

Notice of meeting and agenda

Planning Local Review Body (Panel 2)

10.00 am Wednesday, 11th December, 2019

Dean of Guild Court Room - City Chambers

This is a public meeting and members of the public are welcome to attend

Contacts

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1. Appointment of Convener

- 1.1 The Local Review Body is invited to appoint a Convener from its membership.

2. Order of Business

- 2.1 Including any notices of motion and any other items of business submitted as urgent for consideration at the meeting.

3. Declaration of Interests

- 3.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

4. Minutes

- 4.1 Minute of the Local Review Body (Panel 2) – 13 November 2019 – submitted for approval as a correct record 7 - 12

5. Local Review Body - Procedure

- 5.1 Note of the outline procedure for consideration of all Requests for Review 13 - 16

6. Continued Requests for Review

- 6.1 206 Broomhouse Road, Edinburgh – Erection of dwellinghouse – application no 19/01351/PPP 17 - 82
- (a) Decision Notice and Report of Handling
 - (b) Notice of Review and Supporting Documents

(c) Further Information

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

7. Requests for Review

- 7.1** 19 Ferry Gait Drive, Edinburgh – Porch extension to front of property, formation of French doors to rear – application no 19/03461/FUL 83 - 102
- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents
- Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents and a site inspection.
- 7.2** 11 Regis Court, Edinburgh – Alterations to flat to form french doors / bi folding doors to living room and bedrooms with glazed protective barriers – application no 19/04147/FUL 103 - 142
- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents
- (c) Supplementary Comment and Agent Response
- Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents and a site inspection.
- 7.3** 12 – 14 South Fort Street, Edinburgh – Proposed development of three one bed and five studio apartments on existing gap site – application no 19/02479/FUL 143 - 180
- (a) Decision Notice and Report of Handling
- (b) Notice of Review and Supporting Documents
- Note: The applicant has requested that the review proceed on the basis of an assessment of the review documents only.

8. Extracts of Relevant Policies from the Edinburgh Local Development Plan

8.1 Extracts of Relevant Policies from the Edinburgh Local Development Plan for the above review cases

[Local Development Plan Online](#)

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 DES 12 (Alterations and Extensions)

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 or Archaeological Significance)

Edinburgh Local Development Plan Policy ENV 12 (Trees)

Edinburgh Local Development Plan Policy ENV 18 (Open Space Protection)

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)

9. Non-Statutory Guidance

9.1 [Guidance for Householders](#)

9.2 [Leith Conservation Area Character Appraisal](#)

9.3 [Listed Buildings and Conservation Areas Guidance](#)

Note: The above policy background papers are available to view on the Council's website www.edinburgh.gov.uk under Planning and Building Standards/local and strategic development plans/planning guidelines/conservation areas, or follow the links as above.

Laurence Rockey

Head of Strategy and Communications

Membership Panel

Councillor Chas Booth, Councillor Maureen Child, Councillor Rob Munn, Councillor Hal Osler and Councillor Cameron Rose

Information about the Planning Local Review Body (Panel 2)

The City of Edinburgh Planning Local Review Body (LRB) has been established by the Council in terms of the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2008. The LRB's remit is to determine any request for a review of a decision on a planning application submitted in terms of the Regulations.

The LRB comprises a panel of five Councillors drawn from the eleven members of the Planning Committee. The LRB usually meets every two weeks, with the members rotating in two panels of five Councillors.

It usually meets in the Dean of Guild Court Room in the City Chambers, High Street, Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

Members of the LRB may appoint a substitute from the pool of trained members of the Planning Committee. No other member of the Council may substitute for a substantive member. Members appointing a substitute are asked to notify Committee Services (as detailed below) as soon as possible

If you have any questions about the agenda or meeting arrangements, please contact Sarah Stirling, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 3009, email sarah.stirling@edinburgh.gov.uk.

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to www.edinburgh.gov.uk/cpol.

Unless otherwise indicated on the agenda, no elected members of the Council, applicant, agent or other member of the public may address the meeting.

Minutes

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

10.00am, Wednesday 13 November 2019

Present: Councillors Booth, Child, 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 2 October 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, Edinburgh. Application no 19/01351/PPP.

Decision

To continue consideration of the request for review to allow officers to conduct a review of the condition of the trees.

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

Dissent

Councillor Rose requested that his dissent be recorded in respect of the above item.

5. Request for Review – 111 Corstorphine Road, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the formation of new drive in landscaped parking area, creating a 3m opening in existing wall with gate and formation of dropped kerb at 111 Corstorphine Road, Edinburgh. Application no 19/03589/FUL.

Assessment

At the meeting on 13 November 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 01-07, Scheme 1, being the drawings shown under the application reference number 19/03589/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 the proposal had resolved the issues from the previous request for review submitted by the applicant that was refused by the panel on 16 January 2019.
- Whether the automatic closure of the gate could be conditioned and confirmation that it could not.
- That the proposal would be an incongruous addition.
- That the front driveway design would be inappropriate.
- That there was sympathy for the applicant as steps had been taken to address concerns but that the proposal did not go far enough to address the relevant guidance.

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 creation of a driveway was unacceptable.

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

6. Request for Review – 7B Redford Gardens, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the erection of a double storey extension to side of dwelling house at 7B Redford Gardens, Edinburgh. Application no 19/03104/FUL.

Assessment

At the meeting on 13 November 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 01-03, Scheme 1, being the drawings shown under the application reference number 19/03104/FUL on the Council's Planning and Building Standards Online Services.

The Planning Adviser also brought to the LRB's attention new information regarding other developments which sit forward of the building line in the surrounding area. The LRB decided to accept the new information and considered this as part of their deliberations.

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 the garage would extend a further 1.2 metres beyond the existing protrusion and confirmation that it would.
- That there was concern with regards to this as the property already breached the building line.

- A contrary opinion was that the 1.2 metre extension was not significant enough to be a concern and that the proposal would make good use of the corner plot.
- That the scale, form and design of the extension was unacceptable.

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 was contrary to Edinburgh Local Development Plan Policy Des 12 because its scale, form and design were unacceptable and would not accord with the character and appearance of the host property or the surrounding area.
2. The proposal was contrary to non-statutory Guidance for Householders which stated side extensions should be set behind the front line of the host property, unless this fit in with the character of the street. The proposal would breach the current building line. This was not characteristic of the current streetscape and represents overdevelopment of the site.

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

Dissent

Councillor Rose requested that his dissent be recorded in respect of the above item.

7. Request for Review – 58 Ross Gardens, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the erection of a new single storey extension to side and rear of existing house including front porch at 58 Ross Gardens, Edinburgh. Application no 19/01859/FUL.

Assessment

At the meeting on 13 November 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, 02, 03, 04, 10, Scheme 1, being the drawings shown under the application reference number 19/01859/FUL on the Council's Planning and Building Standards Online Services.

The Planning Adviser also brought to the LRB's attention new information regarding other extensions in the surrounding area. The LRB decided to accept the new information and considered this as part of their deliberations.

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:

- That there were concerns regarding overshadowing and loss of daylight for a neighbour's property.
- That the rear extension would not necessarily be permitted development, and that this proposal was for a wrap around development
- That the proposal would contravene guidance with regards to the building line and the extension not being subservient to the overall property.

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 scale, form and design was unacceptable and would be detrimental to the character and appearance of the host property and surrounding area. It would have an unacceptable impact on neighbouring amenity and so did not comply with the relevant policies and non-statutory guidelines.

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

Declaration of Interests

Councillor Rose declared a non-financial interest in the above item as he had given advice to parties involved, left the room and took no part in the discussion.

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City of Edinburgh Planning Local Review Body (the LRB)

General

1. Each meeting of the LRB shall appoint a Convener. A quorum of a meeting of the LRB will be three members.
2. The Clerk will introduce and deal with statutory items (Order of Business and Declarations of Interest) and will introduce each request for review.
3. The LRB will normally invite the planning adviser to highlight the issues raised in the review.
4. The LRB will only accept new information where there are exceptional circumstances as to why it was not available at the time of the planning application. The LRB will formally decide whether this new information should be taken into account in the review.

The LRB may at any time ask questions of the planning adviser, the Clerk, or the legal adviser, if present.

5. Having considered the applicant's preference for the procedure to be used, and other information before it, the LRB shall decide how to proceed with the review.
6. If the LRB decides that it has sufficient information before it, it may proceed to consider the review using only the information circulated to it. The LRB may decide it has insufficient information at any stage prior to the formal decision being taken.
7. If the LRB decides that it does not have sufficient information before it, it will decide which one of, or combination of, the following procedures will be used:
 - further written submissions;
 - the holding of one or more hearing sessions; and/or
 - an accompanied or unaccompanied inspection of the land to which the review relates.
8. Whichever option the LRB selects, it shall comply with legislation set out in the Town and Country Planning (Schemes of Delegation and Local Review Procedure) (Scotland) Regulations 2013 (the Regulations).

The LRB may hold a pre-examination meeting to decide upon the manner in which the review, or any part of it, is to be conducted.

If the LRB decides to seek further information, it will specify what further information is required in a written notice to be issued to the applicant, Chief Planning Officer and any interested parties. The content of any further submissions must be restricted to the matters specified in the written notice.

In determining the outcome of the review, the LRB will have regard to the requirements of paragraphs 11 and 12 below.

9. The LRB may adjourn any meeting to such time and date as it may then or later decide.

Considering the Request for Review

10. Unless material considerations indicate otherwise, the LRB's determination must be made in accordance with the development plan that is legally in force. Any un-adopted development plan does not have the same weight but will be a material consideration. The LRB is making a new decision on the application and must take the 'de novo' approach.
11. The LRB will:
 - Identify the relevant policies of the Development Plan and interpret any provisions relating to the proposal, for and against, and decide whether the proposal accords with the Development Plan;
 - identify all other material planning considerations relevant to the proposal and assess the weight to be given to these, for and against, and whether there are considerations of such weight as to indicate that the Development Plan should not be given priority;
 - take into account only those issues which are relevant planning considerations;
 - ensure that the relevant provisions of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 are assessed when the review relates to a listed building and/or conservation area; and
 - in coming to a determination, only review the information presented in the Notice of Review or that from further procedure.
12. The LRB will then determine the review. It may:
 - uphold the officer's determination;
 - uphold the officer's determination subject to amendments or additions to the reasons for refusal;
 - grant planning permission, in full or in part;
 - impose conditions, or vary conditions imposed in the original determination;
 - determine the review in cases of non-determination.

Procedure after determination

13. The Clerk will record the LRB's decision.
14. In every case, the LRB must give notice of the decision ("a decision notice") to the applicant. Every person who has made, and has not withdrawn, representations in respect of the review, will be notified of the location where a copy of the decision notice is available for inspection. Depending on the decision, the planning adviser may provide assistance with the framing of conditions of consent or with amended reasons for refusal.
15. The Decision Notice will comply with the requirements of regulation 22.
16. The decision of the LRB is final, subject to the right of the applicant to question the validity of the decision by making an application to the Court of Session. Such application must be made within 6 weeks of the date of the decision. The applicant will be advised of these and other rights by means of a Notice as specified in Schedule 2 to the regulations.

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Geddes Consulting
 FAO: Stuart Salter
 Quadrant
 17 Bernard Street
 Edinburgh
 UK
 EH6 6PW

Mr Taimur Malik
 206 Broomhouse Road
 Edinburgh
 UK
 EH12 9AD

Decision date: 23 July 2019

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

Erection of dwellinghouse.
 At 206 Broomhouse Road Edinburgh EH12 9AD

Application No: 19/01351/PPP

DECISION NOTICE

With reference to your application for Planning Permission in Principle registered on 15 March 2019, this has been decided by **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:-

Reason for Refusal:-

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

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 would result in the loss of trees which are worthy of retention and which contribute a significant amount to the landscape amenity of the area. The proposed construction of a dwelling house on this site would reduce the amount of open space enjoyed by the community. The proposal does not provide any local benefit and the open space amenity loss to the community is not outweighed by the provision of a single dwelling.

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 Lesley Porteous directly on 0131 529 3203.

D R Leech

Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision of the planning authority 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 appeal to the Scottish Ministers under section 47 of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The appeal can be made online at www.eplanning.scot or forms can be downloaded from that website and sent to the Planning and Environmental Appeals Division, 4 The Courtyard, Callendar Business Park, FALKIRK FK1 1XR.
2. If permission to develop land is refused or granted subject to conditions, whether by the planning authority or by the Scottish Ministers, 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 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 in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

Application for Planning Permission in Principle 19/01351/PPP

At 206 Broomhouse Road, Edinburgh, EH12 9AD
Erection of dwellinghouse.

Item	Delegated Decision
Application number	19/01351/PPP
Wards	B03 - Drum Brae/Gyle

Summary

The proposal would result in the loss of trees which are worthy of retention and which contribute a significant amount to the landscape amenity of the area. The proposed construction of a dwelling house on this site would reduce the amount of open space enjoyed by the community. The proposal does not provide any local benefit and the open space amenity loss to the community is not outweighed by the provision of a single dwelling.

Links

Policies and guidance for this application	LDPP, LHOU01, LEN12, LEN18,
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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 application site is to the west of Broomhouse Road and is located at the east end of two semi detached houses. There is an access road and cul-de-sac to the north of the site. A wide footpath/cycleway skirts the southern edge of the site. The application site comprises part garden ground of number 206 and the remainder is Council-owned open space which is planted with trees.

2.2 Site History

17 July 2012 - Permission refused for change of use of dwelling house to pre-school children's day nursery (application number 12/01152/FUL).

Main report

3.1 Description Of The Proposal

Planning permission in principle is sought for the erection of a single dwellinghouse on the site.

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) Transport matters are addressed;
- c) The proposal raises any issues in respect of equalities and human rights; and
- d) Any issues raised in objections have been addressed.

a) Principle of the development

Policy Hou 1 of the adopted Local Development Plan (LDP) allows for the delivery of housing sites within the urban area, provided proposals are compatible with other policies in the plan. The application site is partly within an area of open space and partly within an area of private garden ground. The proposal does not comply with the following policies in the Plan.

Policy Env 12 of the LDP sets out the circumstances where planning permission is granted where there are existing trees. The trees which would be affected by this proposal are not covered by a tree preservation order. However, they are exceptional in the landscape and the loss of any trees, or the extent of crown works required to accommodate the development, will injure the landscape character of the area. The applicant is proposing to plant four smaller sized native trees along the southern boundary of the site. The newly planted trees however would take a while to mature and would not offer as effective screening and landscape amenity.

The proposal does not comply with Policy Env 12.

Policy Env 18 of the adopted Local Development Plan sets out the criteria where development will be permitted on open space. Support of the proposals cannot be justified in terms of criteria d) and e) of this policy. There is no local benefit in allowing the development nor is the development for a community purpose where the loss of the open space is outweighed by the benefits to the local community.

The proposal does not comply with Policy Env 18.

b) Transport matters

An objection has been raised concerning the provision of parking outside the new house. Transport has no objection to the application. Sufficient parking is available immediately adjacent to the new dwelling.

c) Equalities and Human Rights

The proposal has been assessed and does not raise any issues in respect of equalities and human rights.

d) Public comments

One letter of representation was received objecting to the proposal. The objection covered the following:-

material

- Insufficient parking. Addressed in 3.3 (b).
- Loss of mature trees. Addressed in 3.3 (a).
- Loss of mature trees acting as a barrier for traffic noise. Addressed in 3.3 (a).

non-material

- Future maintenance responsibility of the private access road.

Conclusion

The proposal would result in the loss of trees which are worthy of retention and which contribute a significant amount to the landscape amenity of the area. The proposed construction of a dwelling house on this site would reduce the amount of open space enjoyed by the community. The proposal does not provide any local benefit and the open space amenity loss to the community is not outweighed by the provision of a single dwelling.

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

3.4 Conditions/reasons/informatives

Reason for Refusal:-

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

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

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

One letter of representation has been received.

Background reading / external references

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

Statutory Development

Plan Provision

Part of site is located within an area identified as open space in the adopted Local Development Plan. Part of the site is within private garden ground.

Date registered

15 March 2019

Drawing numbers/Scheme

01-04

Scheme 1

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

Contact: Lesley Porteous, Planning officer
E-mail:lesley.porteous@edinburgh.gov.uk Tel:0131 529 3203

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

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

Appendix 1

Consultations

Transport Response

No objections to the application.

Note:

- o The applicant should note that the proposed development is accessed from a private access and not a 'road'. The applicant should satisfy themselves that they have sufficient rights and authority to use this access.
- o Zero off-street parking is proposed with parking available immediately adjacent.

Archaeology Response

Further to your consultation request I would like to make the following comments and recommendations in respect to this application for the erection of dwelling house.

The site formed part of the grounds of the former Broom House first recorded in 1599 (Harris, Place Names of Edinburgh). The 19th century OS maps of the site (see Fig. 1) show the site as forming part of the house's gardens between it and its farm-steading to the north. The site is therefore regarded as occurring within an area of archaeological potential, in terms of our understanding of the development of this former post-medieval house.

Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT) and Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) (2016) and Archaeology Strategy and also CEC's Edinburgh Local Development Plan (2016) Policy ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The proposed scheme will also require significant ground-breaking works relating to construction. Such works may disturb significant archaeological remains relating to the development of the post-medieval Broom House. Therefore, it is recommended that a programme of archaeological excavation is undertaken prior to development in order to fully excavate, record and analysis any significant remains that may be affected by construction.

It is recommended that the following condition is attached to ensure that undertaking of the above archaeological work;

'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting and analysis

and publication) 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.

END

Comments for Planning Application 19/01351/PPP

Application Summary

Application Number: 19/01351/PPP

Address: 206 Broomhouse Road Edinburgh EH12 9AD

Proposal: Erection of dwellinghouse.

Case Officer: Lesley Porteous

Customer Details

Name: Ms Sarah Small

Address: 204 Broomhouse Road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. There are not 7 car parking spaces, the deeds show this area as a turning circle for residents/utility/emergency vehicles. The applicant will lose their driveway and will be forced to park outside the new house. Where will construction vehicles, skips, building materials etc be stored/parked? In the turning circle?

2. The mature well established trees offer wildlife habitat and would further reduce the green area surrounding the properties.

3. The mature trees also offer privacy from the main road and also act noise deafening of both pass traffic and the traffic lights/crossing. Newly planted trees will take a number of years to establish and it will be a number of years before they will be of benefit to the environment.

4. Currently the upkeep of the private road is split between the residents 60% (30% each) and the council 40%. During construction would this fall solely to the applicant? Or would we be expected to pay a proportion for any damage? After construction would the 60%liability be split equally between the 3 households? If so deeds would need to be changed and lodged with the assistance of solicitors - would the applicant be willing to share the associated costs or would we need to pay?

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Tel: 0131 529 3550 Fax: 0131 529 6206 Email: planning.systems@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100156835-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Geddes Consulting		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Andrew	Building Name:	Quadrant
Last Name: *	Marshall	Building Number:	17
Telephone Number: *		Address 1 (Street): *	Bernard Street
Extension Number:		Address 2:	Leith
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	UK
		Postcode: *	EH6 6PW
Email Address: *			

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Taimur"/>	Building Number:	<input type="text" value="206"/>
Last Name: *	<input type="text" value="Malik"/>	Address 1 (Street): *	<input type="text" value="Broomhouse Road"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="UK"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="Eh12 9AD"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="206 BROOMHOUSE ROAD"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH12 9AD"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="671859"/>	Easting	<input type="text" value="319603"/>
----------	-------------------------------------	---------	-------------------------------------

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Erection of dwellinghouse

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Refer to Statement of Appeal

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Refer to Appeal Document List

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/01351/PPP

What date was the application submitted to the planning authority? *

15/03/2019

What date was the decision issued by the planning authority? *

23/07/2019

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Stuart Salter

Declaration Date: 14/10/2019

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Tel: 0131 529 3550 Fax: 0131 529 6206 Email: planning.systems@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100156835-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Erection of dwellinghouse

Is this a temporary permission? * Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) * Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Geddes Consulting		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Stuart	Building Name:	Quadrant
Last Name: *	Salter	Building Number:	17
Telephone Number: *	0131 553 3639	Address 1 (Street): *	Bernard Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	UK
		Postcode: *	EH6 6PW
Email Address: *	stuart@geddesconsulting.com		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	Mr	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	Taimur	Building Number:	206
Last Name: *	Malik	Address 1 (Street): *	Broomhouse Road
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	UK
Mobile Number:		Postcode: *	EH12 9AD
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

206 BROOMHOUSE ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH12 9AD

Please identify/describe the location of the site or sites

Northing

671859

Easting

319603

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

201.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Curtilage of 206 Broomhouse Road and adjacent informal open space

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing. Altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *

- Yes – connecting to public drainage network
 No – proposing to make private drainage arrangements
 Not Applicable – only arrangements for water supply required

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

- Yes
 No, using a private water supply
 No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? * Yes No

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? * Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? * Yes No

Is any of the land part of an agricultural holding? * Yes No

Are you able to identify and give appropriate notice to ALL the other owners? * Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate B

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

I hereby certify that

(1) - No person other than myself/the applicant was an owner [Note 4] of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application;

or –

(1) - I have/The Applicant has served notice on every person other than myself/the applicant who, at the beginning of the period of 21 days ending with the date of the accompanying application was owner [Note 4] of any part of the land to which the application relates.

Name:

Ms Frances Maddicott

Address:

City of Edinburgh Council Business Centre 1/4, 4, East Market Street, Edinburgh, UK, EH8 8BG

Date of Service of Notice: *

14/03/2019

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding;

or –

(2) - The land or part of the land to which the application relates constitutes or forms part of an agricultural holding and I have/the applicant has served notice on every person other than myself/himself who, at the beginning of the period of 21 days ending with the date of the accompanying application was an agricultural tenant. These persons are:

Name:

Address:

Date of Service of Notice: *

Signed: Stuart Salter

On behalf of: Mr Taimur Malik

Date: 14/03/2019

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principle where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

Yes N/A

A Design Statement or Design and Access Statement. *

Yes N/A

A Flood Risk Assessment. *

Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). *

Yes N/A

Drainage/SUDS layout. *

Yes N/A

A Transport Assessment or Travel Plan

Yes N/A

Contaminated Land Assessment. *

Yes N/A

Habitat Survey. *

Yes N/A

A Processing Agreement. *

Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Stuart Salter

Declaration Date: 14/03/2019

Payment Details

Online payment: 7470749877

Payment date: 14/03/2019 16:13:00

Created: 14/03/2019 16:13

Proposal Details

Proposal Name	100156835
Proposal Description	206 Broomhouse Road
Address	206 BROOMHOUSE ROAD, EDINBURGH, EH12 9AD
Local Authority	City of Edinburgh Council
Application Online Reference	100156835-003

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Statement of Appeal _ 206 Broomhouse Road Edinburgh	Attached	A4
Appeal Document List 206 Broomhouse Road Edinburgh	Attached	A4
0_01 Application Form	Attached	A4
0_02 Location Plan	Attached	A3
0_03 17012_Broomhouse_MPDF_P101	Attached	A3
Indicative Site Layout 0_04 17012_Broomhouse_STEX_P102 Site Boundary	Attached	A3
0_05 17012_Broomhouse_STEX- P103 Tree Locations	Attached	A3
0_06 Report on Tree Condition	Attached	A4
0_07 Planning Statement	Attached	A4
1_01 Consultation Response from Archaeology	Attached	A4
2_01 Decision Notice	Attached	A4
2_02 Report of Handling	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-003.xml	Attached	A0

206 Broomhouse Road, Edinburgh

Statement of Appeal

1.1 This *Statement of Appeal* (the Statement) has been prepared on behalf of Mr Taimur Malik (the Appellant) in support of an appeal against the City of Edinburgh Council's decision to refuse planning permission in principle for the erection of a dwellinghouse on land at 206 Broomhouse Road, Edinburgh (Planning Ref: 19/01351/PPP).

1.2 The reason set out in the Decision Notice for the refusal of planning permission is as follows:

The proposal would result in the loss of trees which are worthy of retention and which contribute a significant amount to the landscape amenity of the area. The proposed construction of a dwelling house on this site would reduce the amount of open space enjoyed by the community. The proposal does not provide any local benefit and the open space amenity loss to the community is not outweighed by the provision of a single dwelling.

1.3 The reasoning for the refusal relates to two matters:

- The loss of open space to the community; and
- The loss of trees which are worthy of retention.

1.4 This Statement seeks to address these matters only. The Council has not raised any other concerns with the proposal. A full assessment of the proposal's compliance with the relevant development plan policy is set out in the *Planning Statement* submitted with the Application.

Council Ownership and Conditional Offer

1.5 The site is situated within the wider grounds of Forrester and St Augustine's High Schools (Dwg No. 17012-Broomhouse-STEX-P101: *Site Location*). The site is situated to the immediate east of the existing dwellinghouse at 206 Broomhouse Road, with Broomhouse Road itself situated beyond. The site is accessed via the existing vehicular access from Broomhouse Road to the south.

1.6 The site is currently under the ownership of the Council. The Appellant has submitted a conditional offer to purchase the land subject to securing planning permission. The Council's Heads of Terms notes that *...Having carried out a consultation with the school in question, **Planning**, Elected Members, Local Office, and Roads we can confirm that no objections have been received [our emphasis].*

1.7 The sale of the site will result in a capital receipt for the Council for land that has been confirmed by the Schools to be surplus to requirements.

Loss of Open Space

1.8 The reason for refusal states that the proposal would *...reduce the amount of open space enjoyed by the community*. There is no explanation of how this area of land specifically contributes to or is *...enjoyed by the community*.

1.9 The Open Space designation has a total area of 11.36 hectares and mainly comprises of the campus of the two secondary schools, with some areas of surrounding land included as well. The site is only 201sq.m (0.02 hectares), which represents 0.18% of the total area of designated Open Space. The scale of the site in relation to the Open Space designation is shown in Appendix 1.

- 1.10 The site has no amenity or leisure value to either School, which have a clearly defined perimeter fence with private open space within. Pupils do not access the Schools through the site.
- 1.11 The site is a small area of rough grass situated between the gable of the existing house at 206 Broomhouse and Broomhouse Road itself. There is no evidence to suggest that this area of grass is of any notable use to the local community. While there are general amenity benefits from open space when considered as a whole, the impact of the loss of open space in this instance would be trivial given the site's size and location. A visual open space buffer would be retained between the existing housing and Broomhouse Road.
- 1.12 The reason for refusal also states that ...*The proposal does not provide any local benefit and the open space amenity loss to the community is not outweighed by the provision of a single dwelling.* As outlined above, the site is currently of limited (if any) local benefit. The proposal would deliver substantial benefit to the community in the form of a new dwellinghouse in a highly sustainable location.
- 1.13 A detailed appraisal of the proposal's compliance with LDP Policy Env 18: *Open Space Protection* is set out in paragraphs 2.13 to 2.47 of the *Planning Statement*.

