

Minutes

The City of Edinburgh Planning Local Review Body (Panel 2)

10.00am, Wednesday 11 December 2019

Present: Councillors Booth, Child, Munn, Osler and Rose.

1. Appointment of Convener

Councillor Child was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 2) of 13 November 2019 as a correct record.

3. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

4. Request for Review – 206 Broomhouse Road, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the erection of a dwellinghouse at 206 Broomhouse Road. Application no 19/01351/PPP.

This item was continued from the Planning Local Review Body meeting of 13 November 2019 to allow officers to conduct a review of the trees.

Assessment

At the meeting on 11 December 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis 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 Chief Planning Officer.

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

The plans used to determine the application were numbered 01-04, Scheme 1, being the drawings shown under the application reference number 19/01351/PPP on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to determine the review using the information circulated. The LRB in their further deliberations on the matter considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan

Edinburgh Local Development Plan Policy HOU 1 (Housing Development)

Edinburgh Local Development Plan Policy ENV 12 (Trees)

Edinburgh Local Development Plan Policy ENV 18 (Open Space Protection)
- 2) The procedure used to determine the application.
- 3) The reasons for refusal and the arguments put forward in the request for a review.

The LRB carefully considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- Confirmation that the applicant was proposing to replace the four trees that would be removed as well as the types of trees these would be.
- Whether there was permission to develop the land and advice from the Planning Adviser that this was not part of the application process.
- That according to Edinburgh Local Development Plan Policy ENV 12 development would not be permitted where trees were worthy of retention or unless there were good arboricultural reasons for the trees removal, neither of which applied in this instance.
- A contrary opinion was that the value of an additional house on the site would outweigh the value of the trees that would be replaced.
- That guidance was clear on this matter and so the determination should be upheld.

Conclusion

Having taken all the above matters into consideration, the LRB 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 Chief Planning Officer.

Motion

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal:

The proposal was contrary to policies Hou1, Env 12 and Env 18 of the adopted Edinburgh Local Development Plan (LDP). The proposal was not acceptable as it would have a detrimental impact on the trees adjacent to the site and would result in the loss of public open space.

- moved by Councillor Booth, seconded by Councillor Child

Amendment

To not uphold the decision by the Chief Planning Officer and to grant planning permission as the value of the additional house on this site outweighed the value of the trees that would be removed and replaced.

- moved by Councillor Rose, seconded by Councillor Osler

Voting

For the motion - 2 votes

(Councillors Booth and Child.)

For the amendment - 2 votes

(Councillors Osler and Rose.)

Decision

In the division, 2 members having voted for the motion and 2 members for the amendment the Convener gave her casting vote for the motion and the Local Review Body resolved as follows:

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal

The proposal was contrary to policies Hou1, Env 12 and Env 18 of the adopted Edinburgh Local Development Plan (LDP). The proposal was not acceptable as it would have a detrimental impact on the trees adjacent to the site and would result in the loss of public open space.

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

Note

Councillor Munn was not present when this item was initially considered, had not heard the full details of the case, and therefore took no part in its consideration.

5. Request for Review – 19 Ferry Gait Drive, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the porch extension to front of property and formation of French doors to rear at 19 Ferry Gait Drive, Edinburgh. Application no 19/03461/FUL.

Motion

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal

1. The proposal was contrary to Edinburgh Local Development Plan Policy Des 12 as it was not in keeping with the current spatial pattern of the area, and would have a detrimental impact on existing neighbourhood character.
 2. The proposal was contrary to non-statutory Guidance for Householders which stated that extensions that project beyond the principal elevation line were not generally allowed unless this fit in with the local character of the street. This was not characteristic of Ferry Gait Drive, where the building line remained unbreached, and completely uniform. The character of the area was in large part reliant on this uniformity, and as such the proposal was unacceptable.
- moved by Councillor Child, seconded by Councillor Booth

Amendment

To continue consideration of the request for review for the Planning Officer to provide further information on the dimensions of the porch.

- moved by Councillor Osler, seconded by Councillor Munn

Voting

For the motion - 2 votes

(Councillors Booth and Child.)

For the amendment - 3 votes

(Councillors Munn, Osler and Rose.)

Decision

To continue consideration of the request for review for the Planning Officer to provide further information on the dimensions of the porch.

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

6. Request for Review – 11 Regis Court, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the alterations to flat to form french doors / bi folding doors to living room and bedrooms with glazed protective barriers at 11 Regis Court, Edinburgh. Application no 19/04147/FUL.

