planning permission for to erect decorative railings around the roof at 26 Polwarth Terrace, Edinburgh (Application No. 14/01172/FUL).

Assessment

At the meeting on 6 August 2014, the LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling, submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development.

The plan used to determine the application was numbered 01 (Scheme 1) being the drawing shown under the application reference number (14/01172/FUL) on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it and would therefore determine the review using the information circulated to it.

The LRB in their further deliberations on the matter considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:
 - Policy Des 11 (Alterations and Extensions)
 - Policy Env 6 (Conservation Areas Development)
 - Non-Statutory Guidelines on "Guidance for Householders".
 - Non-Statutory Guidelines on "Listed Buildings and Conservation Areas"
 - The Merchiston and Greenhill Conservation Area Character Appraisal
- 2) The procedure used to determine the application and the representations received.
- 3) The reasons for refusal and the arguments put forward by the applicant in the request for a review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer's report that the proposals would not preserve or enhance the special character or appearance of the conservation area and was of the opinion that no material considerations had been presented in the request

for a review which would lead it to overturn the determination by the Acting Head of Planning and Building Standards.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission to erect decorative railings around the roof at 26 Polwarth Terrace, Edinburgh (Application No 14/01172/FUL).

Reasons for Refusal

The proposal was contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions, Policy Env 6 in respect of Conservation Areas, Development, since the railings on the roof would be highly visible and would introduce an architectural feature which was not characteristic of the conservation area.

(References – Decision Notice, Report of Handling and Notice of Review, submitted.)

7. Request for Review – 3 Spence Street, Edinburgh

Details were provided of a review of the refusal of planning permission to remove section of existing stone boundary wall (in retrospect) and paving the garden to form a vehicular access at 3 Spence Street, Edinburgh (Application No. 14/00101/FUL).

Assessment

At the meeting on 6 August 2014, the LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling, submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development.

The plans used to determine the application was numbered 01-05 (Scheme 1) being the drawing shown under the application reference number (14/00101/FUL) on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it and would therefore determine the review using the information circulated to it.

The LRB in their further deliberations on the matter considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:
 - Policy Env 6 (Conservation Areas Development)
 - Non-Statutory Guidelines on "Guidance for Householders".
 - Non-Statutory Guidelines on "Listed Buildings and Conservation Areas"
 - The Blasket Conservation Area Character Appraisal

- 2) The procedure used to determine the application including the representations received and the consultation response from Transport.
- 3) The reasons for refusal and the arguments put forward by the applicant in the request for a review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer's report and was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Acting Head of Planning and Building Standards.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission to remove section of existing stone boundary wall (in retrospect) and paving the garden to form a vehicular access at 3 Spence Street, Edinburgh, (Application No 14/00101/FUL).

Reasons for Refusal

1. The proposal was contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas – Development, as the proposal would result in the loss of a boundary feature that made a positive contribution to the character and appearance of the conservation area.
2. The proposals were contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the proposal failed to preserve or enhance the character or appearance of the conservation area as identified in the Blasket Conservation Area Character Appraisal.

(References – Decision Notice, Report of Handling and Notice of Review, submitted.)

City of Edinburgh Local Review Body

10.00 am, Wednesday, 20 August 2014

Present

Councillors Howat (Chair), Blacklock, Mowat and Robson.

1. Chair

Councillor Howat was appointed as Chair.

2. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted.)

3. Request for Review – 8 Bellevue Crescent, Edinburgh

Details were provided of a request for a review of the refusal of planning permission on the proposed change of use from domestic garage to office accommodation at 8 Bellevue Crescent, Edinburgh (Application No. 14/01419/FUL).

Assessment

At the meeting on 20 August 2014, the LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents, further written submissions, a site inspection and the holding of one or more hearings. The LRB had also been provided with copies of the decision notice, the report of handling and further representations, submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development.

The plans used to determine the application were numbered 01-05 (Scheme 1) being the drawing shown under the application reference number (14/01419/FUL) on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it and would therefore determine the review using the information circulated to it.