Loss of Trees

- 1.14 The reason for refusal states that ...*The proposal would result in the loss of trees which are worthy of retention and which contribute a significant amount to the landscape amenity of the area.* There is no explanation of how these trees have a *significant* contribution to landscape amenity.
- 1.15 The proposal will result in the need to remove a limited number of existing trees within and immediately adjacent to the site as shown in Dwg No. 17012-Broomhouse-STEX-P103: *Tree Locations*. The *Report on Tree Condition* also highlights that a further tree (Ref: 724) may require to be removed. These four trees are summarised as follows:

Tree Ref	Species	Category	Statutory Protection	Comments
723	Cherry-flowering	C	No	Physical damage to buttress. Bark exudation. Minor dead wood
725	Lime-common	B	No	Epicormic growth. Quite upright. Few defects. Close proximity to existing property.
728	Horse chestnut	B	No	Minor decay in buttress. Minor cavity/decay in stem. Physical damage to bark. Close proximity to existing property.
724	Sycamore	B	No	Minor decay in buttress. Minor cavity/decay in main scaffold limb. Crown slightly suppressed

- 1.16 None of the trees requiring removal are subject to a Tree Preservation Order (TPO) or situated within a conservation area. Removal of the trees would not require planning permission or a felling licence as the trees are situated within public open space. Removal of the trees (subject to agreement) is covered in the Council's Heads of Terms for the sale of the land as follows:

Upon any development being carried out in the area forming part of the property, you will, with agreement, remove any trees which remain on the school's land as required for the development to take place, at your sole expense...

- 1.17 None of the trees requiring removal are category A, and all are subject to some level of decay and defect. A number of these trees are within close proximity of the existing dwellings and are a potential danger if they fell. Other trees between the site and Broomhouse Road would be retained. There would be no impact on the large group of trees beyond the footpath to the south of the site.

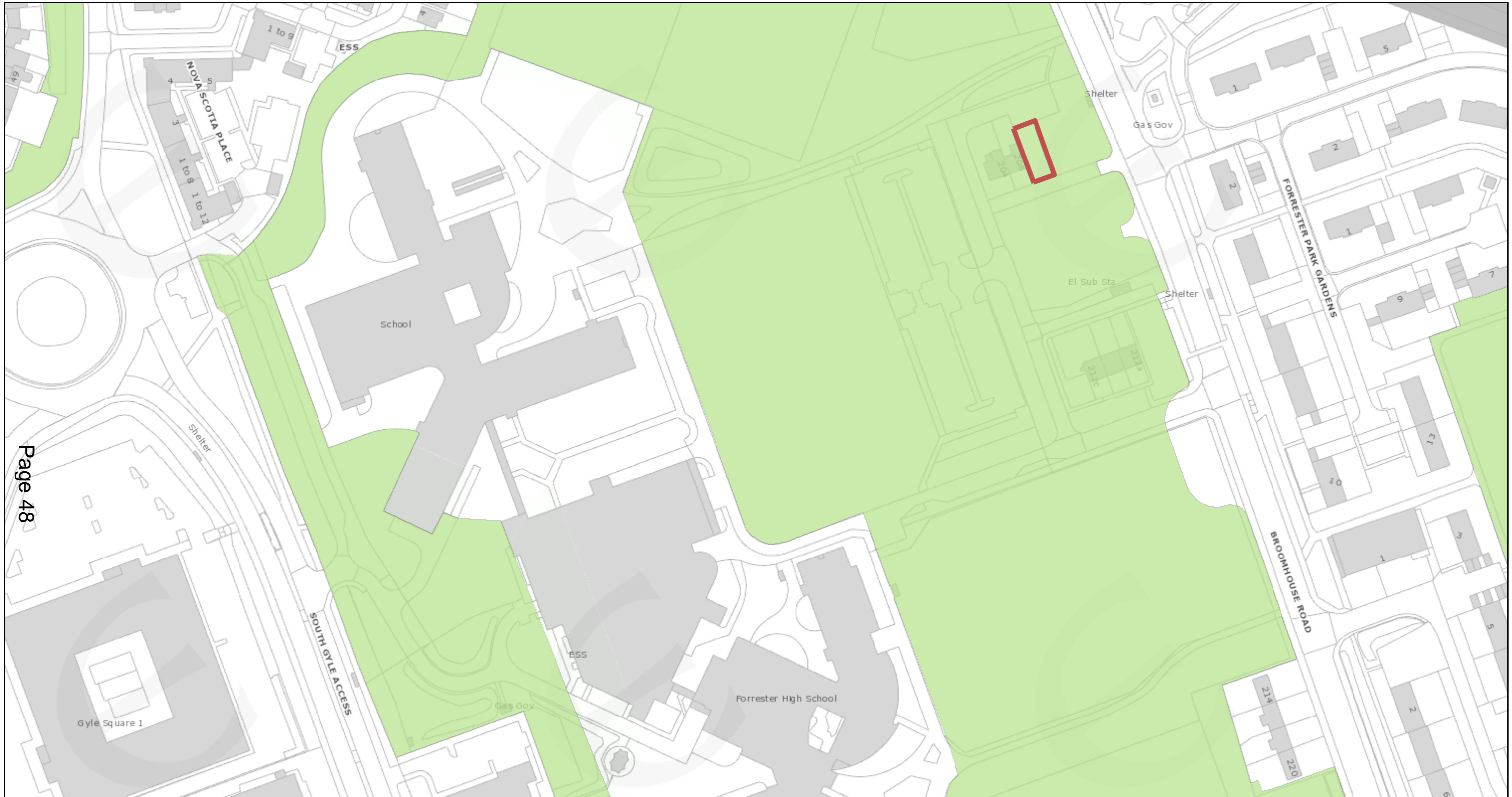
- 1.18 The proposal will include compensatory tree planting with more appropriate native species which can be conditioned as part of the grant of planning permission in principle. A more detailed assessment of the proposal's compliance with LDP Policy 12: *Trees* is set out in paragraphs 2.50 to 2.55 of the *Planning Statement*.

Conclusions

- 1.19 The Appellant considers that a disproportionate amount of weight has been attached to the loss of a small area of designated Open Space and a limited number of un-protected trees in the refusal of this Application. The Decision Notice and Report of Handling do not sufficiently justify the reasons for refusal.
- 1.20 The Appellant considers that sufficient information has been provided, including a *Planning Statement* and *Report on Tree Condition*, to demonstrate that any loss of Open Space and trees would have a trivial (if any) impact on the surrounding area. It is not considered that due regard has been given to the benefits of delivering a new home in a highly sustainable location, which is relatively free from constraints. The benefits of the proposal significantly out weight the impact of the proposal on Open Space and un-protected trees.
- 1.21 The Appellant considers that the proposal complies with the relevant policies of the LDP, as demonstrated by the *Planning Statement* submitted with the Application, and planning permission in principle should be granted.

Appendix 1 Extract of LDP Open Space Designation

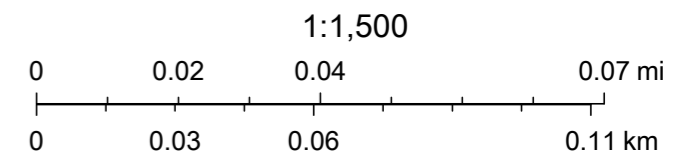
Edinburgh Local Development Plan



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09/10/2019 11:29:16

- ▬ Approximate Appeal Site Boundary
- Greenspace Proposal (GS7)
- ▨ Greenspace Proposal (GS1-11)
- Open Space



206 Broomhouse Road, Edinburgh Appeal Document List

Reference	Planning Application as Lodged
0.01	Application for Planning Permission in Principle
0.02	Location Plan
0.03	17012-Broomhouse-MPDF-P101 Indicative Site Layout
0.04	17012-Broomhouse-STEX-P102 Site Boundary
0.05	17012-Broomhouse-STEX-P103 Tree Locations
0.06	Report on Tree Condition
0.07	Planning Statement
Reference	Consultation Responses
1.01	Consultation Response from Archaeology
Reference	Determination
2.01	Decision Notice
2.02	Report of Handling
Reference	Additional Appeal Documents
3.01	Statement of Appeal

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. Lesley Porteous

From John A Lawson

Your 19/01351/PPP
ref

Date 17th April 2019

Our ref 19/01351/PPP

Dear Lesley,

206 Broomhouse Road

Further to your consultation request I would like to make the following comments and recommendations in respect to this application for the erection of dwelling house.

The site formed part of the grounds of the former Broom House first recorded in 1599 (Harris, Place Names of Edinburgh). The 19th century OS maps of the site (see Fig. 1) show the site as forming part of the house's gardens between it and its farm-steading to the north. The site is therefore regarded as occurring within an area of archaeological potential, in terms of our understanding of the development of this former post-medieval house.

Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT) and Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) (2016) and Archaeology Strategy and also CEC's Edinburgh Local Development Plan (2016) Policy ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

The proposed scheme will also require significant ground-breaking works relating to construction. Such works may disturb significant archaeological remains relating to the development of the post-medieval Broom House. Therefore, it is recommended that a programme of archaeological excavation is undertaken prior to development in order to fully excavate, record and analysis any significant remains that may be affected by construction.

Lynne Halfpenny, Director of Culture, Cultural Services, Place

City of Edinburgh Council Archaeology Service, Museum of Edinburgh, 142 Canongate, Edinburgh, EH8 8DD

Tel 0131 558 1040

john.lawson@edinburgh.gov.uk

It is recommended that the following condition is attached to ensure that undertaking of the above archaeological work;

'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting and analysis and publication) 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.

Please contact me if you require any further information.

Yours faithfully



John A Lawson
Archaeology Officer



Fig.1 1890's 25'' OS map of Broom House Estate superimposed on modern Google Image.

**206 Broomhouse Road, Edinburgh
Planning Statement**

On behalf of

Mr Taimur Malik

July 2019

Prepared by:



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Document Control and Approval

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Draft for Comment	Alastair Bledowski	Andrew Marshall	5 th July 2019
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1.0 Introduction

- 1.1 This *Planning Statement* (the Statement) has been prepared on behalf of Mr Taimur Malik (the Applicant) in support of an Application for Planning Permission in Principle (PPP) for the erection of a dwellinghouse on land adjacent to 206 Broomhouse Road, Edinburgh (the proposal) (Application Reference: 19/01351/PPP).
- 1.2 The site is located in the west of Edinburgh, adjacent to Broomhouse Road. It is within the *Urban Area*, as defined in the City of Edinburgh Council's (the Council) *Local Development Plan (LDP) Proposals Maps*.
- 1.3 The Application was submitted to the Council and registered as valid on 15th March 2019. The Application is supported by the following documents to provide the Council with sufficient information to make a decision:
- Dwg No. 17012-Broomhouse-STEX-P101: *Site Location*;
 - Dwg No: 17012-Broomhouse-MPDF-P101: *Indicative Site Layout*;
 - Dwg No: 17012-Broomhouse-STEX-P102: *Site Boundary*;
 - Dwg No: 17012-Broomhouse-STEX-P103: *Tree Locations*; and
 - *Report on Tree Condition at 206 Broomhouse Road, Edinburgh*
- 1.4 The Case Officer has subsequently requested the Applicant provides an additional statement outlining how the proposal accords with the relevant development plan policies.
- 1.5 In particular, the Case Officer has requested the Applicant demonstrates how the proposal meets the requirements of LDP Policy Env 18: *Open Space Protection*.
- 1.6 This Statement therefore highlights the relevant development plan policies and material considerations that need to be taken into account by the Council in the determination of this Application.
- 1.7 The proposal's compliance with the development plan is set out in Section 2.
- 1.8 Conclusions are set out in Section 3.

2.0 Compliance with Development Plan

2.1 In accord with the provisions of Section 25 and 37(2) of the *Town and Country Planning (Scotland) Act 1997* (as amended), this Application must be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.

2.2 The development plan comprises the approved Strategic Development Plan (SDP) for Edinburgh and South East Scotland (SESplan) (2013) and the adopted Edinburgh LDP (2016).

SESplan SDP (2013)

2.3 SESplan's Spatial Strategy sets out locational priorities for development up to 2024 and gives a broad indication of the scale and direction of growth in the city region up to 2032.

2.4 The proposal is a 'local' development under the terms of the *Town and Country Planning (Hierarchy of Development) (Scotland) Regulations 2009*. Due to the scale of the proposal, the SDP has limited direct relevance to the determination of the Application.

Edinburgh Local Development Plan (2016)

Principle of Development

2.5 The Application seeks PPP for the erection of a new dwellinghouse. The site is not within an area specifically allocated in the LDP for housing, as set out in Part 1, Section 5 of the LDP.

2.6 However, the site is within the *Urban Area* designation. Paragraph 133 of the LDP states, with regard to *...development elsewhere across the LDP area...* that:

...The LDP directs the planned growth of the city to specified sites and generally supports development within the urban area subject to relevant policy considerations...

2.7 The LDP therefore supports the principle of residential development on unallocated sites within the defined *Urban Area*, where the proposed development is in accord with other relevant policies in the LDP.

Housing Policies

2.8 LDP Policy Hou 1: *Housing Development* supports the principle of residential development as outlined in LDP paragraph 133 (detailed above). It sets out the following circumstances where proposals for new housing will be supported:

- a) *[on] sites allocated in this plan through tables 3 and 4 and as shown on the proposals map*
- b) *as part of business led mixed use proposal at Edinburgh Park/South Gyle*
- c) *as part of the mixed use regeneration proposals at Edinburgh Waterfront (Proposals EW1a-EW1c and EW2a-2d and in the City Centre)*
- d) ***on other suitable sites in the urban area, provided proposals are compatible with other policies in the plan*** [emphasis added]

2.9 The proposal is situated on a suitable site in the *Urban Area*, as it located adjacent to existing housing at 204 and 206 Broomhouse Road. There are no conflicting land uses on the site with the proposed residential use.

2.10 The site is also in a sustainable location. The site is within close proximity of the existing bus stop on Broomhouse Road, providing accessibility to public transport. Tram and train links are also available within walking distance. The site is also less than 1.6km to shops, publicly accessible parks and primary and secondary schools. This is within the recommended requirement for walking distances (1,600m or 20 minutes) as set out in Planning Advice Note (PAN) 75: *Planning for Transport*.

2.11 The site is therefore a highly suitable site in the *Urban Area* and the principle of development is in accord with Policy Hou 1 criterion d).

2.12 The following paragraphs assess the proposal's compliance with other relevant policies of the LDP.

Open Space

2.13 The site is within an area of land designated as *Open Space* on the LDP's *Proposals Map*, which is safeguarded under Policy Env 18: *Open Space Protection*. Five existing residential properties at 204, 206 and 212a-212c Broomhouse Road are also within the *Open Space* designation.

2.14 The supporting text for the policy (LDP paragraph 194) outlines that the purpose of Policy Env 18 is to safeguard all open spaces that *...contribute to the amenity of their surroundings and the city, provide or are capable of providing for the recreational needs of residents and visitors or are an integral part of the city's landscape and townscape character and its biodiversity*.

2.15 Paragraph 194 goes on to state that:

...The Council will only support development on open space in exceptional circumstances, where the loss would not result in detriment to the overall network and to open space provision in the locality. Such circumstances tend to exist where large areas of residential amenity space have been provided without a clear purpose of sense of ownership...

2.16 The Policy states:

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 and*
- 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.*

2.17 The following paragraphs outline how the proposal accords with these criteria, with reference to the Council's *Open Space Strategy* (2016) and *Open Space Audit* (2016). The *North West Locality Open Space Action Plan* (2017) does not identify the site as being within an area with a shortfall of greenspace.

Compliance with Policy Env 18 criterion a)

- 2.18 The site is part of the larger Open Space designation of the St Augustine's Roman Catholic High School and Forrester High School campus. It is included in the Council's *Open Space Audit* (2016) as site reference SCH56.
- 2.19 The land here slopes down to the west from Broomhouse Road with an embankment with tree planting and grass immediately adjacent to the site. Views of the proposal from Broomhouse Road will therefore be filtered through the existing landscaping on the periphery, maintaining the visual quality of the *Open Space*.
- 2.20 The proposal will be seen within the context of the existing residential dwellinghouses. The Application site is immediately adjoining the semi-detached residential properties at 204 and 206 Broomhouse Road. There are also another three residential properties to the south of the site at 212a-212c Broomhouse Road.
- 2.21 The character of the immediately surrounding area is therefore established as featuring residential development, with the school campus set further back from Broomhouse Road and fenced off from public access. The proposal is also for residential use and so will be in keeping with the established residential character of the area.
- 2.22 The proposal will not set a precedent for residential development encroaching into the wider area of designated *Open Space*, which does contribute to the quality of the designated area, as the Application site is naturally confined between the existing residential properties to the west and Broomhouse Road to the east. The site plays a very limited role, if any, in the overall quality of the *Open Space* designation.
- 2.23 The site comprises of grass with two non-native trees. The trees' root protection areas and crowns are encroaching onto the existing property at 206 Broomhouse Road, and may lead to future damage to this property. As demonstrated on Dwg No. 17012-Broomhouse-STEX-P103: *Tree Locations*, these trees will need to be removed. A further ornamental cherry tree will also need to be removed to facilitate the proposal.
- 2.24 It is therefore proposed to fell these trees and replace them with appropriate native species. The introduction of native species will lead to improved visual amenity on the site. The immediate surroundings of the site will retain the existing mature tree planting. The replacement of these trees will therefore have no significant impact on the quality and character of the *Open Space*.
- 2.25 Detailed landscaping and layout of the proposal will be reserved matters to be determined in a later *Approval of Matters Specified in Conditions* (AMSC) application. This will allow further detailed consideration of the visual and character impacts and any required landscape mitigation at that later stage.
- 2.26 The proposal will not have any significant impact on the visual quality or character of the area and is therefore in accord with criterion a) of Policy Env 18.

Compliance with Policy Env 18 criterion b)

- 2.27 The *Open Space* designation has a total area of 11.36ha and mainly comprises of the campus of the two secondary schools, with some areas of surrounding land included as well. The Application site is only 201sq.m (0.02ha), which is significantly less than 1% (0.18%) of the total area of designated *Open Space*.
- 2.28 It is understood that the campus comprises of the following areas of recreational open space:

- 3G pitch and synthetic pitch;
- 2 all-weather pitches;
- 3 multi-purpose pitches;
- 2 small pitches; and
- Rugby pitch with rugby practice pitch.

2.29 In addition, the campus includes other informal areas of open space for use by staff and pupils, as well as a large staff and visitor car park.

2.30 As shown on the submitted location plan (Dwg. No 17012-Broomhouse-STEX-P101: *Site Location*), the Application site is located on the eastern edge of the school campus designation. The site is not within the boundary of the Schools, as denoted by the perimeter fence surrounding the campus.

2.31 The Application site therefore has no amenity or leisure value to the Schools. There is already a significant area of open space in use by the Schools. The development of the site will therefore not lead to a loss of leisure or amenity value for the Schools.

2.32 For the purposes of the *Open Space Audit*, school grounds are not considered to be publicly accessible space (paragraph 3.10) and so any perceived loss of leisure or amenity value for the general public should not be a relevant factor in the determination. In any case, the Application site is comprised of existing private curtilage with a small area of immediately adjacent informal open space and so offers little amenity or leisure value to the general public.

2.33 The proposal will therefore not lead to the loss of amenity or leisure value of the designated open space and is thus in accord with criterion b) of Policy Env 18.

Compliance with Policy Env 18 criterion c)

2.34 The Application site is a small area of a much larger *Open Space* designation. It is surrounded on all sides by the *Open Space* designation, which washes over several existing dwellinghouses nearby. The proposal will not be detrimental to the wider network, as a substantial area (11.34ha) of the designation will be unaffected and will remain connected and continuous.

2.35 There are no roads, footpaths or cyclepaths running through the site that will be affected by the proposal.

2.36 The site comprises of grass with two non-native species trees, which will need to be felled. A further non-native cherry tree will also need to be felled. Any further loss of trees will be considered as part of the detailed design stage. These trees will be replaced by native species planting. Other trees in the vicinity of the proposal will be unaffected.

2.37 The introduction of new landscaping in the curtilage of the proposal, including domestic garden ground, will lead to biodiversity benefits compared with the existing grass. Details of the proposed landscaping will be brought forward at the AMSC application stage.

2.38 There is therefore no impact from the proposal on the biodiversity or continuity of the *Open Space* and the proposal is therefore in accord with Policy Env 18 criterion c).

Compliance with Policy Env 18 criteria d) and e)

2.39 Criteria d) and e) require development to either:

- d) Result in a local benefit in terms of either alternative equivalent provision being made or improvement to an existing public park or other open space; or

e) Be for a community purpose where the benefits to the local community outweigh the loss.

- 2.40 The proposal is a local development for a single dwelling and so provides benefits on an appropriate scale. The improvements to the existing *Open Space* designation are through the replacement of the existing non-native trees with appropriate native species. Additional domestic garden ground will also provide improvements for biodiversity compared with the existing grass area.
- 2.41 Further visual improvements through landscaping can be secured in discussion with Council officers during the AMSC application stage.
- 2.42 The proposal will also provide additional housing, helping to meet local demand for new housing in this location for the local community.
- 2.43 The proposal is therefore in accord with criterion d) of Policy Env 18.

Conclusion on Compliance with Policy Env 18

- 2.44 As demonstrated above, the proposal is in accord with criteria a) to d) of LDP Policy Env 18.
- 2.45 The site is a small and insignificant part of a much larger *Open Space* designation that safeguards the campus and playing fields of St Augustine's Roman Catholic High School and Forrester High School. The site is outside of the school boundary (as indicated by the perimeter fence) and so is not required as part of the school campus.
- 2.46 The Application site is therefore not in use by the School and thus has no amenity or leisure value to the School. The land also has limited value to the public for amenity or leisure, and is not considered publicly accessible for audit purposes.
- 2.47 As the proposal is fully in accord with criteria a) to d) of Policy Env 18, the proposal for a single dwelling in the designated *Open Space* is acceptable in these circumstances.

Sports Pitches

- 2.48 LDP Policy Env 19 *Protection of Outdoor Sports Facilities* sets out circumstances in which the Council will accept the loss of some or all of a sports pitch or playing field.
- 2.49 As demonstrated on the submitted location plan (Dwg No. 17012-Broomhouse-STEX-P101: *Site Location*), the site is not located within any of the school sport pitches. The proposal will therefore not lead to the loss of any sport pitch or playing fields. Policy Env 19 therefore is not relevant to the determination of the Application.

Trees

- 2.50 LDP Policy Env 12 *Trees* 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 good arboricultural reasons. Where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.*
- 2.51 The trees within and adjacent to the site are not subject to any statutory protection, as confirmed on the Council's interactive mapping.
- 2.52 The Application is supported by a *Report on Tree Condition at 206 Broomhouse Road, Edinburgh*. The Report has assessed all trees within 12m of the Application site. A total of 14 trees were

identified and surveyed. The surveyed trees were all given a *Retention Category* in accord with agreed standards.

- 2.53 The Report highlights that, depending on the detailed layout of the proposal, between one to four trees may need to be removed. Drawing reference 17012-Broomhouse-STEX-P103 *Tree Locations* indicates that trees reference 723, 725 and 728 are proposed for removal as part of the Application.
- 2.54 Tree 723 is categorised as having a low retention value. Trees 725 and 728 have moderate retention value but are at risk of causing damage to the existing dwelling at 206 Broomhouse Road and so will need to be removed. This is a ...*good arboricultural reason...* for removal, in accord with Policy Env 12.
- 2.55 Compensatory planting of appropriate native species will be provided, in accord with Policy Env 12. The benefits of the house with compensatory planting outweigh the loss of non-protected trees. The proposal is therefore in accordance with Policy Env 12.

Parking

- 2.56 LDP Policy Tra: 2 *Private Car Parking* states that planning permission will be granted ...*where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.*
- 2.57 Section 2.4 of the Council's *Edinburgh Design Guidance* indicates that the site is located within an area considered to have ...*good public transport accessibility.* Within such areas, an allowance is made for 1 car parking space per residential unit proposed.
- 2.58 There is a substantial area of on-street parking situated immediately adjacent to the north of the site which is more than sufficient to accommodate the demands of the proposal and the existing two dwellings adjacent to the site. Arrangements for on-site parking (if required) will be determined during the AMSC application, in accord with Policy Tra 2.
- 2.59 Cycle parking provision will be provided on-site and in accord with the requirements of Policy Tra 3: *Private Cycle Parking.*

Design

- 2.60 The Application is seeking to confirm the principle of the erection of a residential dwellinghouse in this location only. Accordingly, no indicative layout, elevations or landscaping has been submitted.
- 2.61 All matters relating to design, layout, landscaping and the positioning of the replacement trees are to be reserved until the AMSC application stage. An assessment of the detailed proposal's compliance with the relevant policies will be made at that stage. Detailed design will be informed by the *Edinburgh Design Guidance* and supported by a *Design Statement.*
- 2.62 It is not anticipated that the proposal will have any adverse impact on the amenity of the existing adjacent dwellings. Matters such as daylight, shadowing, privacy and overlooking will be addressed in the detailed design of the proposal.
- 2.63 There is no reason why development on the site would not be capable of meeting the Council's policies with regard to design quality, amenity and landscape.

Conclusion

- 2.64 The appraisal set out in this Section confirms the proposal is in accord with all relevant provisions of the development plan.

3.0 Conclusions

- 3.1 The Applicant is seeking PPP for the erection of a dwellinghouse on land adjacent to 206 Broomhouse Road, Edinburgh.
- 3.2 Under Section 25 and 37(2) of the *Town and Country Planning (Scotland) Act 1997* (as amended), this Application must be determined in accordance with the provisions of the development plan unless material considerations indicate otherwise.
- 3.3 The appraisal presented in this Statement demonstrates that the Proposal is in accord with the relevant policies of the adopted LDP, including Policy Env 18: *Open Space Protection*.
- 3.4 The site is in a sustainable location and the principle of development is supported by the LDP. There are no material considerations that would justify a departure from the support given to the proposal by the policies of the adopted LDP.
- 3.5 Accordingly, the Application should be approved by the Council, and PPP granted.