Assessment

At the meeting on 11 December 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis 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 Chief Planning Officer.

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

The plans used to determine the application were numbered 01, Scheme 1, being the drawings shown under the application reference number 19/04147/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to determine the review using the information circulated. The LRB in their further deliberations on the matter considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan
Edinburgh Local Development Plan Policy DES 12 (Alterations and Extensions)
- 2) Relevant Non-Statutory Guidelines.
'Guidance for Householders'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

The LRB carefully considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- Whether more detail could be given on the mature trees along the front of the site.
- That the proposal would be disruptive to the symmetry of the building.

Conclusion

Having taken all the above matters into consideration, the LRB 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 Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal

The proposed window alterations in form, scale and positioning were incongruous to the existing design of the building, harmful to its character and appearance and the streetscene and contrary to Policy Des 12 of the Edinburgh Local Development Plan and non-statutory Guidance for Householders.

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

7. Request for Review – 12 – 14 South Fort Street, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the proposed development of three one bed and five studio apartments on existing gap site at 12 – 14 South Fort Street, Edinburgh. Application no 19/02479/PPP.

Assessment

At the meeting on 11 December 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis 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 Chief Planning Officer.

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

The plans used to determine the application were numbered 01, 02, 03, 04, 05, 06, Scheme 1, being the drawings shown under the application reference number 19/02479/PPP on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to determine the review using the information circulated. The LRB in their further deliberations on the matter considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan

Edinburgh Local Development Plan Policy DES 1 (Design Quality and Context)

Edinburgh Local Development Plan Policy DES 4 (Development Design – Impact on Setting)

Edinburgh Local Development Plan Policy DES 5 (Development Design – Amenity)

Edinburgh Local Development Plan Policy DES 10 (Waterside Development)

Edinburgh Local Development Plan Policy ENV 3 (Listed Buildings – Setting)

Edinburgh Local Development Plan Policy ENV 6 (Conservation Areas - Development)

Edinburgh Local Development Plan Policy ENV 8 (Protection of Important Remains)

Edinburgh Local Development Plan Policy ENV 9 (Development of Sites of Archaeological Significance)

Edinburgh Local Development Plan Policy HOU 1 (Housing Development)

Edinburgh Local Development Plan Policy HOU 2 (Housing Mix)

Edinburgh Local Development Plan Policy HOU 3 (Private Green Space in Housing Development)

Edinburgh Local Development Plan Policy HOU 4 (Housing Density)

Edinburgh Local Development Plan Policy TRA 2 (Private Car Parking)

Edinburgh Local Development Plan Policy TRA 3 (Private Cycle Parking)

2) Relevant Non-Statutory Guidelines.

‘The Leith Conservation Area Character Appraisal’

‘Listed Buildings and Conservation Areas’

3) The procedure used to determine the application.

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

The LRB carefully considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- Clarification on the roof form was sought and confirmation that it was a flat roof with a pitched roof element.
- Whether there had been any communication with the applicant on the number of issues listed in the report of handling that were contrary to planning guidance and confirmation that there had been but that no details could be provided.

- That development would be welcomed on the site if it adhered to the policies set out in the Edinburgh Local Development Plan.
- That a contrasting design could be complimentary.
- That there were concerns regarding the flat roof.
- That densification on this site could be acceptable in principle, but the design of proposal was unacceptable.
- That on balance there were too many issues with the application for it to be supported.

Conclusion

Having taken all the above matters into consideration, the LRB 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 Chief Planning Officer.

Decision

To uphold the decision by the Chief Planning Officer to refuse planning permission.

Reasons for Refusal

1. The proposal adversely affected the setting of nearby listed buildings and as such would be detrimental to the architectural character, appearance and historic interest of the building. It therefore did not comply with Policy Env 3.
2. The proposal did not preserve or enhance the special character and appearance of the Leith Conservation Area and so did not comply with Policy Env 6.
3. In respect of housing density the proposed density was considered excessive for the site area. The proposal therefore did not comply with Policy Hou 4.
4. Insufficient information had been submitted to assess the impact that the proposal would have on neighbours.
5. The proposal did not provide any green space within the site and was not within reasonable proximity to public green space. It therefore did not comply with Policy Hou 3.

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

Declaration of Interests

Councillor Munn declared a non-financial interest in the above item as he had discussed the application with parties involved, left the room and took no part in the consideration of the item.