The LRB in their further deliberations on the matter considered the following:

1. The development plan, including the relevant policies of the Edinburgh City Local Plan:
Policy Env 6 (Conservation Areas Development)
Policy Emp 1 (Office Development)
- 2) New Town Conservation Area Character Appraisal
- 3) The procedure used to determine the application, including the representations and consultation response received.
- 4) The reasons for refusal and the arguments put forward by the applicant in the request for a review along with the further representations received in respect of the review and both the agent and the applicant's responses to these.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer's report and was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Acting Head of Planning and Building Standards.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission on the proposed change of use from domestic garage to office accommodation at 8 Bellavue Crescent, Edinburgh (Application No 14/01419/FUL).

Reasons for Refusal

1. The proposal was contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas – Development, as the use was not appropriate within the lane as the lane was ancillary to residential use and office use would not preserve or enhance the character of the conservation area.
2. The proposal was contrary to Edinburgh City Local Emp 1 in respect of Office Development, as the location was not of mixed use area, or near public transport and office use was not in character with the local area.

(References – Decision Notice, Report of Handling, Notice of Review and Further Representations, submitted.)

4. Request for Review – 5 Devon Gardens, Edinburgh

Details were provided of a request for a review of the refusal of planning permission for the proposed change of use of land adjacent to 6 Devon Gardens, Edinburgh from open space to private garden ground (Application No. 14/01165/FUL).

Assessment

At the meeting on 20 August 2014, the LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice, the report of handling and further representations submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development.

The plan used to determine the application was numbered 01 (Scheme 1) being the drawing shown under the application reference number 14/01165FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it did not have sufficient information before it, and would therefore carry out a site inspection. The meeting was adjourned to allow this to be done and after visiting the site the meeting was reconvened and the item re-considered in light of the information circulated to it and the matters identified on the visit.

The LRB in their further deliberations on the matter considered the following:

1. The development plan, including the relevant policies of the Edinburgh City Local Plan:
 - Policy Os 1 (open Space Protection)
 - Policy Des 4 (Layout design)
 - Policy Tra 13 (Cycle and Footpath Network)
- 2) The Non-Statutory Guidelines Edinburgh Design Guidance'.
- 3) The procedure used to determine the application, including the representations received.
- 4) The reasons for refusal and the arguments put forward by the applicant in the request for a review, along with the further representations received and the applicant's response to these.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application.

The LRB took into consideration the applicant's arguments relating to the value of the area of open space and the fact that an alternative route for the connection to the cycle path was feasible should such a connection be required. The LRB, having visited the site fully understood the applicant's reasoning.

The LRB, having taken all the above matters into consideration, did not agree with the officer's assessment. The LRB was of the view that whilst the proposed change of use of land would result in the loss of a potential connection to an off-road network, there was a feasible alternative route available should that be required and that the loss of

open space, given its scale, location and amenity value was not significant. The LRB therefore concluded that the proposals were not contrary to policies Os 1, Des 4 and Tra 13 of the Edinburgh Local Plan.

The LRB was of the opinion that the material considerations that it had identified were of sufficient weight to allow it to overturn the original determination by the Acting Head of Planning and Building Standards and to grant planning permission.

Motion

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for the proposed change of use of land adjacent to 6 Devon Gardens, Edinburgh from open space to private garden ground. (Application No. 14/01165FUL) subject to standard informatives:

Informatives

1. The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
 2. No development should 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 should be given in writing to the Council.
- Moved by Councillor Howat, seconded by Councillor Blacklock.

Amendment

To uphold the decision by the Acting Head of Planning and Building Standards and to refuse planning permission for the proposed change of use of land adjacent to 6 Devon Gardens, Edinburgh from open space to private garden ground. (Application No. 14/01165FUL).

Reasons

The proposal would result in the loss of a potential connection to an off-road network and loss of open space contrary to policies Os 1, Des 4 and Tra 13 of the Edinburgh City Local Plan.

- Moved by Councillor Mowat, seconded by Councillor Robson.

Voting

For the motion – 2 votes.

For the amendment – 2 votes.

The votes being equal, the Convener used his casting vote for the

amendment.

Decision

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for the proposed change of use of land adjacent to 6 Devon Gardens, Edinburgh from open space to private garden ground. (Application No. 14/01165FUL) subject to standard informatives:

Informatives

1. The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
2. No development should 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 should be given in writing to the Council.

(References – Decision Notice, Report of Handling, Notice of Review and Further Representations, submitted.)