Report on tree condition at 206 Broomhouse Road, Edinburgh

Prepared for Mr Taimur Malik

By Keith Logie MICFor

2 May 2019



**Keith Logie MICFor BSc (Hons)
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1. General introduction and summary

This tree survey has been carried out for Mr Taimur Malik in relation to land adjacent to 206 Broomhouse Road, Edinburgh. It relates to trees in and around the site shown on the plans supplied. The survey has been commissioned because a proposal to purchase land and redevelop the site is being drawn up. If development were to proceed, it is likely that one or more trees would have to be removed, and the impact in arboricultural and landscape terms would be moderate. It is proposed to plant 4 replacement trees. The report consists of: this written section; the schedule; and drawings showing the tree positions, root protection areas and shading arcs in relation to the proposed building.

2. Site description

The site is the immediate area surrounding a domestic residence. It is bounded to the north by a hard standing parking area, to east by green space with some trees and young woodland and to the west by the garden and building of 204 Broomhouse Road. To the south is a young woodland, separated from the domestic properties by a wide tarmac path and a metal fence. Broomhouse Road proper runs about 35m to the east.

3. The Tree Survey

The trees which were assessed in detail have been tagged with a numbered disc at about 1.8m from ground level, so as to be visible. Trees smaller than 10 cm DBH (diameter at breast height), hedges and shrubs were not tagged or recorded. Fieldwork was done on 1 May 2019.

The approximate location of each tree has been plotted. Information on each numbered tree is provided in the attached Tree Survey Schedule. The position of the trees is shown on the attached drawing. Tree positions have been estimated using hand-held GPS which has an accuracy of 1- 2 m. Before drawing up construction plans the tree positions should be checked against the topographic survey.

All trees within the site have been ascribed a Retention Category. In line with the recommendations contained within BS5837:2012 "Trees in relation to design, demolition and construction – Recommendations", this takes account of the health, condition and future life expectancy of the tree, as well as its amenity and landscape value. The retention category for each tree is shown in the Tree Survey Schedule which records relevant data and comments on condition.

- A** – High category: trees whose retention is most desirable
- B** – Moderate category; trees where retention is desirable
- C** – Low category; trees which could be retained
- U** – Unsuitable for retention; trees which should be removed

Recommendations are made, where appropriate, on appropriate remedial action as regards tree surgery or felling works. These are specified where there is a significant current risk to public safety or tree health and are consistent with sound arboricultural practice. All recommendations are in line with BS 3998: 2010 "Tree work recommendations."

It is understood that the trees in the area are not covered by Tree Preservation Order or Conservation area status but this aspect has not been checked with the local authority.

4. Survey results and discussion

14 trees within the site were tagged and plotted. Tags run consecutively from 723 to 736. Further trees forming a young woodland to the east were assessed and their positions roughly plotted. The survey assessed all trees that are within 12m of potential development as indicated on the plans supplied.

To the east of 206 Broomhouse Road there are 6 trees in the green space closest to the house: no 713 a flowering cherry (probably *Prunus* “Kanzan”), no 724 a large sycamore, no 725 a large lime, no 726 a multi-stemmed holly, no 727 a large sycamore with 3 stems, and no 728, a large horse chestnut. These are the trees closest to the proposed building, some or all of which would need to be removed if the proposal is to proceed. 724, 725 and 728 have each been classified “B”, appropriate for trees whose retention would normally be desirable. Drawing 1 shows the tree positions together with a sketch of the proposed building. Drawing 2 shows the same data but with the Root Protection Areas shown. Drawing 3 shows shading arcs for each tree created as per BS 5837: 2012.

723 is very close to the boundary and it is hard to see how it could be retained should development proceed. It is not a tree of stature and there are many such trees in the area. Cherry trees of this type tend to have surface root systems which would be difficult to manage close to a property.

725 and 728 stand within the ground proposed for acquisition. In theory they could be retained, but the crowns of both trees would be close to the building, even if pruned, and to protect the roots a piled foundation would need to be used. 724 is outside the plot but again if retained would be close to the building and its root protection area is even larger. 724, 725 and 728 currently have a significant shading impact on the existing property and would have a very pronounced shading effect on the property if retained. 726 and 727 could be retained and would provide screening between the property and the road. 724, 725 and 728 are relatively large trees, whose estimated safe useful life expectancy is 20 to 40 years. However there is a significant amount of tree and woodland cover in the immediate locality, much of it young, and it could be expected to grow relatively quickly in coming years.

Trees in the northern edge of the woodland south of the site were tagged and assessed in detail. This woodland is 15 – 20 years old, and of mixed species including ash, beech, Scots pine and larch. There also some older trees here. This woodland will be unaffected by the proposals as they lie south of a broad tarmac path and a metal fence, and no special protection or works are necessary. This woodland will increase in height over time and contributes significantly to the leafy nature of the location.

To the east of the site is a group of young trees of mixed species including gean (wild cherry) (shown on the drawing) at the edge of a roadside bank. This group may require temporary protective fencing to be erected during the period of demolition and construction, depending on the detailed plans. This group already provides effective screening of the site from Broomhouse Road and will increase in height and stature in years to come.

Details of the trees are shown in the Schedule below. Note that the Schedule is a summary of the data gathered and assessments made

5. Constraints posed by existing trees - considerations

Clearly the site as it stands is very constrained by existing tree cover. The main options appear to be either to remove trees 723, 724, 725 and 728 or to reposition the building to the north so that 724, 725 and 728 might be retained, with care. 723 would still have to be removed in this case. It is certainly possible for 724, 725 and 728 to be retained safely with a new build in the fall zone, but there would be a highly significant shading effect. Or 725 and 728 could be removed and 724 retained, or other combinations.

When trees are to be retained because they are of higher quality and/or importance, the impact of proposed designs must be assessed against the biological requirements of the tree, taking into account the need to protect tree roots and all other relevant factors.

Trees can be badly damaged or killed by construction operations, and particular care is required to protect them from damage. The ability of trees to recover from damage to roots is often very limited. Root systems can be damaged by ground excavations, soil compaction, contamination or spillages of e.g. diesel or cement, and changes in soil moisture content (both drying and waterlogging).

Constraints may also include tree height and canopy spread which will affect availability of daylight to any proposed structures and will be a lasting physical presence. The characteristics of individual tree species will also have an influence on the development potential of the site. Other issues such as road safety and visibility splays, underground and above-ground plant and the proposed end use of space around retained trees also need to be considered.

6. Tree protection plan

In general terms, where trees are recommended for retention they must be protected by barriers and/or ground protection prior to commencement of any development works, including demolition. There should be no movement of machinery, stockpiling of materials, or changes in existing ground levels within the RPA of trees to be retained throughout the duration of the construction works, except where detailed in a method statement. A detailed tree protection plan will be required if development proceeds, its nature will be dependant on the final position of the building, tree removals and construction methods, factors which remain to be decided upon at his stage.

STANDARD CONDITIONS RELATING TO TREE SURVEY INFORMATION

1. Unless otherwise stated in the report, inspection has been carried in accordance with Visual Tree Assessment (VTA) Stage 1.
2. The survey has been carried out in accordance with the recommendations of BS5837:2012 "Trees in relation to design, demolition and construction – Recommendations",
3. Recommendations for tree works assume that they will be carried out in accordance with BS 3998: 2010 "Tree work recommendations."
4. Unless otherwise stated, tree surveys are undertaken from ground level using established visual assessment methodology. The inspection is designed to determine the following:
 - a. The presence of fungal disease in the root, stem, or branch structure that may give rise to a risk of structural failure of part or all of the tree;
 - b. The presence of structural defects, such as root heave, cavities, weak forks, hazard beams, included bark, cracks, and the like, that may give rise to a risk of structural failure of part or all of the tree;
 - c. The presence of soil disturbance, excavations, infilling, compaction, or other changes in the surrounding environment, such as adjacent tree removal or erection of new structures, that may give rise to a risk of structural failure of part or all of the tree;
 - d. The presence of any of the above or another factor not specifically referred to, which may give rise to a decline or death of the tree.
4. Where further investigation is recommended, either by climbing, the use of specialised decay detection equipment or exposure of roots, this is identified in the report.
5. The findings and recommendations contained within this report are valid for a period of twelve months. Trees are living organisms subject to change and it is strongly recommended that they are inspected at regular intervals for reasons of safety.
6. The recommendations relate to the site as it exists at present, and to the current level and pattern of usage it currently enjoys. The degree of risk and hazard may alter if the site is developed or significantly changed, and as such will require regular re-inspection and re-appraisal.
7. Whilst every effort has been made to detect defects within the trees inspected, no guarantee can be given as to the absolute safety or otherwise of any individual tree. Extreme climatic conditions can cause damage to apparently healthy trees. In particular caution must be exercised if inferring or assuming matters relating to tree roots in the case where they cannot be visually assessed, as is normal and likely. It should be assumed that underground roots cannot be seen unless otherwise stated.
8. This report in no way constitutes a professional opinion on the integrity or status of buildings. Its primary purpose is to report on the status of trees. The status of built structures, if in doubt, should be reviewed by a suitably qualified person.

9. This report has been prepared for the sole use of Taimur Malik and his appointed agents. Any third party referring to this report or relying on information contained within it does so entirely at their own risk.

Explanation of terms used in the schedule

Tag no.	Identification number of tree
Species	Common name of species.
DBH	Trunk diameter measured at 1.5m.
Crown	Radial tree crown spread in metres.
Ht	Height of tree in metres.
Age	Age class category. Y Young, E-M Early Mature, M Mature, M-A Advanced mature, Vet Veteran.
Stems	Single stemmed or multi-stemmed
Condition	Condition category (Good, Fair, Poor, or Dead).
SULE	The tree's safe useful life expectancy, estimated in years.
BS Cat	BS 5837 Retention category (A, B, C or U – see explanation above)
Comments	General comments on tree health, condition and form, highlighting any defects or areas of concern and any recommendations .

Tree condition categories

- Good**
- (1) Healthy trees with no major defects
 - (2) Trees with a considerable life expectancy
 - (3) Trees of good shape and form
- Fair**
- (1) Healthy trees with small or easily remedied defects
 - (2) Trees with a shorter life expectancy
 - (3) Trees of reasonable shape and form
- Poor**
- (1) Trees with significant structural defects and/or decay
 - (2) Trees of low vigour and under stress
 - (3) Trees with a limited life expectancy
 - (4) Trees of inferior shape and form
- Dead**
- (1) Dead, dying and dangerous trees
 - (2) Trees of very low vigour and with a severely limited life expectancy
 - (3) Trees with serious structural defects and/or decay
 - (4) Trees of exceptionally poor shape and form.

206 Broomhouse Road - Tree Schedule

Tag	Species	DBH	Crown	Ht	BSCat	Condition	Age	Stems	SULE	Comments
723	Cherry-flowering	0.4	5	9	C1	Fair	M	1	10 to 20	Physical damage to buttress. Bark exudation. Minor dead wood
724	Sycamore	0.8	6	17	B2	Good	M	1	20 to 40	Minor decay in buttress.Minor cavity/decay in main scaffold limb.Crown slightly suppressed
725	Lime-common	0.7	5	19	B2	Good	M	1	20 to 40	Epicormic growth.Quite upright. Few defects
726	Holly	0.3	2	8	C2	Fair	M	5	10 to 20	Physical damage to bark.Self seeded. 5 stems up to 25cm
727	Sycamore	0.4	5	15	C2	Fair	M	3	10 to 20	Coppice stems from old stump. Canopy 1-sided.3 stems up to 40cm
728	Horse chestnut	0.5	4	15	B2	Fair	M	1	20 to 40	Minor decay in buttress.Minor cavity/decay in stem.Physical damage to bark.
729	Lime-common	0.7	5	16	B2	Good	M	1	20 to 40	Spreading crown
730	Birch-silver	0.3	2	10	C2	Good	E-M	1	10 to 20	Stem lean.Canopy 1-sided.
731	Ash	0.2	1	9	C2	Good	E-M	3	10 to 20	Clump of 3 small s/s beech ash
732	Beech	0.2	2	10	C2	Good	E-M	1	10 to 20	Included bark, compression fork.Edge tree
733	Pine-Scots	0.3	4	10	C2	Good	E-M	1	10 to 20	Edge tree
734	Maple-Norway	0.3	4	9	C2	Fair	E-M	1	10 to 20	Included bark, compression fork.
735	Larch	0.3	4	14	B2	Good	E-M	1	20 to 40	Vigorous
736	Rowan	0.3	4	6	C2	Fair	M	1	10 to 20	Physical damage to bark at ground level.

Keith Logie MICFor

Chartered Forester

206 Broomhouse Rd - trees

SCALE : 1 : 350 @ A4 DATE : 5/2/2019

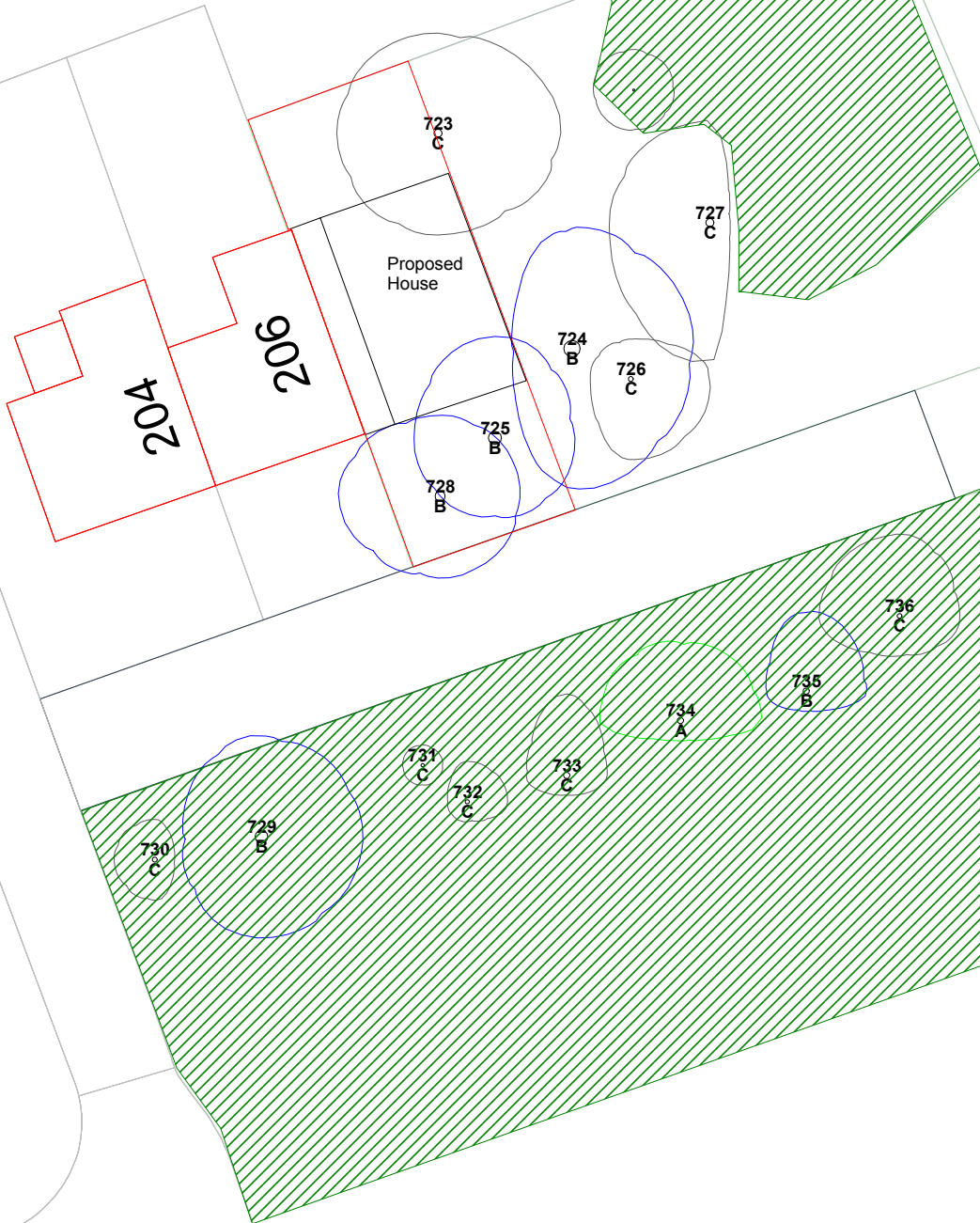


MAP FILENAME : 206 detail

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Shelter



Keith Logie MICFor

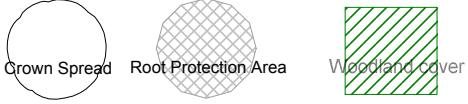
Chartered Forester

206 Broomhouse Rd - trees plus Root Protection Areas

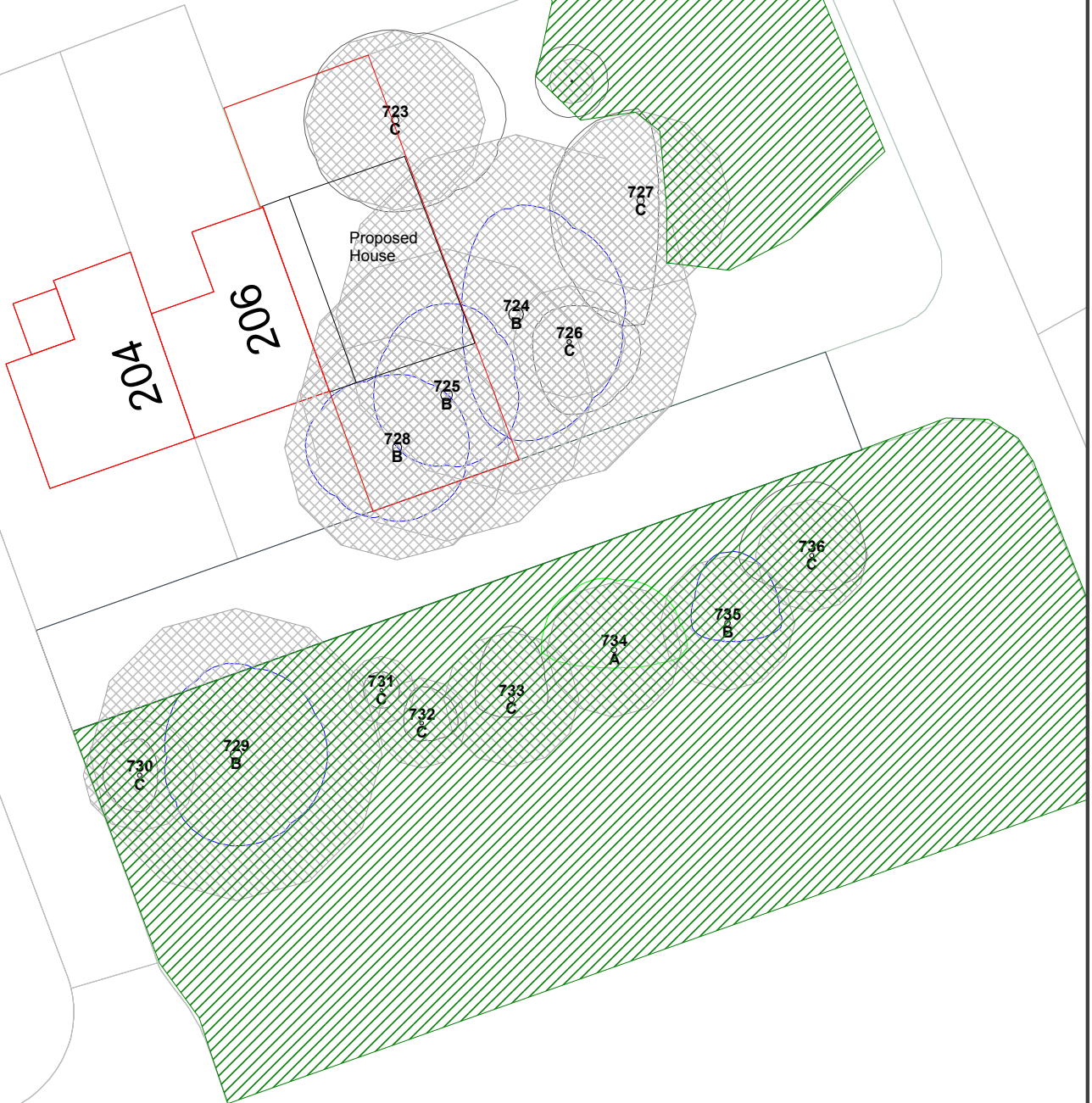
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DATE : 5/2/2019
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Shelter



Keith Logie MICFor

Chartered Forester

206 Broomhouse Rd - shade

SCALE : 1 : 350 @ A4 DATE : 5/3/2019



MAP FILENAME : 206 detail+shade

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Crown Spread



Shading Arc (BS5837)



Woodland cover



Category 'A'



Category 'B'



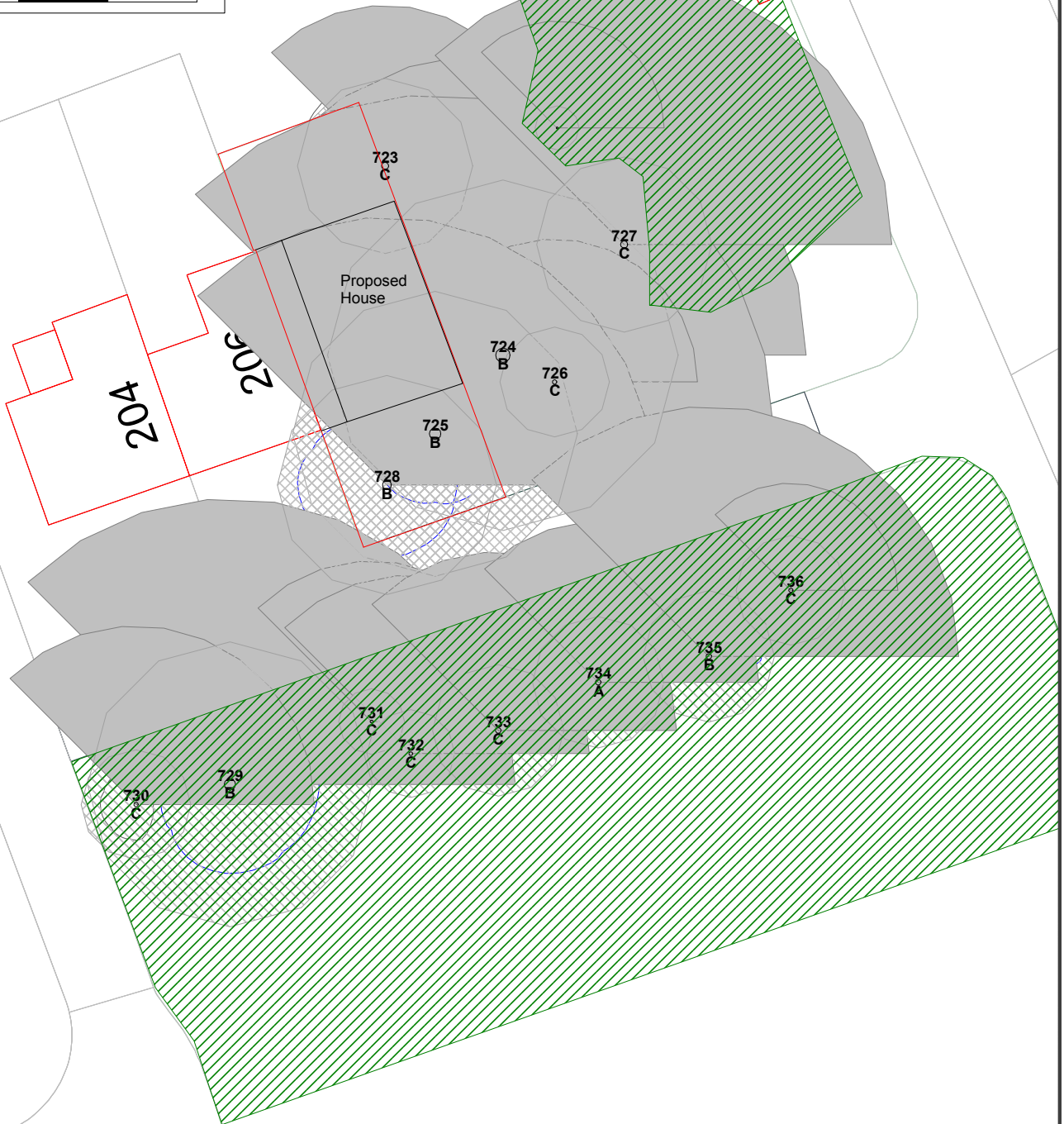
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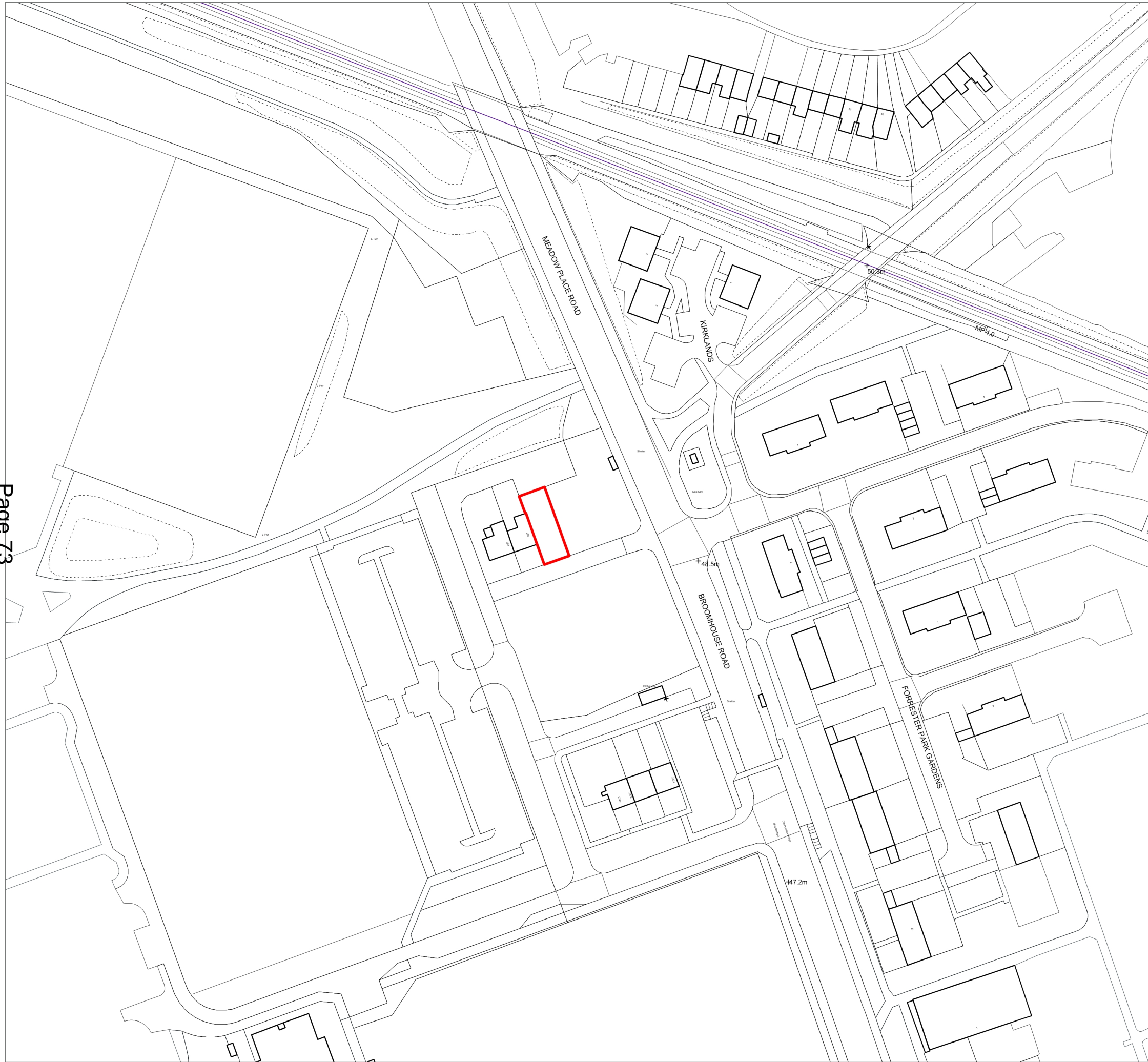


Category 'U'

0 20m

Shelter





**Land adjacent 206
Broomhouse Road, Edinburgh**



**Drawing No.
17012-Broomhouse-STEX-P101
Site Location**

 Application boundary

Rev - (11.03.19) Drawn: SB Checked: RM Approved: PM

Status: Planning

scale 1:1,250 @ A3
0 12.5m 25m 50m



Filepath: Z:\Projects\17012 - Montgomery Real Estate\Plans & Drawings\Masters\1702-Montgomery Real Estate - Broomhouse Road - Master.vrx

Land adjacent 206 Broomhouse Road, Edinburgh



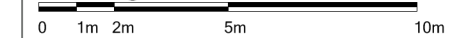
Drawing No.
17012-Broomhouse-MPDF-P101
Indicative Site Layout

- Application boundary
- Land owned by applicant
- Area of existing curtilage to form part of new plot
- Indicative footprint for new dwelling (74m²)
- Existing area of on-street parking
- Proposed native species tree planting
- Existing tree to be removed as per purchase agreement with Council
- Root protection area of tree to be removed

Rev - (11.03.19) Drawn: SB Checked: RM Approved: PM

Status: Planning

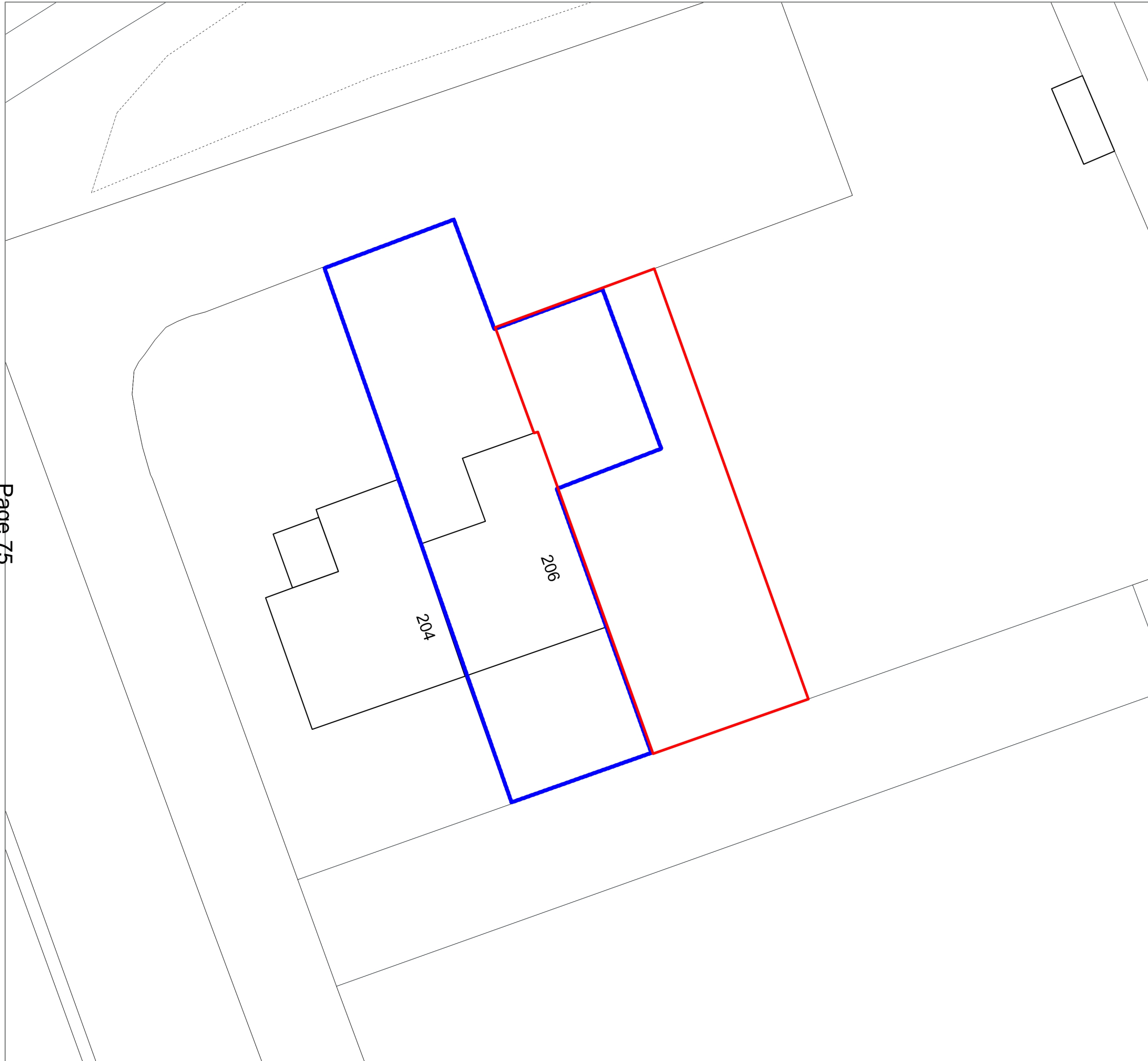
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The Quadrant, 17 Bernard St., Edinburgh, EH6 6PW | Tel: 0131 5533639 | info@geddesconsulting.com



Filepath: Z:\Projects\17012 - Montgomery Real Estate\Plans & Drawings\Masters\1702-Montgomery Real Estate - Broomhouse Road - Master.vwx



**Land adjacent 206
Broomhouse Road, Edinburgh**



**Drawing No.
17012-Broomhouse-STEX-P102
Site Boundary**

- Application boundary (201m²)
- Land owned by applicant

Rev - (11.03.19) Drawn: SB Checked: RM Approved: PM

Status: Planning
 scale 1:200 @ A3



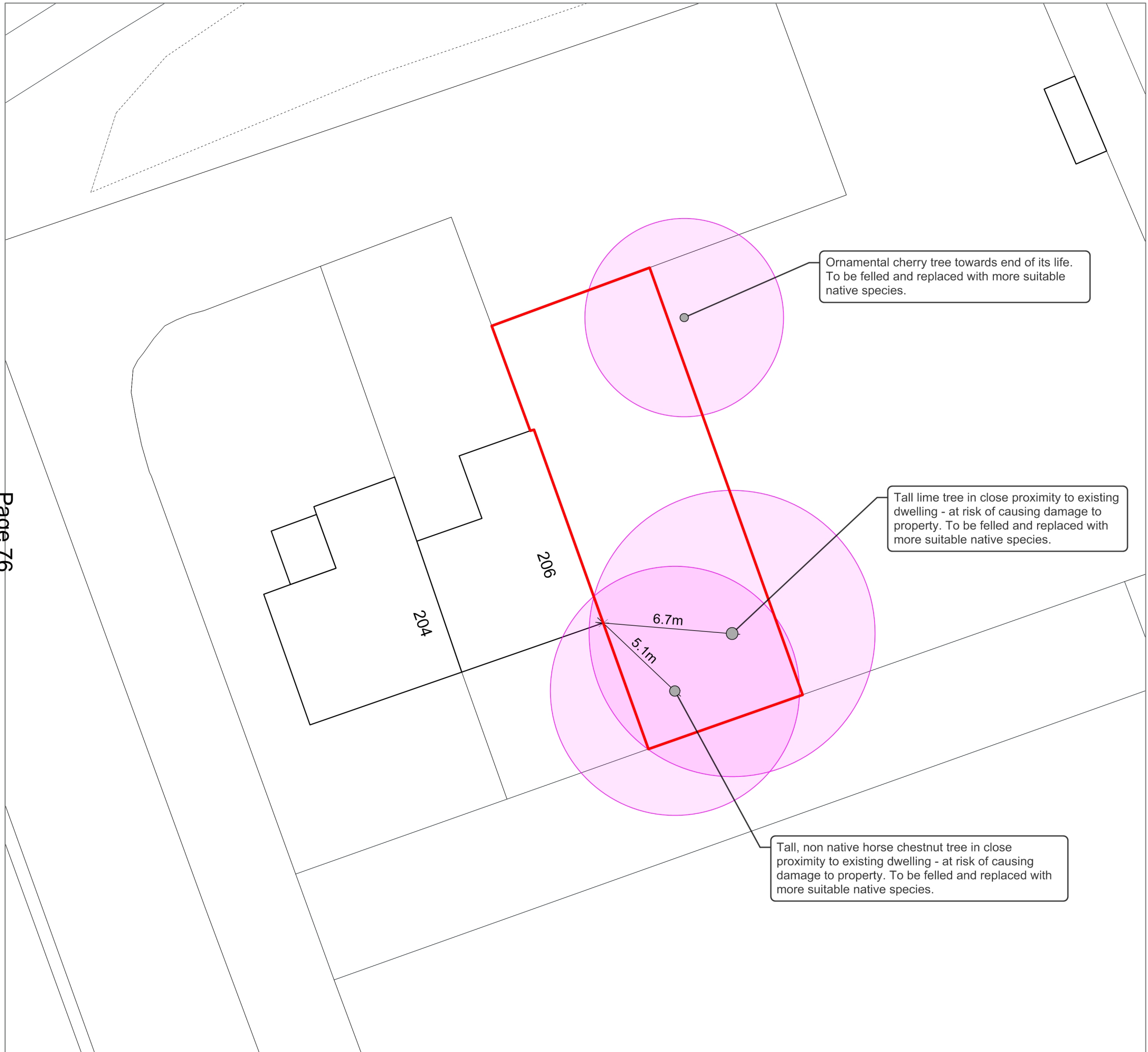
Filepath: Z:\Projects\17012 - Montgomery Real Estate\Plans & Drawings\Masters\1702-Montgomery Real Estate - Broomhouse Road - Master.vwx

Land adjacent 206 Broomhouse Road, Edinburgh



Drawing No.
17012-Broomhouse-STEX-P103
Tree Locations

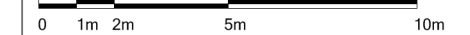
- Application boundary
- Tree location
- Root protection area of tree



Rev - (11.03.19) Drawn: SB Checked: RM Approved: PM

Status: Planning

scale 1:200 @ A3



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◆ EDINBURGH ◆

THE CITY OF EDINBURGH COUNCIL

Planning & Transport

18 November 2019

**TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 AS AMENDED BY THE
PLANNING ETC. (SCOTLAND) ACT 2006**

LOCAL REVIEW BODY - FURTHER INFORMATION

Site: 206 Broomhouse Road
Description: Erection of a dwellinghouse
Planning Application: 19/01351/PPP

The above application was continued by the City of Edinburgh Planning Local Review Body on 13 November 2019 to allow for a report from the Council arboriculturalist to be submitted regarding the health and likely life span of the trees on and adjacent to the application site to be submitted. This has now been received. A copy of this information is attached.

You now have 14 days from the date of this notice to make any representations based on the attached further information.

The application will be further considered in public by the Local Review Body on 11 December 2019 at 10:00am in the Dean of Guild Room, City Chambers, High Street, Edinburgh.

Gina Bellhouse

Gina Bellhouse
Planning Advisor
Local Review Body
The City Of Edinburgh Council

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Comments from Landscape Officer 14 May 2019:

An inspection of the site was conducted on 13 May 2019.

The application drawings provide information on the large trees immediately adjacent to the application site. These trees contribute to the attractiveness and character of the immediate locality. This matter as discussed and assessed reaches a conclusion that collectively, the trees form an attractive and prominent group in the local landscape. Given the juxtaposition of the trees to what will be residence, the trees will be under constant threat as the future occupants complain.

The trees immediately adjacent to the site are a prominent landscape feature. They overhang the application site and will cast considerable shade (and leaf fall on the property). Private and communal gardens should be designed for use by residents for a range of functions and not conflict with the natural landscape features. The proximity of the proposal to the mature trees to the east and south will result in a situation where the amenity will be significantly and adversely affected by shading and future occupiers may also be concerned with safety, leaf fall etc. This is likely to create pressure for the trees concerned to be cut back or even felled.

BS5837:2012 recommends sufficient space between buildings and trees should be provided in new development to safeguard against the above concerns, as does the Council's non-statutory guidance "Trees & Development". While there is an arrangement for root protection, the arrangement for forming space for development must strike at the heart of what BS 5837 is trying to achieve and that is that there will be nothing that will prejudice the future existence of the existing landscape.

Edinburgh City Local Plan Policy Env 12 Trees states that:

"Development will not be permitted if likely to have a damaging impact on a tree or trees protected by a Tree Preservation Order or other trees worthy of retention on or around a proposed development site, unless necessary for good arboricultural reasons. Where such consent is granted, replacement planting will be required to offset the loss to amenity."

Conclusions:

I cannot support this application. No proper consideration has been afforded to the importance that the trees provide to the wider amenity. The trees are exceptional in this landscape and score high when looked at with a visual assessment. The loss of any of the trees or the extent of crown works required to fit the development in at this locality will injure the landscape character of the area.

Additional comments 14 November 2019

I have had a review of the existing information submitted with the application and this provides information on the likely life expectancy of the trees in question.

The document titled 'Tree Condition' uploaded to IDOX on 14th October 2019 is a consultant's report (Keith Logie MICFor) which contains in the tree schedule an assessment of safe useful life expectancy (SULE). This is not an estimate of a tree's biological life expectancy but an indication of the timescale the tree inspector estimates the trees are likely to be free from significant health or structural problems which could potentially result in their removal or significant remedial works in order to assist with an understanding of their viability for retention in connection with development.

The four trees closest to the residential proposal are Nos. 723, 724, 725 and 728 and the Keith Logie report provides the following information for these

723 Cherry 10 to 20 years estimated safe useful life expectancy

724 Sycamore 20 to 40 years estimated safe useful life expectancy

725 Lime-common 20 to 40 years estimated safe useful life expectancy

728 Horse chestnut 20 to 40 years estimated safe useful life expectancy

All these trees are described as in fair or good health in the report. The Cherry is a shorter-lived species but the lime, sycamore and chestnut trees are much longer lived and the estimates above reflect the significant future life expectancy that the trees are likely to have and in the case of the lime and sycamore in particular, such species could have a significantly longer safe useful life expectancy.

206 Broomhouse Road, Edinburgh

Response to Further Information Request on Trees

- 1.1 The Appellant has been invited by the Local Review Body to make any representations on the Landscape Officer's comments dated 14th May 2019 and 14th November 2019. The Appellant was not provided with a copy of the Landscape Officer's initial consultation response as part of the determination of the Application. As such, this is the Appellant's first opportunity to respond to both sets of consultation comments.
- 1.2 The *Report on Tree Condition* prepared by Keith Logie MICFor for the Appellant sets out the factual position on the type, condition and location of the trees in relation to the consideration of this Application. The factual matters presented in this Report are not disputed by either party.
- 1.3 The key matters raised by the Landscape Officer that are disputed by the Appellant are as follows:
1. The three to four trees *...are exceptional in this landscape...* and their loss *...will injure the landscape character of the area;*
 2. Trees to the east and south of the site will result in an inappropriate level of amenity to the proposed home;
 3. Trees to the south of the development will be at threat from the proposal.
- 1.4 These three matters are discussed briefly in turn below:
- 1. Contribution of trees to the landscape character of the area.**
- 1.5 The Appellant notes that there is no detailed explanation as to why it is considered that the trees in question are *exceptional in this landscape*. There is also no detailed explanation set out in the Report of Handling.
- 1.6 The prevailing landscape character of the wider area is the openness of the flat school grounds of St Augustine's RC and Forrester High Schools. The Schools' grounds to the north are bounded by residential development and the railway line. The western and southern boundaries along South Gyle Access and the railway line are each defined by a strong and continuous line of mature trees.
- 1.7 The eastern boundary, where the site is located, is more sporadic, with some mature planting and large areas of fencing with no planting. The only area where there is a strong mature boundary to Broomhouse Road is around the five existing homes. This comprises the large grouping of trees to the south of the site, between the two rows of homes, and along Broomhouse Road.
- 1.8 The three to four trees that would be removed as part of the proposals would not result in the loss of any trees from the group to the south of the site and would not result in the loss of the tree line along Broomhouse Road to the immediate east of the site. The 15m Sycamore (Tag 727) would be retained between the site and Broomhouse Road, along with the wider tree grouping along the Road.
- 1.9 It is clear from the Appellant's assessment of the site that the three to four trees that would be lost as a result of the development do not make an *exceptional* contribution to the existing landscape and there will be no impact on the overall landscape character of the area as a result of the development.

2. Impact on amenity of existing and proposed homes from trees.

1.10 The shading diagram set out on page 10 of the *Report on Tree Condition* demonstrates that trees to the south of the site do not result in shading of the site. Only the three to four trees that would be removed currently have any significant impact on shading of the site, which will be resolved by their removal as proposed. No other remaining trees would be within such distance that they shade or overhang the site.

1.11 It should be noted that the potential danger and impact on amenity of the existing property at 206 Broomhouse from two of the trees to be removed (Tags 728 and 725) will also be addressed by the proposal. In this respect the proposal also provides safety and amenity benefits to existing residents.

3. Impact of the proposal on trees to the south of the site.

1.12 As set out on the *Root Protection Areas* diagram on page 9 of the *Report on Tree Condition*, the site would not be within the root protection area of any of the trees to the south of the site. There is also an intervening footpath between the site and those trees. The proposal will not present any threat to the longer term health and retention of the trees to the south. There will also be no longer term threat to any other trees retained to the east of the site.

Summary

1.13 It is clear that the loss of the three to four trees will have no adverse impact on the landscape character of the area or threaten the loss of further trees to the south of the site. It is also clear that adequate levels of amenity can be provided to the proposed development, along with potential improvements to the amenity and safety of existing properties.

1.14 The only remaining consideration under Policy Env 12 *Trees* is whether the loss of the three to four trees, based on their arboricultural value, outweighs the other significant material considerations for allowing the grant of planning permission in principle, including:

- The benefit of a new home in a highly sustainable location within the urban boundary, which is otherwise acceptable in planning terms;
- Compensatory planting of more appropriate native species as part of the proposal, which be conditioned as part of the consent; and
- Improvements to the safety and amenity of the existing property at 206 Broomhouse through the removal of the existing trees.

1.15 While the Appellant maintains that the proposal accords with Policy Env 12 due to the provision of more appropriate compensatory planting, if the Local Review Body is minded to disagree with the Appellant's assessment, it is still considered that there are significant material considerations that would otherwise allow the grant of permission as a minor departure from LDP policy.

1.16 The Appellant also wishes to highlight that the removal of any trees on Council land is subject to the consent of the Council as part of the terms of the sale of the land, separate from the grant of planning permission in principle.

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Les McCaskey (Rothesay Place).
 18A Rothesay Place
 Edinburgh
 EH37SQ

Mr Robert Darge.
 19 Ferry Gait Drive
 Edinburgh
 EH4 4GJ

Decision date: 23 August 2019

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

porch extension to front of property, Form French doors to rear.
 At 19 Ferry Gait Drive Edinburgh EH4 4GJ

Application No: 19/03461/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 18 July 2019, 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 Edinburgh Local Development Plan Policy Des 12 as it is not in keeping with the current spatial pattern of the area, and would have a detrimental impact on existing neighbourhood character.
2. The proposal is contrary to non-statutory Guidance for Householders which states that extensions that project beyond the principal elevation line are not generally allowed unless this fits in with the local character of the street. This is not characteristic of Ferry Gait Drive, where the building line remains unbreached, and completely uniform. The character of the area is in large part reliant on this uniformity, and as such the proposal is unacceptable.

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

Drawings 01-06, 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 proposed scale, form and design is unacceptable and would be detrimental to the character and appearance of the host property and surrounding area. The proposal would be unacceptable by virtue of the breach of the current building line of the application site by the proposed porch, which would not be in keeping with the current spatial pattern of the area and would have a detrimental impact on the existing character of the street. The proposal is contrary to Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders. There are no material planning considerations which would justify approval.

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 Christopher Sillick directly on 0131 529 3522.

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 19/03461/FUL
At 19 Ferry Gait Drive, Edinburgh, EH4 4GJ
porch extension to front of property, Form French doors to rear.**

Item	Local Delegated Decision
Application number	19/03461/FUL
Wards	B01 - Almond

Summary

The proposed scale, form and design is unacceptable and would be detrimental to the character and appearance of the host property and surrounding area. The proposal would be unacceptable by virtue of the breach of the current building line of the application site by the proposed porch, which would not be in keeping with the current spatial pattern of the area and would have a detrimental impact on the existing character of the street. The proposal is contrary to Local Development Plan Policy Des 12 and the non-statutory Guidance for Householders. There are no material planning considerations which would justify approval.

Links

Policies and guidance for this application	LDPP, LDES12, NSG, NSHOU,
--	---------------------------

Report of handling

Recommendations

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

Background

2.1 Site description

The application site is a three storey, end terrace, townhouse, located on the south-west side of Ferry Gait Drive where the road meets Ferry Gait Place.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

Formation of new porch to the front of the property.

The proposal to form French doors to the rear of the property is permitted development under Class 2B of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended). No further assessment of these alterations is required.

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 of an acceptable scale, form and design and will not be detrimental to neighbourhood character;

b) The proposal will result in an unreasonable loss of neighbouring amenity.

a) The walls of proposed porch on the principal elevation of the property would project approximately 2.15 metres from the property, with the roof projecting 2.3 metres from the current building line. The porch would have an approximate footprint of 4.61 metres. The porch does not comply with permitted development legislation in that it is fronted by a road on both the principal and side elevations, and also exceeds the 3 square metre footprint allowed.

The Council's non-statutory guidance, outlined in 'Guidance for Householders', states that extensions that project beyond the principal elevation line are not generally allowed unless this fits in with the local character of the street. Local Development Plan policy 'Des 12 Alterations and Extensions' states permission will only be granted where a proposal will not be detrimental to neighbourhood amenity and character. The proposed breach of the current building line would not be in keeping with the character of the street, or the spatial pattern of the area, and as such does not comply with Local Development Plan policy or Council guidance.

The application site is situated in a modern development on Ferry Gait Drive. The street is characterised by three storey townhouses, and four storey flat blocks, with an exposed brick and white render finish. The building line remains unbreached and completely uniform across the entire street, and within the surrounding area. The uniform building line gives way to paved drives with space for up to two cars. The drives are fronted by attractive tree planting, and offer a sense of open space throughout the public realm. The character of the area is derived in large part from the uniformity of the building form, in terms of both the modern finishing of the properties, and the uniform building line.

The proposed breach in the building line to accommodate the formation of a new porch is unprecedented in the surrounding neighbourhood, and not in keeping with the current spatial pattern of the area. The proposed development would look unusual in the context of the street, and would damage the sense of openness of the area. The proposal would have a detrimental impact on the character of the area, and as such does not comply with Local Development Plan Policy Des 12, and non-statutory guidance outlined in Guidance for Householders. The proposal is unacceptable.

b) The proposal fully accords with the criteria in the 'Guidance for Householders' in relation to the protection of neighbouring amenity.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to Edinburgh Local Development Plan Policy Des 12 as it is not in keeping with the current spatial pattern of the area, and would have a detrimental impact on existing neighbourhood character.

2. The proposal is contrary to non-statutory Guidance for Householders which states that extensions that project beyond the principal elevation line are not generally allowed unless this fits in with the local character of the street. This is not characteristic of Ferry Gait Drive, where the building line remains unbreached, and completely uniform. The character of the area is in large part reliant on this uniformity, and as such the proposal is unacceptable.

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

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading / external references

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

**Statutory Development
Plan Provision**

Edinburgh Local Development Plan.

Date registered

18 July 2019

Drawing numbers/Scheme

01-06

Scheme 1

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

Contact: Christopher Sillick, Planning Officer
E-mail:christopher.sillick@edinburgh.gov.uk Tel:0131 529 3522

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

Appendix 1

Consultations

No consultations undertaken.

END

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and County Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments
 The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013
 The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

IMPORTANT: Please read and follow the guidance notes provided when completing this form. Failure to supply all the relevant information could invalidate your notice of review.