5. Request for Review – 2 Hillhouse Road, Edinburgh

Details were provided of a request for a review of the refusal for the proposed remodelling of existing house to form a three storey house at 2 Hillhouse Road, Edinburgh. (Application No. 14/01782/FUL).

Assessment

At the meeting on 20 August 2014, the LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents and the holding of one or more hearings. The LRB had also been provided with copies of the decision notice and the report of handling, submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development.

The plans used to determine the application were numbered 01, 03-05 (Scheme 1) being the drawings shown under the application reference number (14/01782/FUL) on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it and would therefore determine the review using the information circulated to it.

The LRB in their further deliberations on the matter considered the following:

1. The development plan, including the relevant policies of the Edinburgh City Local Plan:
Policy Des 11 (Alterations and Extensions)
- 2) Non-Statutory Guidelines on “Guidance for Householders”
- 3) The procedure used to determine the application, including the letter of representation received.
- 4) The reasons for refusal and the arguments put forward by the applicant in the request for a review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer’s report and was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Acting Head of Planning and Building Standards.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for the proposed remodelling of existing house to form a three storey house at 2 Hillhouse Road, Edinburgh, (Application No 14/01782/FUL).

Reasons for Refusal

The proposals, in terms of their scale, height and mass, were disproportionate and represented a significant overdevelopment that was not compatible with the character of the existing building and would be detrimental to neighbourhood amenity and character, contrary to Policy Des 11 – Alterations and Extensions of the Edinburgh City Local Plan.

(References – Decision Notice, Report of Handling and Notice of Review, submitted.)

6. Request for Review – 5 Lochinvar Drive, Edinburgh

Details were provided for a review of the refusal, for a the proposed change of use of existing vacant car parking yard to form used car sales lot, for a temporary period of three years (as amended) at 5 Lochinvar Drive (Land 24 Metres North Of) Edinburgh (Application No. 14/00616/FUL).

Assessment

At the meeting on 20 August 2014, the LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice, the report of handling and further representations, submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development.

The plan used to determine the application was numbered 01 (Scheme 1) being the drawing shown under the application reference number (14/00616FUL) on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it had sufficient information before it and would therefore determine the review using the information circulated to it.

The LRB in their further deliberations on the matter considered the following:

1. The development plan, including the relevant policies of the Edinburgh City Local Plan:
 - Policy Des 3 (Development Design)
 - Policy Hou 8 (Inappropriate Uses in Residential Areas)
 - Policy Emp 4 (Employment Sites and Premises)
 - Policy Tra 4 (Private Car parking)
 - Policy Wa 1 (Waterfront Areas of Change)
 - The Non-Statutory Guidance for Business
- 2) The procedure used to determine the application including the representations received.
- 3) The reasons for refusal and the arguments put forward by the applicant in the request for a review along with the further representations received as a consequence of the review.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer's report and was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Acting Head of Planning and Building Standards.

Decision

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission for the proposed change of use of existing vacant car parking yard to form used car sales lot, for a temporary period of three years (as amended) at 5 Lochinvar Drive (Land 24 Metres North Of), Edinburgh, (Application No 14/00616/FUL).

(References – Decision Notice, Report of Handling and Notice of Review and Further Representations, submitted.)

Reasons for Refusal

The proposal was contrary to Edinburgh City Local Plan Policy Wa 1 in respect of Waterfront Areas of Change, as the proposal would, if approved, introduce an intervening land use, at odds with the strategic planned nature of the Granton Waterfront “Area of Change” to the detriment of that wider strategic redevelopment.

7. Request for Review – 44 Murrayfield Road, Edinburgh

Details were provided of a request for a review of the refusal of planning permission for the proposed demolition of existing dwellinghouse and redevelopment of the site to form a four storey apartment building consisting of a total of 8 apartments with associated car parking, open space, amended access from Murrayfield Road and a new private driveway from Ravelston Dykes, Edinburgh. (Application No. 14/05324/FUL).

Assessment

At the meeting on 20 August 2014, the LRB had been provided with copies of the notice of review submitted by the applicant including a request that the review proceed on the basis of an assessment of the review documents and the holding of one or more hearings. The LRB had also been provided with copies of the decision notice, the report of handling and further representations submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. He also set out and commented on issues raised regarding the processing of the request for a review, raised by one of the representators.