PLEASE NOTE IT IS FASTER AND SIMPLER TO SUBMIT PLANNING APPLICATIONS ELECTRONICALLY VIA <https://www.eplanning.scot>

1. Applicant's Details		2. Agent's Details (if any)	
Title	MR	Ref No.	/
Forename	ROBERT	Forename	LES
Surname	DARGE	Surname	MCCASKEY
Company Name	-	Company Name	-
Building No./Name	19	Building No./Name	18A
Address Line 1	FERRY GAIT	Address Line 1	ROTHESAY PLACE
Address Line 2	DRIVE	Address Line 2	
Town/City	EDINBURGH	Town/City	EDINBURGH
Postcode	EH4 4GJ	Postcode	EH3 7SQ
Telephone	/	Telephone	/
Mobile	[REDACTED]	Mobile	[REDACTED]
Fax	/	Fax	/
Email	[REDACTED]	Email	[REDACTED]
3. Application Details *UK			
Planning authority	CITY OF EDINBURGH COUNCIL		
Planning authority's application reference number	19/03461/FUL		
Site address	<div style="border: 1px solid black; padding: 5px;"> 19 FERRY GAIT DRIVE EDINBURGH EH4 4GJ </div>		
Description of proposed development	<div style="border: 1px solid black; padding: 5px;"> PORCH EXTENSION TO FRONT OF PROPERTY FROM FRENCH DOORS TO REAR </div>		

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Building Standards
 - 6 NOV 2019
 Planning &

Date of application

18th July 2019

Date of decision (if any)

23rd August 2019

Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

- Application for planning permission (including householder application)
- Application for planning permission in principle
- Further application (including development that has not yet commenced and where a time limit has been imposed; renewal of planning permission and/or modification, variation or removal of a planning condition)
- Application for approval of matters specified in conditions

5. Reasons for seeking review

- Refusal of application by appointed officer
- Failure by appointed officer to determine the application within the period allowed for determination of the application
- Conditions imposed on consent by appointed officer

6. Review procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may tick more than one box if you wish the review to be conducted by a combination of procedures.

- Further written submissions
- One or more hearing sessions
- Site inspection
- Assessment of review documents only, with no further procedure

If you have marked either of the first 2 options, please explain here which of the matters (as set out in your statement below) you believe ought to be subject of that procedure, and why you consider further submissions or a hearing necessary.

7. Site inspection

In the event that the Local Review Body decides to inspect the review site, in your opinion:

- Can the site be viewed entirely from public land?
- Is it possible for the site to be accessed safely, and without barriers to entry?

Page 94

If there are reasons why you think the Local Review Body would be unable to undertake an unaccompanied site inspection, please explain here:

8. Statement

You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. Note: you may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

If the Local Review Body issues a notice requesting further information from any other person or body, you will have a period of 14 days in which to comment on any additional matter which has been raised by that person or body.

State here the reasons for your notice of review and all matters you wish to raise. If necessary, this can be continued or provided in full in a separate document. You may also submit additional documentation with this form.

REFER TO ENCLOSED SUPPORTING STATEMENT

Page 95

Have you raised any matters which were not before the appointed officer at the time your application was determined? Yes No

If yes, please explain below a) why your are raising new material b) why it was not raised with the appointed officer before your application was determined and c) why you believe it should now be considered with your review.

9. List of Documents and Evidence

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review

- HOUSE HOLDER APPLICATION FORM
- LOCAL AUTHORITY PLANNING DECISION NOTICE
- SUPPORTING STATEMENT
DRAWING No's - 01, 02, 03, 04, 05

Note. The planning authority will make a copy of the notice of review, the review documents and any notice of the procedure of the review available for inspection at an office of the planning authority until such time as the review is determined. It may also be available on the planning authority website.

10. Checklist

Please mark the appropriate boxes to confirm that you have provided all supporting documents and evidence relevant to your review:

Full completion of all parts of this form

Statement of your reasons for requesting a review

All documents, materials and evidence which you intend to rely on (e.g. plans and drawings or other documents) which are now the subject of this review.

Note. Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice from that earlier consent.

DECLARATION

I, the applicant/agent hereby serve notice on the planning authority to review the application as set out on this form and in the supporting documents. I hereby confirm that the information given in this form is true and accurate to the best of my knowledge.

Signature:  Name: L. MCCASKY Date: 5/11/19

Any personal data that you have been asked to provide on this form will be held and processed in accordance with Data Protection Legislation.

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Notice of Review *SUPPORTING STATEMENT*

The applicant acknowledges the planning authorities findings, but would refute the reasons given in respect of refusal of the said application.

The applicant would dispute the planning authorities comments that the proposed porch extension as submitted and is of the opinion that the proposed new addition would not have a detrimental impact on either the existing property, character of the neighbourhood or the street scene in general

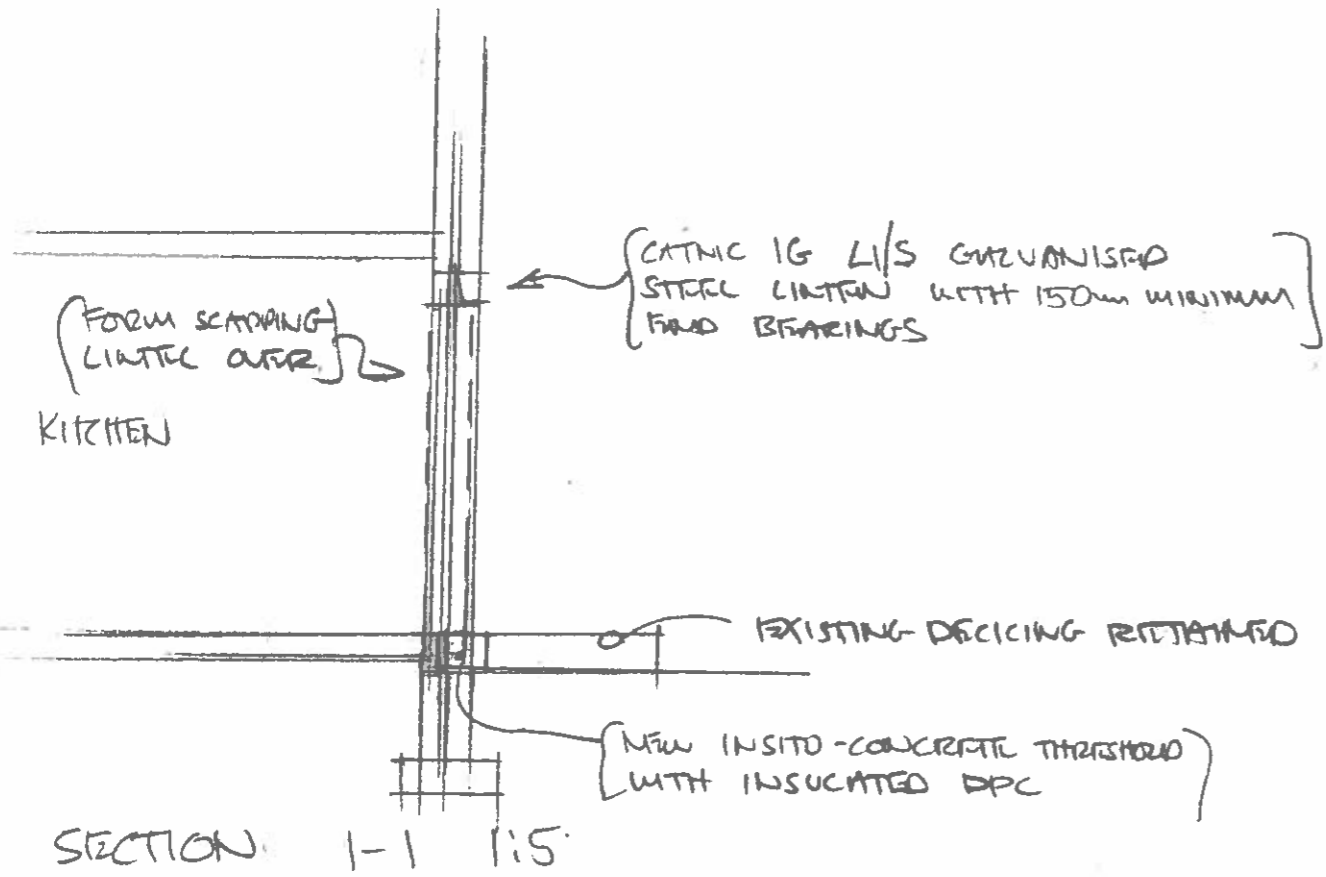
The applicant would state that the introduction of said extension would sit comfortably against the existing property frontage and that the general form, design and scale of the proposed porch structure would in fact compliment the main property and would not detract from the local character of the street

Whilst the applicant would agree that the proposed porch would project beyond the principle elevation line it would not result in an unacceptable addition, as with any small porch extension to domestic properties.

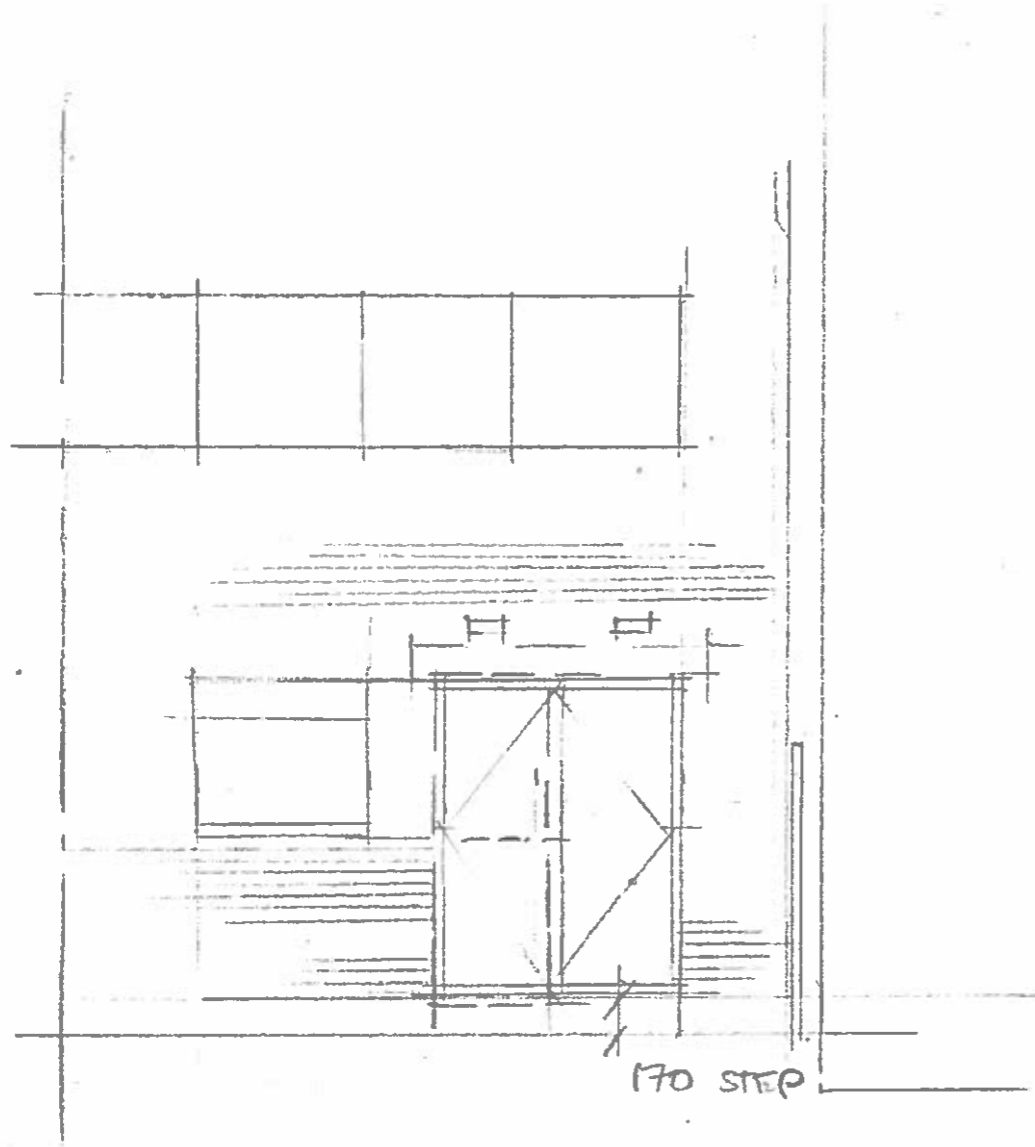
The scale, design and materials proposed in respect of new extension reflect generally what is currently in place and in adjacent properties in respect of material, style and design and would not have a detrimental impact or look out of place in general.

No objections or complaints have been submitted in respect of the proposals and the applicant has consulted a number of adjacent property owners who are very supportive with some also interested in a similar addition to their properties.

It is hoped that the review board shall look favourably in respect of this appeal and take into consideration the points raised by the applicant in support of his appeal.

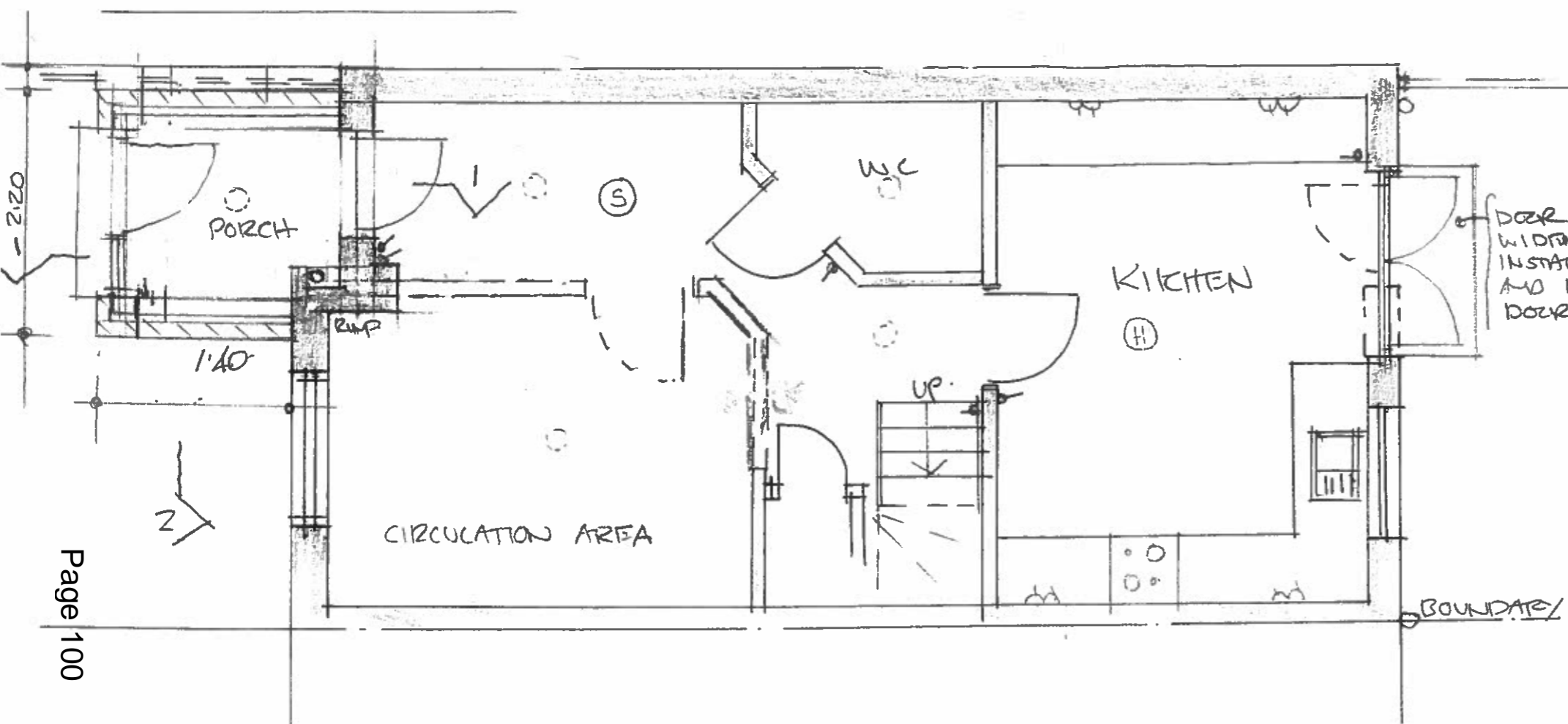


* INSUCATED RETURN AT NEW INGO

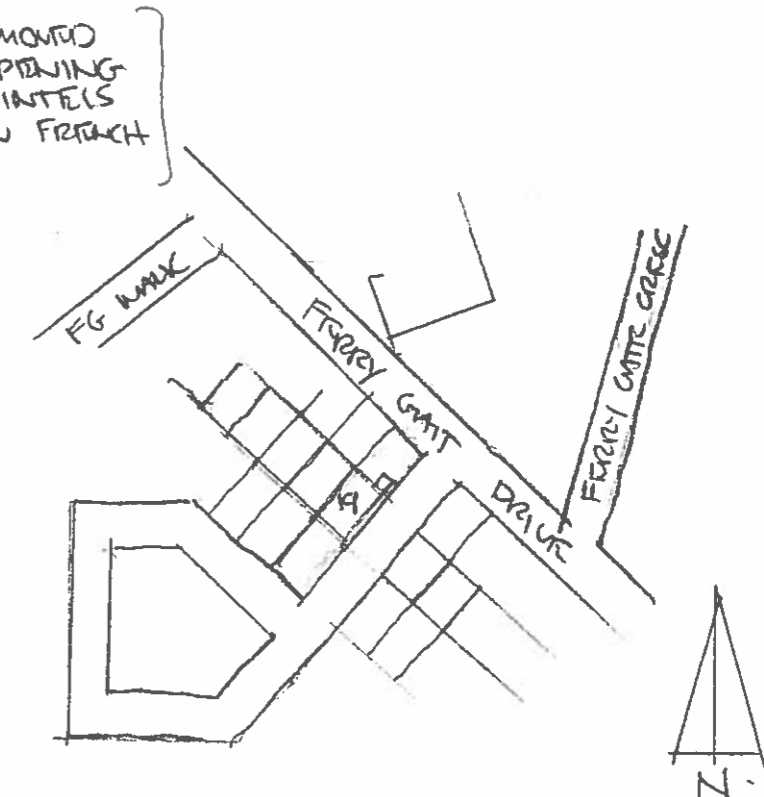


REAR ELEVATION 1:50

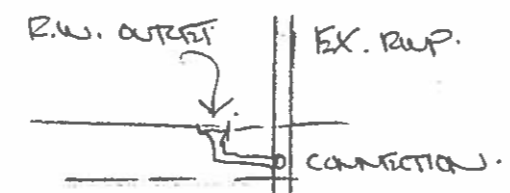
- REMOVALS.
- (H) HEAT DETECTOR
- (S) SMOKE DETECTOR
- (C) LIGHT FITTING
- (B) DOUBLE POWER OUTLET
- (L) LIGHT SWITCH



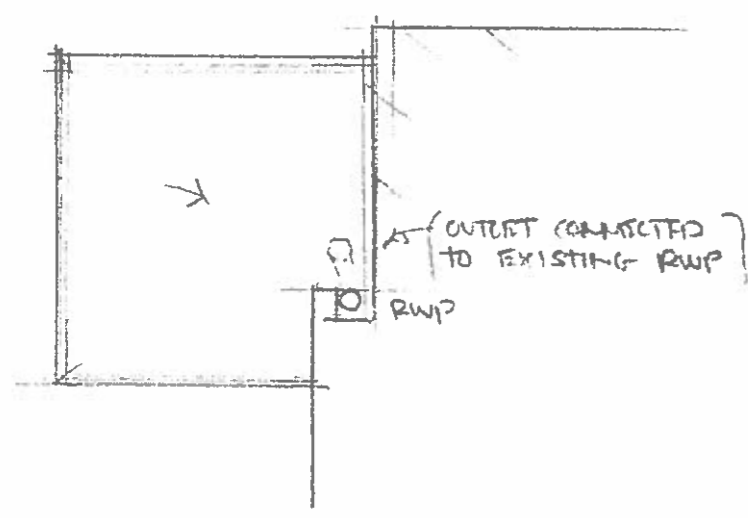
GROUND FLOOR PLAN 1:50



LOCATION PLAN 1:1250

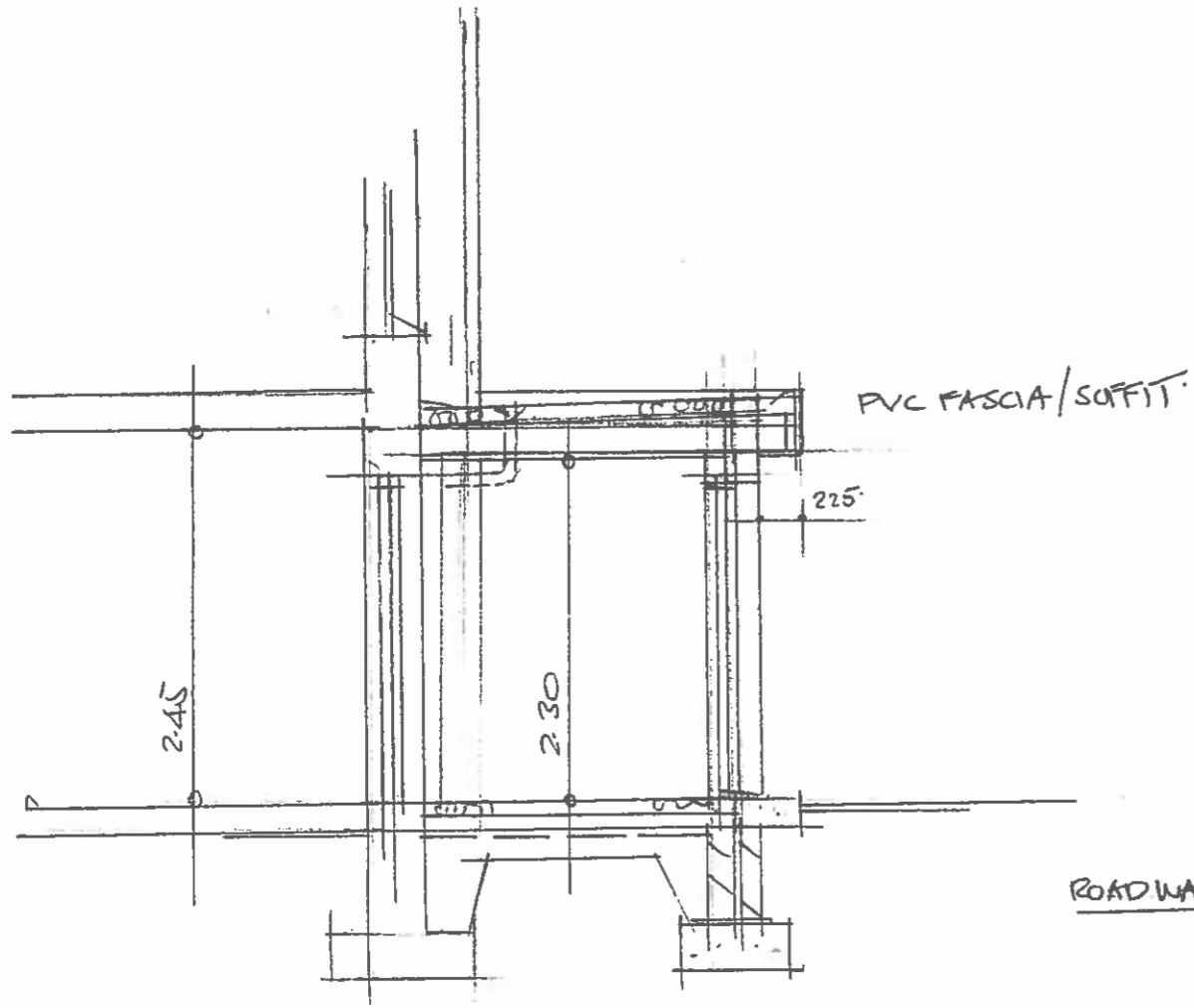


(RAINWATER DISPOSAL FROM FLAT ROOF TO EXISTING RWP)

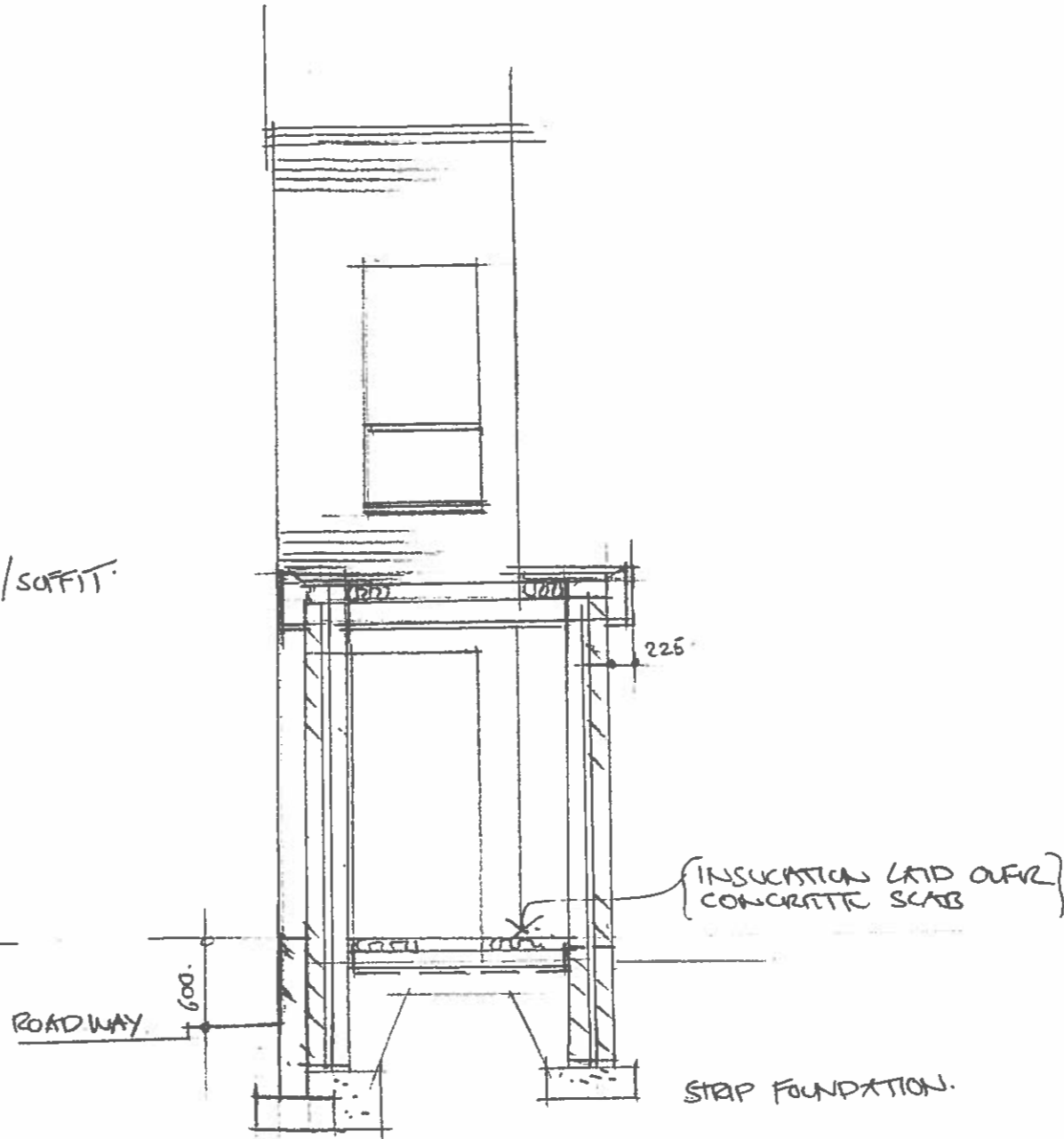


ROOF PLAN 1:50

<p>PROPOSED 19. FERRY GATT DRIVE EDINBURGH</p>
<p>JULY 2019</p>
<p style="text-align: right;">01</p>



SECTION 1-1 1:50

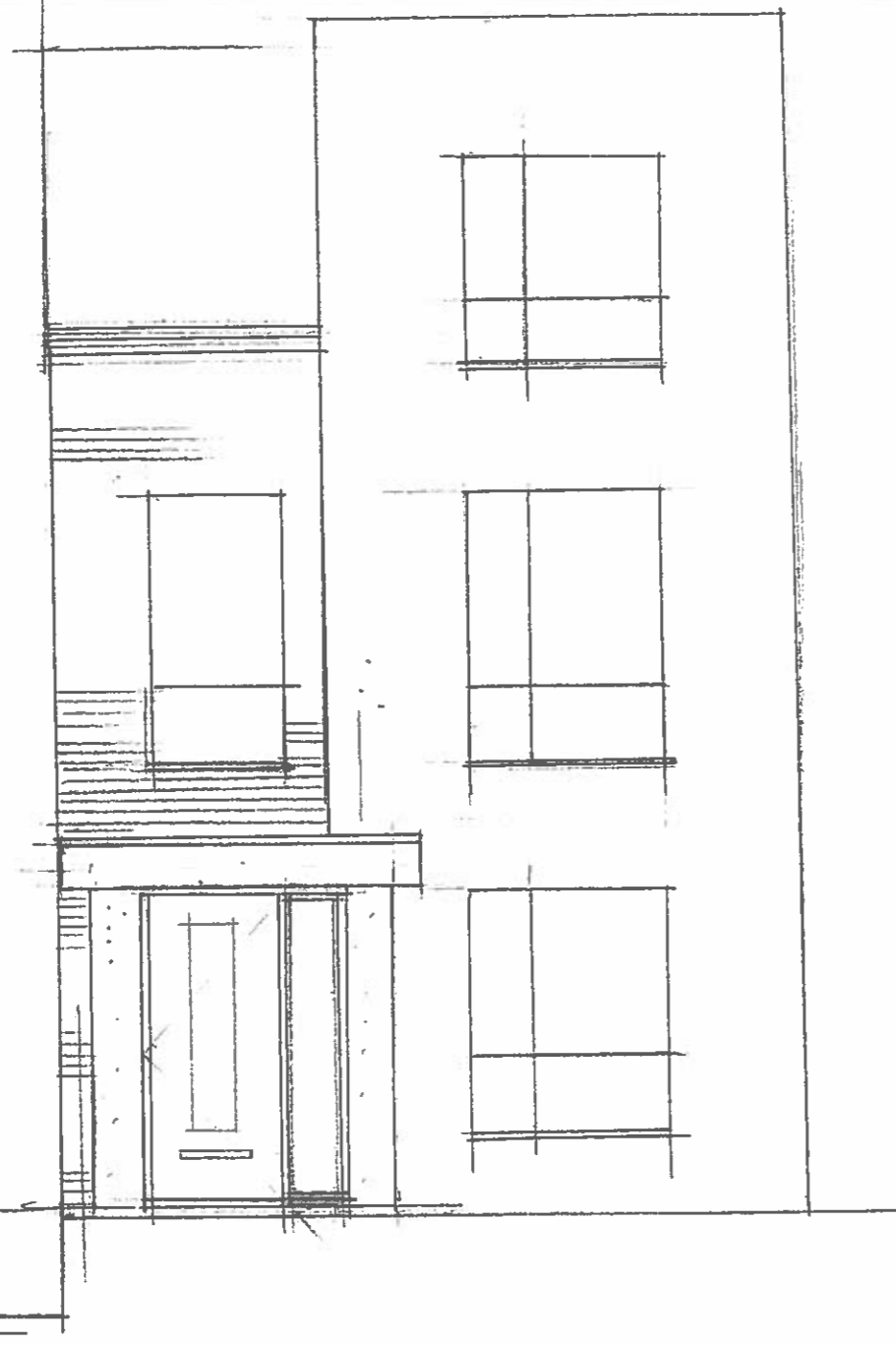


SECTION 2-2 1:50

PROPOSED ALTERATIONS 19 FURRY GAIT DRIVE EDINBURGH
JULY 2019
02

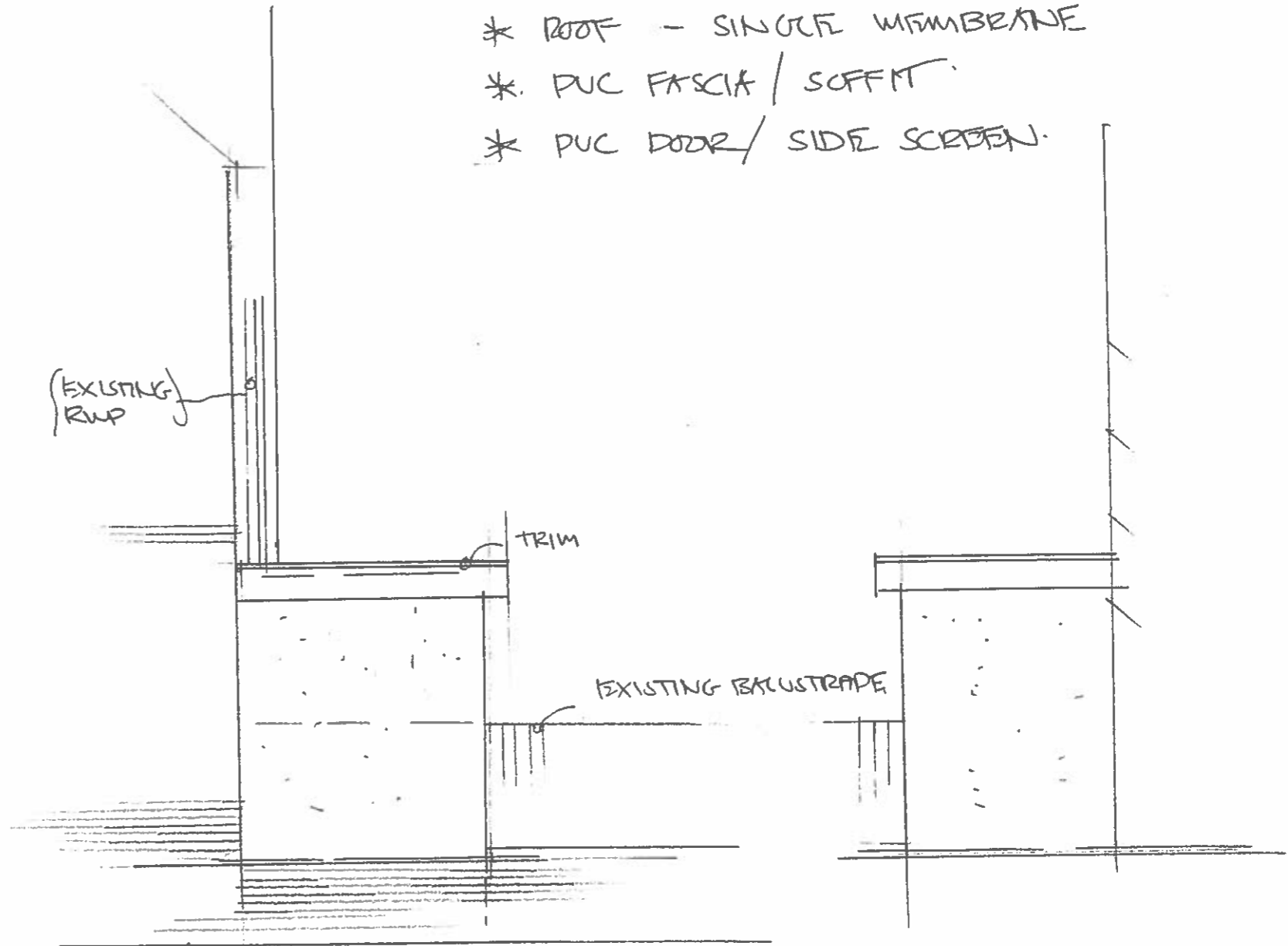
ROADWAY

1009



FRONT ELEVATION 1:50

- * WALLS - SMOOTH WHITE K RENOV.
- * ROOF - SINGLE MEMBRANE
- * PVC FASCIA / SOFFIT
- * PVC DOOR / SIDE SCREEN



PORCH EXTENSION 19. FERRY/GAIT DRIVE EDINBURGH JULY 2019

Planning + Building Design Ltd.
 Fao Keith Owens
 24 West Nicolson Street
 Edinburgh
 EH8 9DA

Mr Stephen Henderson.
 11 Regis Court
 Edinburgh
 EH4 6RG

Decision date: 28 October 2019

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

Alterations to flat to form french doors / bi folding doors to living room and bedrooms with glazed protective barriers.
 At 11 Regis Court Edinburgh EH4 6RG

Application No: 19/04147/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 30 August 2019, 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 proposed window alterations in form, scale and positioning are incongruous to the existing design of the building harmful to its character and appearance and the streetscene contrary to Policy Des 12 of the Edinburgh Local Development Plan and non-statutory Guidance for Householders.

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

Drawings 01, 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 proposed window alterations in form, scale and positioning are incongruous in relation to the existing design of the building, harmful to its character and appearance and to that of the streetscene and contrary to Policy Des 12 of the Edinburgh Local Development Plan and to non-statutory Guidance for Householders. There are no material planning considerations which would justify approval.

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 Lewis McWilliam directly on 0131 469 3988.

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 19/04147/FUL
At 11 Regis Court, Edinburgh, EH4 6RG
Alterations to flat to form french doors / bi folding doors to
living room and bedrooms with glazed protective barriers.**

Item	Local Delegated Decision
Application number	19/04147/FUL
Wards	B01 - Almond

Summary

The proposed window alterations in form, scale and positioning are incongruous in relation to the existing design of the building, harmful to its character and appearance and to that of the streetscene and contrary to Policy Des 12 of the Edinburgh Local Development Plan and to non-statutory Guidance for Householders. There are no material planning considerations which would justify approval.

Links

Policies and guidance for this application	LDPP, LDES12, NSG, NSHOU,
--	---------------------------

Report of handling

Recommendations

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

Background

2.1 Site description

The proposal relates to a second floor apartment within a three storey building located on the east side of Whitehouse Road near the junction with Regis Court. The site lies within a predominantly residential area.

2.2 Site History

The site has no planning history.

Main report

3.1 Description Of The Proposal

The application proposes the following works;

-Alterations to flat to form french doors / bi folding doors to living room and bedrooms with glazed protective barriers.

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 proposed scale, form and design is acceptable and will not be detrimental to neighbourhood character;
- b) the proposal will not cause an unreasonable loss to neighbouring amenity; and
- c) any comments raised have been addressed

a) Scale, form, design and neighbourhood character

Policy Des 12 of the Edinburgh City Local Plan and non-statutory 'Guidance for Householders' sets out relevant design criteria for alterations and extensions. In essence, these seek to ensure that alterations and extensions are compatible with the character of the existing dwelling and that of the wider locality.

The non-statutory "Guidance for Householders² states that 'windows should be sensitively replaced, in keeping with the character of the original building, the quality of its design and in an environmental sustainable way. The character of the area should be protected and enhanced'.

The proposed alterations involve replacement of three windows to a second-floor apartment including part removal of the brick wall below and the fitting of three glass barriers.

The existing alignment of windows vertically is uniform in scale, style and positioning with the brown cladded wall providing an even separation between each floor. This detailing contributes to an overall uniform design of the building in its entirety. The replacement windows with glass barriers would introduce contemporary additions, out of proportion with the existing openings and at odds with the existing style. For these reasons, the alterations would appear isolated, incongruous and subsequently harmful to the character and appearance of the building as a whole. Further, the front and side elevations in which the alterations are proposed occupy a visible position from primarily Whitehouse Road (west) and Upper Cramond Court (south). The alterations would therefore have an impact upon the wider streetscene and impact adversely on the existing neighbourhood character.

In light of the above, the proposal is not of an appropriate design, scale or form and would not accord with neighbourhood character. It is contrary to Local Development Plan Policy Des 12, and to the non-statutory Guidance for Householders.

b) Neighbouring Amenity

The proposal does not raise any concern in terms of impact on neighbour's amenity as outlook from the proposed openings would be consistent with the existing situation.

The proposal therefore accords with Local Plan Policy Des 12, and the non-statutory Guidance for Householders respect to neighbouring amenity.

c) Public comments

5 representations have been received; 4 objections and 1 letter of support summarised as the following:

Material

-Inconsistent design harmful to the character and appearance of the building and wider area.

Addressed in section 3.3 (a) of the above report

Non-material

-Prior Consultation - A statutory publicity period was carried out and neighbour notification letters sent after validation of the application. Any consultation in advance of this would be a civil matter and not a requirement of the City Council for a planning application of this nature.

-Title Deeds, Ownership, Prior consent, Property Value- These issues are private, civil or legal matters which cannot be materially assessed under planning as part of the proposal.

-Planning Precedence - Each planning application is assessed on its own merits.

-Enhance internal living environment - These comments are noted however cannot be given weight in assessing the planning merits of the proposal.

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

3.4 Conditions/reasons/informatives

Reasons:-

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

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

There is no pre-application process history.

6.2 Publicity summary of representations and Community Council comments

5 representations have been received.

Background reading / external references

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

Statutory Development

Plan Provision Edinburgh Local Development Plan - Urban Area

Date registered 30 August 2019

Drawing numbers/Scheme 01,
Scheme 1

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

Contact: Lewis McWilliam, Planning Officer
E-mail:lewis.mcwilliam@edinburgh.gov.uk Tel:0131 469 3988

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

Appendix 1

Consultations

No Consultations received.

END

Comments for Planning Application 19/04147/FUL

Application Summary

Application Number: 19/04147/FUL

Address: 11 Regis Court Edinburgh EH4 6RG

Proposal: Alterations to flat to form french doors / bi folding doors to living room and bedrooms with glazed protective barriers.

Case Officer: Lewis McWilliam

Customer Details

Name: Dr Frederic Pender

Address: 6 Regis Court Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: My wife and I are most interested in the proposed alteration to Flat 11 Regis Court, Edinburgh.

These flats do not have a lot of natural light. The idea of glazing the length of Flat 11 to include the lounge and both bedrooms is an innovative way of maximising the natural light, and also the value of the property, but without disrupting the look of the exterior due to the use of glass. The only disruption should be the use of the scaffolding required in order for the alterations to take place.

This project may even have the potential to enhance the 'tired' look of the building as a whole!

Dr F T Pender

Comments for Planning Application 19/04147/FUL

Application Summary

Application Number: 19/04147/FUL

Address: 11 Regis Court Edinburgh EH4 6RG

Proposal: Alterations to flat to form french doors / bi folding doors to living room and bedrooms with glazed protective barriers.

Case Officer: Lewis McWilliam

Customer Details

Name: Ms Amanda McLeod

Address: 9 Regis Court Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:

I think aesthetically, the plan looks lovely and it would be an enhancement to the flat, if it was a stand alone property. However it isn't and so the building will have a "mish mash" of two different styles right next to one and other and so I feel this will de-value my property, as well as the remaining 9 flats, as the whole symmetry and style of the building will be compromised.

The proposed finish of the underside of the glass sections will be a complete contrast to the existing brown painted wooden panelling, so again this will detract from the continuity running through the building AND the other town houses in the estate.

I own my property, however neighbours who only rent, haven't got the same worry about their investment.

Comments for Planning Application 19/04147/FUL

Application Summary

Application Number: 19/04147/FUL

Address: 11 Regis Court Edinburgh EH4 6RG

Proposal: Alterations to flat to form french doors / bi folding doors to living room and bedrooms with glazed protective barriers.

Case Officer: Lewis McWilliam

Customer Details

Name: Mr Craig Innes

Address: 7 Regis Court Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object for the following reasons, viz:-

1. Granting the above Application will have an adverse effect on the massing of our block of flats (the block) as the existing windows match the general look, shape and size of ALL of the remaining windows in the block, which are ordered both vertically and horizontally to give a uniform and pleasing appearance, with the brown weatherboarding underneath/between the windows, whereas the proposed french/bi fold doors completely differ in look, shape and size and will completely destroy the existing symmetry of the remaining windows in the block.
2. The proposed french/bi fold doors are completely out of scale in terms of appearance, when compared with the other windows in the block (ALL of which are of the same uniform appearance) and will have a detrimental effect on the external appearance of the block because, rather than blend in, they will stick out like a sore thumb, and generally detract from the scheme of the block which has remained unchanged since it was erected in the late 1970s.
3. The proposed french/bi fold doors are out of character with the remaining windows not only in the block, but also of the townhouses in the immediate vicinity, all of whose windows are similar in appearance and remain in the same general style as they were when the Dunvegan Estate was originally constructed.
4. The proposed alterations will be seen by every vehicle driving along Whitehouse Road, every pedestrian walking along Whitehouse Road, and every visitor to Regis Court and will in my opinion have an adverse impact on public visual amenity as their style is totally at odds with their immediate surroundings and will not be pleasing on the eye.

5. Granting the Application will risk setting a precedent which could lead to others in the block deciding to alter their windows, possibly in another style, of a different size and maybe of a different appearance, which would result in a sort of patchwork effect of differing styles, all in one building, which would look truly hideous and a blot on the locality, so any benefit to the Applicant in having the Application granted, would be more than outweighed by the loss of control by the remaining proprietors in the block. What is proposed is NOT a minor alteration, and when taken in the context that it is to take place in a communal tenement building where all of the residents have communal rights and obligations vis a vis one another, it is totally inappropriate, amounts to over-development and should NOT be permitted.

6. None of the other residents in the block were consulted prior to this Application being submitted, nor was the Factor or the Residents' Association, so there is absolutely no consensus here, and while what is being proposed might well be suitable and indeed attractive in a single free-standing dwellinghouse, it is NOT in keeping with the external appearance of the block at the moment, and it is unacceptable that such a dramatic alteration, which will impact all of the residents in the block to a greater or lesser extent, should be imposed on them without their consent, especially when what is proposed will affect the aforesaid wooden weatherboarding underneath/between the existing windows, and may affect the outside walls if additional fastenings require to be attached to them, all of which form part of the common parts according to our title deeds, and in which all of the proprietors have a right, and whose consent should, therefore be sought.

7. Finally, I note that Dr Pender has lodged a comment in support of the Application, but I would point out that he is a Tenant so has no vested interest in the block, and his views could well be the polar opposite of the owners who are a Trust based abroad. His comments are therefore IRRELEVANT in the context of this Application and should NOT carry the same weight as those of owner/occupiers as he has nothing to lose, whereas owner/occupiers have their investment to consider. And further if consent is required to anything in respect of Flat 6 it will be the Trust who require to consent and NOT Dr Pender, in the same way that it is the Trust who pay for any common repairs and NOT Dr Pender.

Comments for Planning Application 19/04147/FUL

Application Summary

Application Number: 19/04147/FUL

Address: 11 Regis Court Edinburgh EH4 6RG

Proposal: Alterations to flat to form french doors / bi folding doors to living room and bedrooms with glazed protective barriers.

Case Officer: Lewis McWilliam

Customer Details

Name: Mrs Sheila Mann

Address: 91 Netherby Road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Our son, Dougal Mann, very recently deceased, lived in 10 Regis Court. We are executors of his Will and also his parents . We are presently trying to sell his property. We understand that this will be viewed as irrelevant at this time. We do , however, feel that the whole property has an ambience of its own , including the windows as fitted according to the time of construction.. This property has a very high profile to the public , being on a main road and totally visible from all aspects. It will upset the symmetry of the building as it is unlikely that others would wish to follow suit . The present windows are large and allow maximum light input to the rooms , as can be verified from flat 10.

Comments for Planning Application 19/04147/FUL

Application Summary

Application Number: 19/04147/FUL

Address: 11 Regis Court Edinburgh EH4 6RG

Proposal: Alterations to flat to form french doors / bi folding doors to living room and bedrooms with glazed protective barriers.

Case Officer: Lewis McWilliam

Customer Details

Name: Mr David Spalding

Address: 1 Regis Court Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: While not wanting to fall out with my neighbour I believe the proposed change to the windows of his flat would be totally out of scale and character with the windows of the other 10 flats in the block and therefore destroy the uniform appearance and symmetry of the block.

91 Netherby Road
Edinburgh
EH5 3LR

14 November 19

Local Review Body
Support Team
Waverley Court
Edinburgh
EH8 8BG

Ref:Planning application[review] 19/04147/FUL 11 Regis Court Edinburgh EH4 6RG

We are executors of the Will of Dougal Mann , recently deceased, of 10 Regis Court EH4 6RG.

We are his parents.

We were relieved to learn that the original planning request had been refused. Sadly ,we feel sufficiently concerned , that we must appeal to the Review body to continue the refusal .

We know these flats quite well , having passed by countless times and then because of our son making his home there. We have always been aware of the relative attractiveness of the building , being more structurally pleasant than many other buildings of that period.

This because of the brick used, the large windows , allowing in light and increasing the obvious spaciousness of the properties, and most importantly , the uniformity of the design.

While we would not wish to disallow improvements within any home, this planning application is so wayward that the whole appearance of the property would be altered , and , in our view , definitely not for the better .

We are pleased to enclose a photograph of the property concerned , although we would expect that this is part of the planning application.We ask that due consideration is given to how the alteration of windows , into full height level, at the top right of the building ,would completely alter the design, symmetry and general ambience of Regis Court .

Thank you

[Redacted signature area]

Ian and Sheila Mann

Planning &
19 Nov 2019
Reg Standards



5 Regis Court,
Edinburgh,
EH4 6RG

Local Review Body Support Team
City of Edinburgh Planning Local Review Body
Waverley Court – Business Unit G2,
4 East Market Street,
Edinburgh,
EH8 8BG.

Dear Sirs,

Stephen Henderson
Planning Application 19/04147/FUL

I, Eileen Herdman, heritable proprietor of Number 5 Regis Court, Edinburgh, EH4 6RG, by my execution hereof, do hereby request that you reject the review of the above Planning Application and uphold the Council's refusal dated 28th October 2019.

Yours faithfully,

.....
Eileen Herdman

Date : 20/11/19

4 Regis Court
Edinburgh
EH4 6RG

Local Review Body Support Team
City of Edinburgh Planning Local Review Body
Waverley Court - Business Unit G2,
4 East Market Street,
Edinburgh, EH8 8BG.

25th November 2019

Dear Sir/Madam

Stephen Henderson
Planning Application 19/04147/FUL

We, Caroline & Keith MacLeod, as owners of N^o. 4 Regis Court, Edinburgh, EH4 6RG, request that you reject the review of the above Planning Application and uphold the Council's refusal dated 28th October 2019.

Yours faithfully,



Caroline MacLeod

Keith MacLeod

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Tel: 0131 529 3550 Fax: 0131 529 6206 Email: planning.systems@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100202386-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation: PPCA Ltd

Ref. Number:

You must enter a Building Name or Number, or both: *

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1 (Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Stephen"/>	Building Number:	<input type="text" value="11"/>
Last Name: *	<input type="text" value="Henderson"/>	Address 1 (Street): *	<input type="text" value="Regis Court"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH4 6RG"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="11 REGIS COURT"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH4 6RG"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="675762"/>	Easting	<input type="text" value="318512"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Alterations to flat to form French doors / bi folding doors to living room and bedrooms with glazed protective barriers at 11 Regis Court Edinburgh EH4 6RG

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

See submitted appeal statement for full reasons for appeal.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Decision Notice; Council Report of Handling; submitted drawings; Appeal Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/04147/FUL

What date was the application submitted to the planning authority? *

30/08/2019

What date was the decision issued by the planning authority? *

28/10/2019

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

Please indicate what procedure (or combination of procedures) you think is most appropriate for the handling of your review. You may select more than one option if you wish the review to be a combination of procedures.

Please select a further procedure *

By means of inspection of the land to which the review relates

Please explain in detail in your own words why this further procedure is required and the matters set out in your statement of appeal it will deal with? (Max 500 characters)

Site inspection requested to allow LRB members to view the proposal in context and to ensure that they understand the setting of the building and its relationship to surrounding built form.

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mrs Maura McCormack

Declaration Date: 12/11/2019

Proposal Details

Proposal Name	100202386
Proposal Description	Notice of Review - appeal against refusal of planning permission for window replacement at 11 Regis Court, Edinburgh EH4 6RG
Address	11 REGIS COURT, EDINBURGH, EH4 6RG
Local Authority	City of Edinburgh Council
Application Online Reference	100202386-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Council Decision Notice	Attached	A4
Appeal Statement	Attached	A4
Council report of Handling	Attached	A4
Plans and Elevations	Attached	A1
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

**Appeal against refusal of planning permission by City of Edinburgh Council
for Alterations to flat to form French doors / bi folding doors to living room
and bedrooms with glazed protective barriers, 11 Regis Court Edinburgh EH4
6RG**

LOCAL REVIEW BODY STATEMENT OF APPEAL



November 2019

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Introduction

PPCA Limited has been instructed by Mr. Stephen Henderson to lodge an appeal against the refusal of planning permission by City of Edinburgh Council for Alterations to flat to form French doors / bi folding doors to living room and bedrooms with glazed protective barriers at 11 Regis Court Edinburgh EH4 6RG.