The plans used to determine the application were numbered 01-09 (Scheme 1) being the drawings shown under the application reference number 14/01165FUL on the Council’s Planning and Building Standards Online Services.

The LRB, having considered these documents, agreed that it did not have sufficient information before it and that an unaccompanied site inspection was required in order that they might fully understand the issues being raised and the characteristics of the site and its surroundings to which reference was made by various parties. The LRB therefore adjourned the meeting and carried out their site inspection, reconvening immediately thereafter to continue consideration of the matter.

The LRB in their further deliberations on the matter considered the following:

1. The development plan, including the relevant policies of the Edinburgh City Local Plan:
 - Policy Des 1 (Design Quality and Context)
 - Policy Des 3 (Development Design)
 - Policy Hou 1 (Housing Development)
 - Policy Hou 3 (Private Open Space)

- Policy Hou 2 (Housing Mix)
 - Policy Hou 4 (Density)
 - Policy Tra 4 (Private Car Parking)
 - Policy Tra 5 (Private Cycle Parking)
 - Policy Env 3 (Listed Buildings)
 - Policy Env 12 (Trees)
 - Policy Env 16 (Species)
 - Policy Hou 6 (Loss of Housing)
 - Policy Env 18 (Air, Water and Soil Quality)
- 2) The Non-Statutory Guidelines on “Parking Standards”.
The Non-Statutory Guidelines on “Listed Buildings and Conservation Areas”
The Non-Statutory Guidelines “Edinburgh Design Guidance”
 - 3) The procedure used to determine the application including the representations received.
 - 4) The reasons for refusal and the arguments put forward by the applicant in the request for a review along with the further representations received and the applicant’s response to these.

Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application but did not agree with the officer’s assessment. The LRB was of the view that the proposed demolition of existing dwelling house and redevelopment of the site was acceptable and they dealt with the reasons for refusal as follows:

1. They considered that having visited the site, the proposal due to its height, scale and mass would not have any detrimental impact on the character and appearance of the surrounding area contrary to policies Des 1, Des 3 and Hou 4 of the Edinburgh City Local Plan and Non-statutory Guideline “Edinburgh Design Guidance”. They were of the view that, although different, the design was appropriate as was the way in which the proposals had been developed to have regard to the contours of the site and the relationship to neighbouring buildings.
2. The LRB considered that sufficient information had been submitted to allow a full assessment of the proposal in relation to its impact on trees, bats, neighbouring residential amenity and the surrounding area. Having looked at that material, they concluded that the proposals were not contrary to policies Des 3, Env 12 and Env 16 or the Non-statutory Guideline “Edinburgh Design Guidance.” The LRB was satisfied that those issues had been addressed by the applicant’s submissions.
3. They also considered that the proposal, notwithstanding its height, scale and mass, would not have an adverse impact on the setting of adjacent listed buildings, which were sufficiently separated from the proposals and would not

therefore be contrary to policy Env 3 of the Edinburgh City Local Plan and Non-statutory Guideline “Listed Buildings and Conservation Areas”.

4. In respect of the final reason for refusal, the LRB concluded that the loss of a house was not material, given the replacement with new housing and that the proposed use was not contrary to policy Hou 6 of the Edinburgh City Local Plan.

The LRB was of the opinion that the material considerations that it had identified were of sufficient weight to allow it to overturn the original determination by the Acting Head of Planning and Building Standards and to grant planning permission as detailed above.

Decision

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for the proposed demolition of existing dwellinghouse and redevelopment of the site to form a four storey apartment building consisting of a total of 8 apartments with associated car parking, open space, amended access from Murrayfield Road and a new private driveway from Ravelston Dykes, Edinburgh (Application No. 13/05324FUL) subject to standard conditions and informatives:

Conditions:

- 1 A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, should be submitted to and approved in writing by the Head of Planning & Building Standards before work is commenced on site.
- 2 The approved landscaping scheme should be fully implemented within six months of the completion of the development, and thereafter should be maintained by the applicants and/or their successors to the entire satisfaction of the planning authority; maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme.
- 3 A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Head of Planning & Building Standards before work is commenced on site; Note: samples of the materials may be required.

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.
- 3 In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.

Informatives

1. The development hereby permitted should 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.

(References – Decision Notice, Report of Handling, Notice of Review and Further Submissions, submitted.)