The application (reference 19/04147/FUL) was refused by delegated decision dated 28th October 2019.

This Statement sets out the reasons for appeal against the Council Decision Notice.

Reason for Refusal

The City of Edinburgh Council Decision Notice states one reason for refusal, that being –

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

The Decision Notices is accompanied by a Report of Handling produced by the Council Case Officer.

The Proposed Development

As per the application description, the proposed development comprises the replacement of an existing four-pane living room window on the front elevation with a bi-fold screen and protective glass barrier and the replacement of two two-pane bedroom windows with double doors and protective glass barriers.

In both cases, the proposals will involve vertical enlargement of the existing openings to form openings for the proposed doors.

The proposed development will allow for all three rooms to benefit from greater natural light by means of larger areas of glass with no detriment to neighbouring properties.

Town & Country Planning (Scotland) Act 1997 (as amended)

The Town & Country Planning (Scotland) Act 1997 (as amended) states that all planning applications should be determined in accordance with the Development Plan unless material considerations determine otherwise. The Development Plan relevant to this appeal is the Adopted City of Edinburgh Council Local Development Plan 2016.

The Reason for Refusal also refers to the non-statutory City of Edinburgh Council Guidance for Householders.

The following Sections deal with the Local Development Plan Policy, non-statutory Guidance and Council Report of Handling.

City of Edinburgh Council Local Development Plan

City of Edinburgh Council Local Development Plan Policy DES12 states –

Planning permission will be granted for alterations and extensions to existing buildings which:

- a) in their design and form, choice of materials and positioning are compatible with the character of the existing building*
- b) will not result in an unreasonable loss of privacy or natural light to neighbouring properties*
- c) will not be detrimental to neighbourhood amenity and character*

Every change to a building, street or space has the potential to enrich or, if poorly designed, impoverish a part of the public realm. The impact of a proposal on the appearance and character of the existing building and street scene generally must be satisfactory and there should be no unreasonable loss of amenity and privacy for immediate neighbours.

Dealing with each of the above points in turn, the materials used will be glass French and bi-fold doors and panelling. This is in keeping with the materials already used on the building. There is, therefore, no issue with materials used for the opening proposed.

It is contended that the proposed introduction of window openings will actively and positively improve the overall look of the building by removal of a proportion of the brown cladding and its replacement

with glass. The appellant has parallel correspondence from other block residents supporting the replacement of his windows as an improvement to the exterior of the building that could be supported and duplicated by those residents.

The proposed development will have no impact on neighbouring properties. As noted above, the proposed development will enable greater natural light and heat to enter the property to the benefit of the occupiers in terms of environmental sustainability – less reliance on gas and electricity – and will have wider health benefits associated with exposure to such light.

The proposed development will not be detrimental to neighbourhood amenity or character. The building is neither Listed nor within a Conservation Area. It forms part of a wider brick-built three storey flatted development at the junction of Whitehouse Road and Regis Court. The proposed development is not visually intrusive due to, firstly, the orientation of the building at approximately 45 degrees to Whitehouse Road and, secondly, the mature trees along the frontage of Whitehouse Road.

There are a variety of window opening sizes within the building already. The proposed introduction of French and bi-fold doors will increase the opening depth of the current windows at second storey level but will not have a detrimental or adverse impact on the overall visual / architectural reading of the building structure.

The proposed development only involves extending three existing window openings in a vertical manner. This consists of only one out of fifteen on the front elevation and two out of six on the side elevation. It does not involve new window openings. There is no issue with form or scale of the proposed windows with regards to the above.

The proposed development affects only the second floor flat. It is not unusual for flatted development to have a different window orientation on the top floor often to reflect larger properties.

The wider area is characterised by a wide variety of residential forms and styles with many differing window shapes and sizes including contained within flatted development blocks.

The proposed development will, at worst, have a neutral impact upon the surrounding area. As such, it is not considered incongruous in terms of form, scale or positioning to either the building itself or wider street scene as stated in the reason for refusal.

City of Edinburgh Council non-statutory Guidance for Householders

The City of Edinburgh Council non-statutory Guidance for Householders was published in February 2019.

With respect to window alterations, it notes that window replacement should be in keeping with the character of the original building, the quality of its design and done in an environmentally sustainable way. The character of the area should be protected and enhanced.

As set out, above the proposed development complies with all of the requirements set out in the above requirements of the Guidance.

City of Edinburgh Council Report of Handling

The City of Edinburgh Council Report of Handling accompanying the Decision on the planning application notes that –

“The existing alignment of windows vertically is uniform in scale, style and positioning with the brown cladded wall providing an even separation between each floor. This detailing contributes to an overall uniform design of the building in its entirety. The replacement windows with glass barriers would introduce contemporary additions, out of proportion with the existing openings and at odds with the existing style. For these reasons, the alterations would appear isolated, incongruous and subsequently harmful to the character and appearance of the building as a whole. Further, the front and side elevations in which the alterations are proposed occupy a visible position from primarily Whitehouse Road (west) and Upper Cramond Court (south). The alterations would therefore have an impact upon the wider street scene and impact adversely on the existing neighbourhood character.”

In response, the proposed development will maintain the vertical nature of the windows. It is not unusual for top floor flats to have larger window openings than the flat below them. The Development Plan will not significantly affect the overall visual impression or proportions of the elevations affected.

The proposed development will retain a large proportion of the brown cladding (approximately 0.8m) on the building thus retaining the physical separation that is referred to above. This is because the flat in question has a floating floor that is approximately 50cm above the bottom line of the brown cladding. The cladding will continue to delineate a separation between this flat and the one below – it will not be removed entirely. The photo below demonstrates the raised floor implications externally with heating system pipes exiting the building within the cladding. The floor level of the flat is a further 200mm above these pipes which run underneath it.



The photo below provides an indicative example of how the window arrangement would look from inside the flat. Whilst indicative only, it demonstrates that there would still be an internal (and external) wall below the window proposed,



The building, as a brick built structure with glass window openings, is already a contemporary building regardless of the proposed development. The impact of the proposed development is minimal and in keeping with the contemporary nature of the building.

The proposed development cannot be seen from within properties at Upper Cramond Court to the south due to the orientation of the buildings in question (all face generally east or southeast). There are no windows in the northern elevation of the Upper Cramond Court development that could view the proposed development at Regis Court. Furthermore, the proposed development is screened by nature trees along its frontage with Whitehouse Road. There is no issue with privacy and amenity enjoyed by the appellant property or neighbouring properties due to distances involved.

Whilst the proposed development represents a change to the external elevation of the building, it is contended that the alterations would not appear isolated, incongruous and subsequently harmful to the character and appearance of the building as a whole for the reasons set out above.

Conclusion

The proposed development comprises replacement of windows on the second floor of flatted development at Regis Court, Edinburgh with glass bi-fold and French doors and panelling.

The proposed development is not out of keeping with the form and scale of the building and will not have an adverse effect on either scale, massing, form or the overall character of that building or the wider area. It is not unusual to have larger window openings on the top storey of flatted development.

The proposed development respects the vertical nature of the current window openings and the modern use of materials is in keeping with the rest of the building. The majority of the brown cladding that crates the vertical separation between flats will be retained.

The proposed development will have no impact on neighbouring residents within the block and cannot readily be seen from either Whitehouse Road or adjacent development at Upper Cramond Court.

The proposed development will have a positive impact on the health of residents through the introduction of additional natural light into the property and will also help reduce property running costs through reduced reliance on electricity and gas heating needs.

In conclusion, the proposed development is not considered to conflict with Local Development Plan Policy DES12 or the Council non-statutory Guidance for Householders for the reasons set out above.

It is respectfully requested that the Local Review Body overturns the Officer decision and grants planning permission for the proposed development.

EXISTING WINDOW AND WALL BELOW TO BE REMOVED AND REPLACED WITH BI-FOLDING SCREEN AND GLASS PROTECTIVE BARRIER.

EXISTING WINDOW AND WALL BELOW TO BE REMOVED AND REPLACED WITH DOUBLE DOORS AND GLASS PROTECTIVE BARRIER.

EXISTING WINDOW AND WALL BELOW TO BE REMOVED AND REPLACED WITH DOUBLE DOORS AND GLASS PROTECTIVE BARRIER.



LOCATION PLAN

1:1250

N

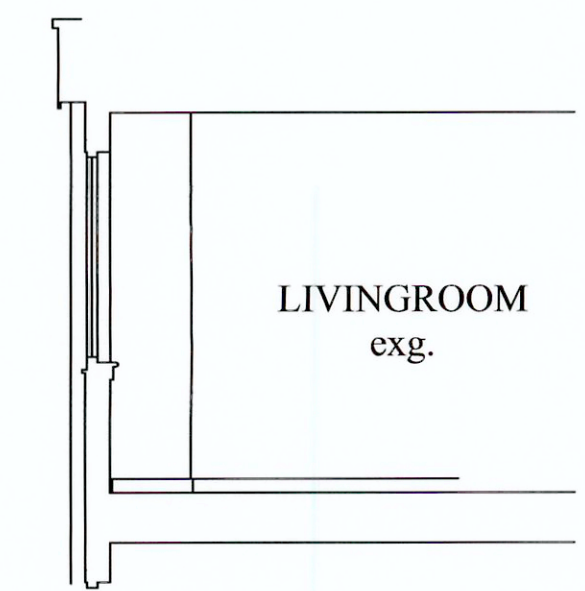


FRONT ELEVATION AS EXISTING

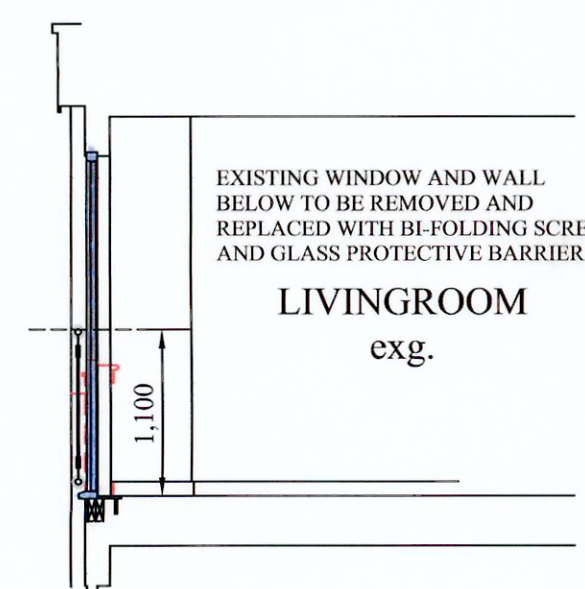
SIDE ELEVATION AS EXISTING

FRONT ELEVATION AS PROPOSED

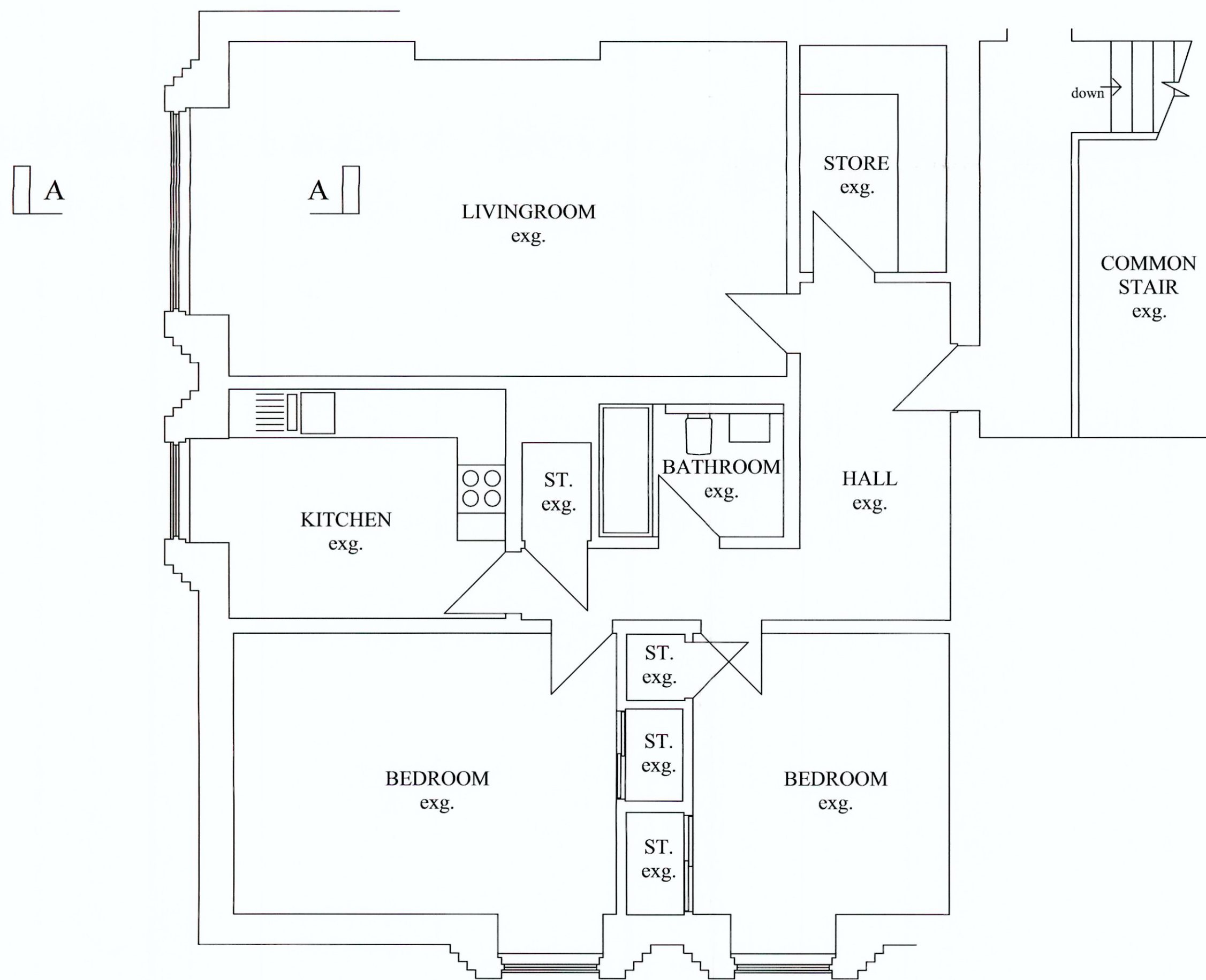
SIDE ELEVATION AS PROPOSED



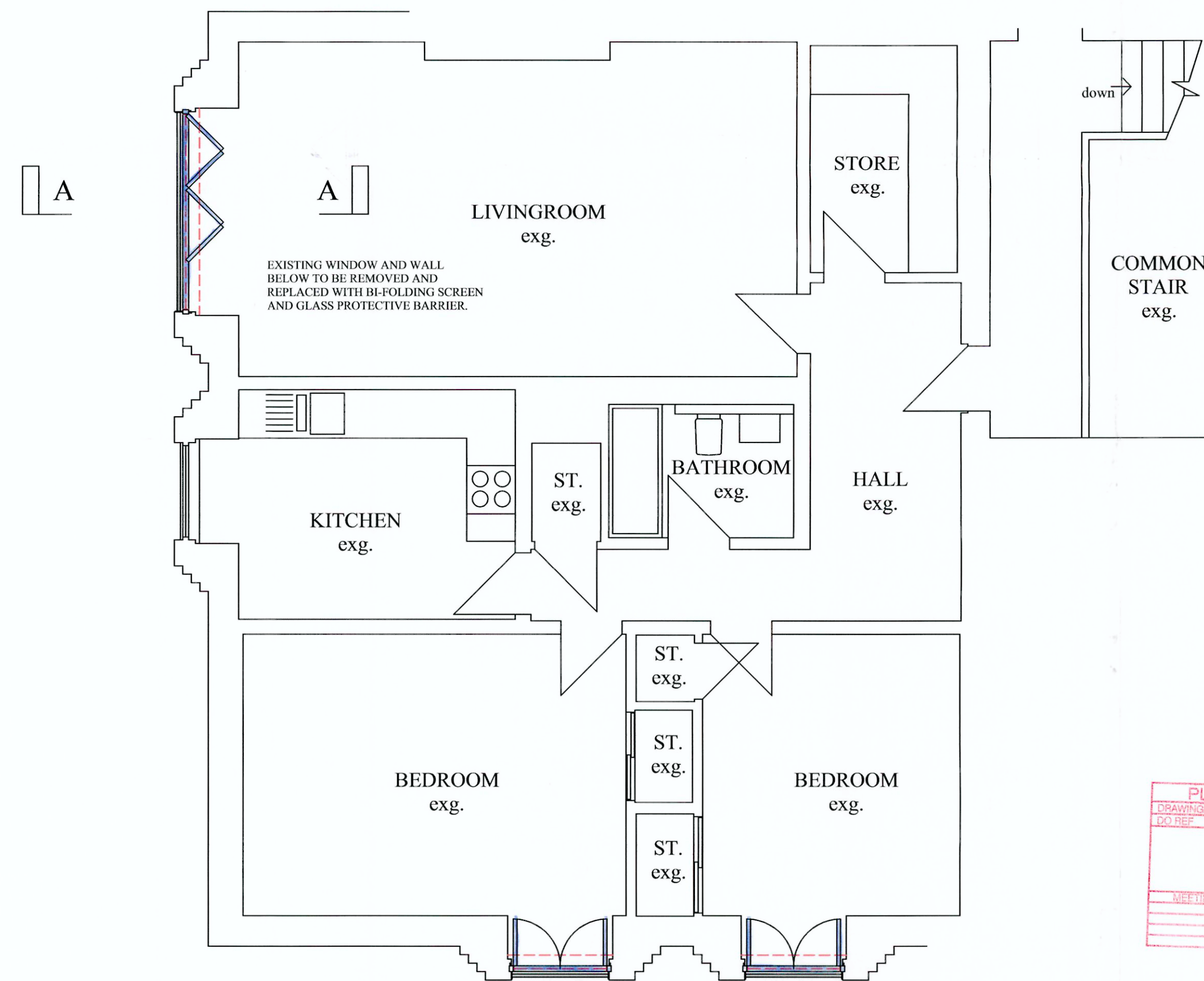
SECTION ON A - A AS EXISTING



SECTION ON A - A AS PROPOSED



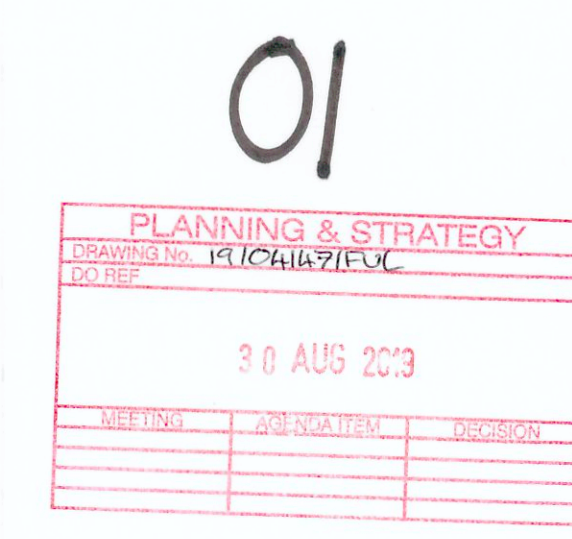
EXISTING SECOND FLOOR PLAN



PROPOSED SECOND FLOOR PLAN

EXISTING WINDOW AND WALL BELOW TO BE REMOVED AND REPLACED WITH DOUBLE DOORS AND GLASS PROTECTIVE BARRIER.

EXISTING WINDOW AND WALL BELOW TO BE REMOVED AND REPLACED WITH DOUBLE DOORS AND GLASS PROTECTIVE BARRIER.



Project
ALTERATIONS TO FLAT TO FORM FRENCH DOORS TO LIVING ROOM AND BEDROOMS WITH GLAZED PROTECTIVE BARRIERS
11 REGIS COURT
EDINBURGH
EH4 6RG

Client
MR. STEPEHEN HENDERSON

Date AUG '19 Scale 1 : 50 Drg.Num. 2508/01

Planning & Building Design Ltd.
24 West Nicolson Street
Edinburgh
EH8 9DA

Tel. 0131 662 8430
Fax. 0131 662 8431

Local Review Body Statement on behalf of the owners of numbers 4, 5, 7 and 9 Regis Court, Edinburgh, EH4 6RG (hereafter the Objectors)

Relating to the review of the decision of City of Edinburgh Council to refuse planning permission for 'Alterations to flat to form french doors / bi folding doors to living room and bedrooms with glazed protective barriers

Planning Application Ref: 19/04147/FUL

November 2019

Introduction

This Statement has been prepared by DM Hall chartered surveyors and planning consultants on behalf of the Objectors. It expands upon concerns that were raised with the planning application and responds to matters included in the Statement prepared on behalf of the Applicant by PPCA Ltd (hereafter PPCA).

By way of introduction, the Objectors support the decision taken with regard to this Application. They agree wholeheartedly with the decision to refuse planning permission and with the reason for refusal. They do, however, consider that certain other aspects of the proposals should also be highlighted, and are themselves additional reasons why this proposal should not be accepted. These relate to the materials being used, or more correctly the way materials are being used, and the precedent that would be set by allowing buildings such as this to have a mix of window types, which would undermine the architectural integrity of this building and could lead to others following suit.

Ownership Context

Before considering those matters in detail, however, and commenting upon the PPCA Statement, it is important to put these proposals into context.

Like many blocks of flats and apartments in Edinburgh, this one is covered by a deed of conditions (copy attached) that requires owners to discuss and vote on any changes to the external fabric of the building, which includes the proposals being considered here, and for there to be a simple majority in favour. So far, no such discussions have taken place and,

whilst this is a separate legal matter, there are understood to be currently six owners of the eleven flats (including the Objectors) who do not support these proposals. As such, the Applicant could not currently proceed, whatever the outcome of this local review. The one letter of support received in relation to the Application is from a tenant and not an owner and so does not get a vote. Indeed, the Objectors are not aware that any owners are currently supporting the Applicant in his wish to alter the building.

It should also be noted that the Applicant did not speak to the neighbours before submitting this application nor the residents association nor the factors for the building.

Also important by way of background, is that the flat owners are, in fact, already considering what can be done collectively to replace the brown panelling on the building, which the Applicant is looking to remove, and ideas for a new finish that would be used to replace all of the brown panelling is in the early stages of being discussed. The Applicant is welcome to join that discussion and the hope is that jointly all owners will in the short to medium term agree on a new type of panelling that will be installed to replace all of the existing. If this Application is permitted that would scupper any chance of a collective solution, which, if the Applicant were to secure sufficient votes (remote possibility though that may be) would lead to one flat having an entirely different solution to the rest.

Comments on Proposals and PPCA Statement

Turning to the reasons why this proposal should not be supported, then the reason for refusal refers to the form, scale and positioning of the windows/door being incongruous and harmful to the character of the building and the character of the local area. Those sentiments are supported by the Objectors.

In addition, however, it is considered that the materials in the way they are being used are also wrong for the building.

PPCA early on in their Statement suggest that the materials are accepted by the case officer and that is true, in the sense that the word is not used. However, it is clear that the case officer is covering this aspect with the catch all term 'form' in that these modern contemporary styled windows, with glazing to the ground and horizontal as well as vertical glazing bars, are totally different to what exists and will look odd in comparison. At the moment, all openings in this building are the same size, with a panelled bottom half and glazed top half, and only vertical glazing bars, and either that architectural styling should be followed, as has happened with those flats that have replaced windows to date, or there should be a collective solution replacing all of the panelling, all of the windows, or both. It is also important that the colour of material used is the same and there is no indication either in the original application or later Statement that this would be the case.

The other issue is one of precedent. This goes back to a point made by the case officer, which is that having different windows, and bizarrely a bi-fold door, on the top floor of a block of flats that are different to all the others in the block would be incongruous and, we say, would also set an undesirable precedent. It could be picked up by others as an indication that the Council is supportive of flat owners going alone with their own ideas, and that the uniformity in design of a flat block elevation does not matter.

The PPCA Statement tries to make the point that because this building is not listed or in a conservation area that somehow it is less important, that less care should be taken in how it is treated architecturally, but that is a slippery slope as far as the Objectors are concerned. Such an approach would incrementally detract from the character of this part of the city where blocks of flats are often the key block presenting to the street at the entrance to some estates. They are visible, they were designed to be visible, this one is visible, and so it should be given protection by supporting its continued architectural uniformity.

Turning to some other issues mentioned in the PPCA Statement, then these flats do not have gas, as stated, they are all electric.

The supposed health benefits of these windows and a bi-fold door is somewhat clutching at straws. No real evidence is presented in this regard.

There is no evidence presented to suggest any environmental benefits from these new windows/bi-fold door, which is presumably because they are little different in their thermal conductivity to what exists already on the building, which are double glazed windows. The panelling has poor thermal qualities, granted, but that is being addressed, as explained above.

The PPCA Statement suggests that the top floors of flats often have larger window openings than lower floors. That is true on buildings designed that way. This building was designed to be the same in design externally and internally. This suggested reason in support is also fatally undermined by the fact that the Applicant isn't changing all of his windows, with him keeping the existing kitchen window with panel below. In others words, not only will the new windows and door appear incongruous on the building as a whole, but even on this one floor.

Finally, the PPCA Statement tries to suggest that the building is partially screened from Whitehouse Road. This is misleading. It is clearly visible, it was designed to be, and these proposals will be visible to anyone walking along the street, or driving past, where one flat will appear at odds with the rest and, frankly, strange. The councillors will be able to see that for themselves if they do a site visit.

Conclusion

To conclude, these proposals in their form, detailing, materials mix and architectural style are inappropriate for this building. They will appear visually strange and that will undermine the architectural integrity of the building. They will be harmful to it and the character of the area. The PPCA Statement says nothing to justify taking a different approach to the case officer nor does it include any material considerations that weigh in favour of planning permission being granted. For those reasons, planning permission should not be forthcoming in this instance.

The Applicant is also encouraged to speak to his neighbours and join with them in coming forward with a collective solution for the building rather than continuing to act alone.

**PPCA Ltd response to DM Hall Statement lodged on behalf of 4, 5, 7 and 9
Regis Court, Edinburgh, EH4 6RG for appeal against planning permission at 11
Regis Court reference 19/04147/FUL**

PPCA Limited welcomes the opportunity to respond to the above Statement and would offer the following response. This follows the structure of the Statement wherever possible.

PPCA Limited remains of the view that there is no locus for residents at either 4 or 5 Regis Court to comment on the appeal as they did not lodge formal objection to the proposed development as part of the original planning application.

The Statement Section entitled "Ownership Context" is not a material consideration in the determination of this appeal and is covered by separate legislation.

Responses to the relevant parts of the PPCA Limited Statement of Appeal, the matters of use of materials, opening sizes and continuity of form of the external appearance of the building are all dealt with in the original PPCA Limited submission and it is not intended to duplicate those here.

It can be clarified that there is no intention to introduce a new colour of panelling as a result of the proposed development.

The DM Hall submission refers to precedent. There is no concept of binding precedent within the Scottish land use planning system as every planning application is determined on its own merits as set out in the Town & Country Planning (Scotland) Act 1997 (as amended).

The reference made within the PPCA Limited Statement to the fact the the building is neither Listed nor within a Conservation Area is not made to suggest that the building is less important. The fact that the building is not affected by either of these designations allows for a greater degree of flexibility in the ability to modify the building.

The proposed window openings will have greater thermal conductivity than the panelling which it is proposed to replace and support for this fact from the DM Hall Statement is noted.

The appellant is not proposing to change the window in the kitchen as that is not a habitable room and would not experience the same benefits accruing from larger window openings in this case as would the living and bedroom areas. It is not unusual for kitchen windows to be smaller than those of living rooms and bedrooms. It is contended that the proposed change will not significantly undermine the external appearance of the building.

Lastly, the building is partially screened by a mature tree in the grounds of the property as confirmed by both the appellant and a site visit.

Genlo Design.
 FAO: Grant McPherson
 31 Damhead, Old Pentland Road
 Lothianburn
 Edinburgh
 Scotland
 EH10 7EA

Perservere Ltd.
 C/O: Mr R Graham
 20 Gordon Street
 Leith
 EH6 8NA

Decision date: 9 August 2019

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

Proposed development of 3no. one bed & 5 no. studio apartments on existing gap site.
 At 12 - 14 South Fort Street Edinburgh EH6 4DN

Application No: 19/02479/PPP

DECISION NOTICE

With reference to your application for Planning Permission in Principle registered on 5 June 2019, 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 adversely affects 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 does not comply with Policy Env 3.
2. The proposal does not preserve or enhance the special character and appearance of the Leith Conservation Area and so does not comply with Policy Env 6.
3. In respect of housing density the proposed density is considered excessive for the site area. The proposal therefore does not comply with Policy Hou 4.

4. Insufficient information has been submitted to assess the impact that the proposal will have on neighbours.

5. The proposal does not provide any green space within the site and is not within reasonable proximity to public green space. It therefore does not comply with Policy Hou 3.

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

Drawings 01, 02, 03, 04, 05, 06, 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 adversely affects the setting of nearby listed buildings and as such would be detrimental to the architectural character, appearance and historic interest of the building. Additionally, the proposal does not preserve or enhance the special character and appearance of the Leith Conservation Area. In respect of housing density, the density is considered excessive for the site area and leads to a development which is crammed into the site. In respect of green space the proposal makes no provision on site and the site is not within reasonable distance of public green space. The proposal therefore does not comply with the relevant policy and guidance.

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 Alexander Calderwood directly on 0131 469 3824.

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 in Principle 19/02479/PPP

At 12 - 14 South Fort Street, Edinburgh, EH6 4DN
Proposed development of 3no. one bed & 5 no. studio
apartments on existing gap site.

Item	Local Delegated Decision
Application number	19/02479/PPP
Wards	B12 - Leith Walk

Summary

The proposal adversely affects the setting of nearby listed buildings and as such would be detrimental to the architectural character, appearance and historic interest of the building. Additionally, the proposal does not preserve or enhance the special character and appearance of the Leith Conservation Area. In respect of housing density, the density is considered excessive for the site area and leads to a development which is crammed into the site. In respect of green space the proposal makes no provision on site and the site is not within reasonable distance of public green space. The proposal therefore does not comply with the relevant policy and guidance.

Links

Policies and guidance for this application	LDPP, LHOU01, LHOU02, LHOU03, LHOU04, LDES01, LDES04, LDES05, LDES10, LEN03, LEN06, LEN08, LEN09, LTRA02, LTRA03, CRPLEI, NSG, NSLBCA,
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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 is a small area of land (143sqm) attaching the blank gable end of a Georgian house and currently occupied by a builders yard/scaffolding store, including a small single storey shed over part of the site. The adjoining house was listed category B on 30.3.1994 ref.27421. There are further Georgian houses to both south and east, separated from the site by the adjoining roads. The tenement to the south contains a small public house at ground floor level.

Land to the immediate west (on Trafalgar Lane) serves as a common back green (screened behind a tall stone wall). Land opposite that area (south-west of the site) is screened by a tall brick wall and security fence over. This area is used to park coaches overnight. The surrounding area is otherwise residential.

This application site is located within the Leith Conservation Area.

2.2 Site History

18/10175/PPP - This application sought planning permission in principle for the construction of a studio apartment development on the site. It was refused on the 8th of February, 2019. It was refused on the grounds that the form and design were unacceptable in relation to the adjacent listed building, it lacked cycle parking and that it gave an unacceptable housing density.

Main report

3.1 Description Of The Proposal

This application seeks planning permission in principle for a new residential development comprising 3 one bed and 5 studio apartments. The proposed materials are as follows:

- Walls: Buff face brick to compliment existing/proposed sandstone

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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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 principle of housing is acceptable;
- b) the scale, form and design are appropriate within the context of the urban area;
- c) the proposals preserve the character of the adjacent listed building and preserve or enhance the character or appearance of the conservation area;
- d) impact on neighbouring amenity is acceptable;
- e) amenity of the created units is acceptable
- f) parking is considered; and
- g) public comments have been considered.

a) 'Policy Hou 1' states that priority will be given to the delivery of the housing land supply on other suitable sites in the urban area, provided proposals are compatible with other policies in the plan. On this basis the principle of housing development is unacceptable because there are a number of policies which the proposal does not comply with.

'Policy Hou 2' states that the Council will seek the provision of a mix of housing types and sizes where practical, to meet a range of housing needs, including those of families, older people and people with special needs, and having regards to the character of the surrounding area and its accessibility. The surrounding area is characterised by residential development which varies in size and the number of bedrooms provided. This application proposes 3, 1 bedroom apartments and 5 studio apartments and so contributes to the provision of a mix of house types and sizes in the area.

'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 and to the need to create an attractive residential environment and safeguard living conditions within the development. In the instance of this application, whilst the visual density as seen from South Fort Street is broadly "correct", the attempt to have two flats per floor on this restricted site creates a density that is not characteristic of the surrounding area, crams too many units on the site and will not create a satisfactory residential environment.

b) 'Policy Des 1' states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place and would not be damaging to the character or appearance of the area around it.

'Policy Des 4' states that planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider area townscape and landscape, and impact on existing views.

In terms of this application the proposal seeks to introduce a flat roofed block of studio/1 bedroom apartments which will be finished in buff face brick. Neither the flat roof element of the proposal or the proposed finish bears an acceptable relation to the adjacent buildings which have pitched roofs and traditional finishes. Apart from the colouring of the proposed brick the design bears no relation to other development in the immediate and wider area and as a result detracts from its character and appearance. Therefore the proposal does not comply with Policy Des 1 and Policy Des 4.

c) 'Policy Env 3' states that development which affects the setting of a listed building will be permitted only if not detrimental to the architectural, character, appearance or historic interest of the building, or to its setting. In the instance of this application, the form and design of the proposed apartment block bear no relation to the adjacent listed building at 8-10 South Fort Street (reference LB27421) and also the other listed buildings in the surrounding area. The proposal is of a modular profile which does not respect or relate to the architectural features or historic interest of these listed buildings. As a result of this the proposal does have a detrimental impact on the architectural, character, appearance and historic interest of the setting of these buildings and so does not comply with Policy Env 3.

'Policy Env 6' states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal. As previously discussed the proposal fails to suitably integrate with the adjacent listed building which it will be attached to. The northern end of South Fort Street is characterised by a number of traditional tenement and terraced buildings. The Leith Conservation Area Character Appraisal states that the Madeira area in which the site is located retains a largely Georgian domestic character, with stone buildings and slate roofs predominating. It can therefore be concluded that the proposal is not respectful of its immediate surroundings and that of the wider conservation area. The proposal does not comply with Policy Env 6.

d) '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 in relation to noise, daylight, sunlight, privacy or immediate outlook.

From the information provided it is not possible to determine the extent to which the proposal would have implications for daylight, sunlight, privacy and immediate outlook. As this is an application for Planning Permission in Principle this may be considered as one of the reserved matters. The applicant would need to provide plans of neighbouring development in relation to the proposed building and identify the positioning of neighbouring windows. A sunlight and daylight test would also be required. This could be addressed within any future application for detailed full planning permission.

e) The Edinburgh Design Guidance states that one bedroom apartments should have a minimum internal floor area of 52 sqm and that studio apartments should have a minimum internal floor area of 36 sqm. In the instance of this application the proposed 3, 1 bedroom apartments are 52 sqm and the 5 studios range between 39 and 50 sqm. The proposal therefore complies with guidance in this respect.

Policy Hou 3 states that planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents and that for flatted development a minimum of 10 square metres per flat should be provided. The Edinburgh Design Guidance also states that all homes should be within 400 metres of good quality greenspace of at least 500 square metres. In the case of this application the nearest is Victoria Park which is 410 metres to the west. The proposal does not make provision for green space on site and also is not an acceptable distance away from public green space. Additionally, the flats will solely overlook the frontages of neighbouring residences and not overlook any form of natural environment. The proposal therefore does not comply with Policy Hou 3.

f) Policy Tra 2 considers car parking. On-site parking is not included and not possible. However current policy objectives seek to minimise car generation and a car-free development in this location is acceptable, given its close proximity to Ferry road, which is a major public transport corridor.

Policy Tra 3 considers cycle parking. Cycle parking is identified in the submitted plans. As this is an application for Planning Permission in Principle the suitability of the level of provision may be considered as one of the reserved matters. This could be addressed within any future application for detailed full planning permission.

g)The following material planning considerations were raised and were addressed in previous discussion:

- The proposal would lead to the overdevelopment of the site.
- Implications for parking.
- Scale of proposal will put a strain on local services.
- Scale of proposal will block views of areas including the gardens to the rear. Proposal is contrary to the character of the Leith Conservation Area.
- Proposal will have adverse implications for the adjacent listed building and the setting of the listed buildings in the surrounding area.
- Proposal would have adverse implications for the amenity of neighbouring residents.

The following issues are not material planning considerations:

- Implications for the foundation of No.10 South Fort Street.
- Relationship with owner of the site.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal adversely affects 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 does not comply with Policy Env 3.
2. The proposal does not preserve or enhance the special character and appearance of the Leith Conservation Area and so does not comply with Policy Env 6.
3. In respect of housing density the proposed density is considered excessive for the site area. The proposal therefore does not comply with Policy Hou 4.
4. Insufficient information has been submitted to assess the impact that the proposal will have on neighbours.
5. The proposal does not provide any green space within the site and is not within reasonable proximity to public green space. It therefore does not comply with Policy Hou 3.

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

3 letters of representation have been received from 3 members of the public; this is summarised and addressed in the Assessment Section of this Report.

Background reading / external references

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

Statutory Development

Plan Provision	Located within the urban area as defined by the Edinburgh Local Development Plan 2016.
Date registered	5 June 2019
Drawing numbers/Scheme	01, 02, 03, 04, 05, 06 Scheme 1

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

Contact: Alexander Calderwood, Planning Officer
E-mail:alexander.calderwood@edinburgh.gov.uk Tel:0131 469 3824

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

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

LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

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.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Appendix 1

Consultations

- Environmental Protection

"Date: 12th July 2019

TOWN AND COUNTRY PLANNING SCOTLAND ACT 1997
PROPOSED DEVELOPMENT OF 3 No. 1 BEDROOM AND 5 No. STUDIO
APARTMENTS | 12-14 SOUTH FORT STREET, EDINBURGH, EH6 4DN
(19/02479/PPP)

I refer to the above application and would offer no objections in relation to this proposal but would recommend that the following condition is attached to the consent if granted:

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 remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority
- (c) 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.

The development will comprise 3 one bedroom and 5 studio apartments on four storeys; basement to second floor.

The proposed development site is currently used as a builders yard and has a single storey building in the north eastern part of the site.

There are flatted residential properties to the north and east on South Fort Street, a public house to the south on Trafalgar Place with flatted residential properties above and adjacent to it and a yard used for the parking of coaches to the south west.

The proposed development site has been used as a builders yard for a number of years and therefore the developer should demonstrate that the land is or can be made suitable for housing."

- Archaeologist

"12-14 South Fort Street

Further to consultation request, I would like to make the following comments and recommendations concerning this planning application for proposed development of 3x one-bedroom and 5 studio apartments on existing gap site.

The site is situated on the edge of historic medieval port and town of Leith and significantly overlying the site associated with the 16th century siege fortifications of known as Mount Falcon. The contemporary Petworth Map of the 1559/60 Siege of Leith depicts a large series of fortifications known as Mount Falcon which fixed the NE line of the English/Protestant forces besieging the government held port of Leith. Nineteenth and 20th century map evidence indicates that most of the site has remained free from significant development either as farm land or latterly garden grounds.

Based on the historical and archaeological evidence the site has been identified as occurring within an area of potential archaeological significance. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) Policies ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

In terms of buried archaeology, map evidence indicates that most of the site has remained free from significant development either as farm land or latterly garden grounds. As such it is likely that important evidence (ditches, siege works and/or artefacts) for the 16th century nationally significant military actions in Leith may survive across the site. It is considered therefore, that this proposal would be regarded as having a potential moderate impact as ground-breaking works associated with construction of the new development are likely to disturb significant remains.

Accordingly, it is essential that phased programme of archaeological work is undertaken prior to development and submission of detailed FUL/AMC applications. This will see a phased archaeological programme of works, the initial phase being an archaeological evaluation of the site. The results of the evaluation will allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection and /or excavation, recording and analysis of any surviving archaeological remains both externally and internally.

It is recommended that the above programmes of archaeological work are secured by the following condition;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, historic building recording, analysis & reporting, publication in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work would 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."

- Transportation -

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

1. Cycle parking to be a reserved matter. The Council's parking standards set out the level of cycle parking required for development in this area. The applicant should note that cycle parking is required to be in a safe and undercover location which is convenient, accessible and easy to use;

2. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport."

END

Comments for Planning Application 19/02479/PPP

Application Summary

Application Number: 19/02479/PPP

Address: 12 - 14 South Fort Street Edinburgh EH6 4DN

Proposal: Proposed development of 3no. one bed & 5 no. studio apartments on existing gap site.

Case Officer: Alexander Calderwood

Customer Details

Name: Mr Andrew Dodds

Address: 10/3 South Fort Street Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:* Proposed plan breaks listed building line

* No basement currently exists, could undermine the foundation to #10 South Fort Street

* Would require structural stabilizing work to #10 South Fort Street

* Overdevelopment of site / no amenities

* Very limited public parking will be exacerbated

* Proposed plan suggests building over a window on ground floor elevation in #10 South Fort Street on adjacent wall

* Owner of proposed land has history of improper maintenance and causing damage to #10 South Fort Street

Comments for Planning Application 19/02479/PPP

Application Summary

Application Number: 19/02479/PPP

Address: 12 - 14 South Fort Street Edinburgh EH6 4DN

Proposal: Proposed development of 3no. one bed & 5 no. studio apartments on existing gap site.

Case Officer: Alexander Calderwood

Customer Details

Name: Mr Robert Ainsworth

Address: 9-8 South Fort Street Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Dear Mr. Calderwood,

I write to object to the development at 12 South Fort Street reference 19/02479/PPP.

The building is disproportionately dense in its provision of housing. The height of the building is above the levels of the surrounding properties and contains a greater number of stories. This is despite its small footprint and will result in a disproportionate strain on the local services. The property was recently refused planning on this basis, and the revised application presents no reduction.

The height and appearance of the building will block views of areas including the gardens to the rear and does not comply with the local development plan in relation to the Leith conservation area.

The site has never been used for residential purposes, previously forming a garden and garage for the adjacent property at number 10. I believe a change of use is required to convert from the current unclassified commercial use as a building materials storage yard.

The existing one storey building is attached directly onto an existing listed building, within its curtilage.

Edinburgh City Council Listed Buildings Guidance, under guidance "New development in the grounds of listed buildings" states "Buildings and structures erected before 1 July 1948 within the curtilage of a listed building are treated as part of the listing building, even if they are not included within the description. Listed building consent will, therefore, be required for works which affect

their character. Planning permission may also be required."

The property is within the curtilage of the listed building: Numbers 10 and 12 shown as one property on 1893 ordinance survey sheet I.16.21 <https://maps.nls.uk/view/74415603>. The existing one-storey building dates to before 1945: The building at number 12 is present on 1945 ordinance survey sheet 36/2676 S.W. <https://maps.nls.uk/view/102734561>

The property is thus in need of listed building consent.

Additionally, the appearance, height and density of the building would also have a detrimental impact upon the 6No. listed buildings within a 30m radius of the building. The proposed structure would have a detrimental impact upon the current views of the listed terraces and their garden setting to the rear. Views of gable would be lost entirely.

There exists no provision for parking for the proposed building. This is contrary to Table 1A of Edinburgh City Council Parking Standards and I can find no reason this building should be exempt. A total of 5.33 spaces are required to the parking standards.

There is no excess on-street parking at this location as demonstrated by recent issues with council minibuses providing transport for disabled people being unable to navigate down Trafalgar Lane and by the applicant's parking of commercial vehicles in the road of South Fort Street during use of the site. Previous applications at this site have included car parking.

There is insufficient space available in the cycle area to Table 1B of Edinburgh City Council Parking Standards. A total of 12 spaces are required to the parking standards. The location of the cycle area is not situated close enough to the building entrance. Additionally, there is insufficient space around the cycle area to retract and stow bicycles, due to the limited width of the footpath. The inclusion of the cycle area on top of the ground floor of the building will result in a step, which is contrary to Appendix 2 of Edinburgh City Council Parking Standards.

I do not believe the ramp to the entrance can be DDA compliant, in the limited space available.

There is no provision of bin chutes to the property - despite a storage basement. There is no excess provision of communal waste storage/disposal on the street, and the most recent nearby development needed to include a private bin store.

It should be noted that the applicant's company is incorrectly noted on the application. The company is Persevere Property Group, a private company owned by the current occupier to the site - who is a building contractor. The application erroneously lists the company as Persevere Ltd, which is a wholly owned division of the Port of Leith Housing Association.

It should also be noted that the description of the proposed building works is incorrect. The

description states 5No. studios and 3No. 1-bed flats. Whereas, the submitted drawings show 4No. studios and 4No. 1-bed flats.

4No. studio and 4No. 1-bed flats in such a small footprint is simply unrealistic and detrimental to the area.

Yours Sincerely,
Robert Ainsworth
Flat 8, 9 South Fort Street

Comments for Planning Application 19/02479/PPP

Application Summary

Application Number: 19/02479/PPP

Address: 12 - 14 South Fort Street Edinburgh EH6 4DN

Proposal: Proposed development of 3no. one bed & 5 no. studio apartments on existing gap site.

Case Officer: Alexander Calderwood

Customer Details

Name: Mrs Lynn Arundel

Address: 101/3 Ferry Road Leith Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: It states that this is the first application, this is NOT the first application, the last application was rejected.

The height of this building would impact on the light coming into my back garden and this is reduced enough at the moment by the trees in the next door neighbours back garden.

There is not enough on street parking for the householders already living in the area so the amount of houses being built would certainly cause mayhem if every household has at least 1 car. the building itself doesn't even look very nice and I worry that these rooms would be let for either students or Airbnb.

Therefore I object to this application.

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Tel: 0131 529 3550 Fax: 0131 529 6206 Email: planning.systems@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100144409-003

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:	Genlo Design		
Ref. Number:	18002	You must enter a Building Name or Number, or both: *	
First Name: *	G	Building Name:	
Last Name: *	McPherson	Building Number:	31
Telephone Number: *	[REDACTED]	Address 1 (Street): *	Damhead
Extension Number:		Address 2:	Lothianburn
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH10 7EA
Email Address: *	[REDACTED]		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="G"/>	Building Number:	<input type="text" value="20"/>
Last Name: *	<input type="text" value="Graham"/>	Address 1 (Street): *	<input type="text" value="Gordon Street"/>
Company/Organisation	<input type="text" value="Perservere Ltd"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH6 8NA"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value="REDACTED"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="12-14 SOUTH FORT STREET"/>
Address 2:	<input type="text"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH6 4DN"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="676336"/>	Easting	<input type="text" value="326241"/>
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Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

Proposed development of 3no. one bed & 5 no. studio apartments on existing gap site.

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Procedural issues

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

Contextual elevation drawing LRB1 Supplementary Site/Location Plan LRB2 Supporting Planning Review Statement

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/02479

What date was the application submitted to the planning authority? *

05/06/2019

What date was the decision issued by the planning authority? *

09/08/2019

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr G McPherson

Declaration Date: 08/11/2019

Proposal Details

Proposal Name	100144409
Proposal Description	Proposed development of studio apartments on existing gap site.
Address	12-14 SOUTH FORT STREET, EDINBURGH, EH6
Local Authority	City of Edinburgh Council
Application Online Reference	100144409-003

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
18002 Review Statement	Attached	A4
18002 Appendix 1	Attached	A1
Appendix 2 Site Location Plan	Attached	A1
Appendix 3 Email to LAPO	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-003.xml	Attached	A0

Review Statement

12-14 South Fort Street, Edinburgh

OVERVIEW

We are seeking review of the decision of the Edinburgh Council Planning Authority to refuse planning application 19/02479/PPP on the following grounds:

- We believe that the planning application, which was significantly informed by consultation with the Senior Planning Officer prior to submission, will improve the quality of the existing site at 12-14 South Fort Street, without adverse impact on the character of the local area and the neighbouring historical residential property.
- We do not believe that the assessment carried out by the planning officer reflects the proposal or surrounding area.
- The handling report contains both inaccuracies and contradictory statements to earlier planning decisions and decision made recently in the local area.
- Procedurally, we are dissatisfied with the lack of opportunity given by the planning officer to discuss the proposals before the application was determined.

Further information is provided below in order to provide context to our appeal.

LOCATION AND SITE

Planning application 19/02479/PPP relates to an existing gap site at 12-14 South Fort Street, Edinburgh. The site is 143sqm and located on the corner of South Fort Street and Trafalgar Lane.

The site is located in Leith Conservation Area. The area is comprised of mixed use, predominantly residential and industrial, sites. The increase in recent residential developments near the site has created a new residential character in place of the former industrial character. Residential use in the area comprises of a mixture of historical Georgian buildings and modern development.

The site comprises a brownfield gap site, currently used as an industrial service and scaffold yard. The site, in its current use, offers little in visual enhancement of the area nor does it significantly contribute to the special character of Leith Conservation Area or contribute to the architectural character or appearance of the neighbouring property.

The site features a single storey office building, integrated within the site wall and the gable wall of number 10 South Fort Street.

Number 10 South Fort Street is a Grade B listed residence. The building has an exposed, rendered, gable on the southern boundary of the site, this form of gable end treatment is not as originally intended, and suggests that an adjoining building of a similar height has been demolished in the past. To its immediate north, there is a four storey residential building, which features a mansard roof and forms the corner plot between South Fort St and Ferry Road.

The site is located in close proximity to recognised amenity and open space, including Keddie Park and the Water of Leith, which holds open space status.

BACKGROUND

Planning application 18/10175/PPP was refused on 8th February 2019 on the grounds of the form and design to the rear of the development being unacceptable in its juxtaposition to the neighbouring listed building, the lack of cycle parking and unacceptable density.

Prior to submission of 19/02479/PPP, consultation and discussion was undertaken with the Senior Planning Officer to address the previous grounds for refusal. As a result of this, design changes were made to the satisfaction of the Senior Planning Officer including increasing floor plan size, increased window provision and altered roof design. The basement flats were removed to provide supplementary storage and cycle parking was integrated at street level in compliance with Local Authority requirements. Discussion with the Senior Planning Officer regarding density reflected and recognised the importance of visual density over statistical density. The updated floor plans and design reflect acceptable visual density and enhanced living space.

On this basis planning application 19/02479/PPP was submitted in good faith that the pertinent issues raised in the determination of the earlier application had been fully addressed to the satisfaction of the Planning Authority.

DESIGN PROPOSAL

The proposal seeks to create eight modern living apartments within the constraints of an existing brownfield site in Leith Conservation Area.

The proposal includes two elements, the first reflects the character of the adjacent listed building, featuring sympathetic materials and detailing to form a transitional entrance bay, which hosts the communal space and provides a connection between the existing building to the North and the proposed four storey element to the South. This new four storey element accommodates the

majority of the proposed habitable floorspace, successfully decoupled from the historic fabric of number 8-10 South Fort Street. This approach addresses issues identified within the previous application, whilst creating an improved living environment courtesy of improved floor space.

The proposed four storey element creates a 'bookend' to the southern end of the established block, replicating in principle the existing four storey element to the north of number 8. This 'bookend' effect reinforces the strong links between number 8-10 and number 5-7 on the opposite side of the street. Indeed in the 1990's permission was granted along similar principles when a 4 storey element was introduced to 'bookend' number 7 South Fort Street. This is relevant as numbers 8-10 South Fort Street are considered as a fragment of the wider original scheme which included the buildings opposite¹.

The four storey element offers both form and function. Whilst a departure from the pitched roofs of surrounding buildings, this form proves necessary and desirable due to the skewed nature of the southern boundary, where a gable or pitched roof becomes problematic and unsightly. The flat roof provides a simplified appearance and affords greater economy in respect of habitable accommodation.

Featuring an optimised footprint based on established build lines, the proposed apartments exceed all minimum guidelines as prescribed within the Planning Authority's guidance. This will provide desirable residential accommodation in a mix of studio and one bedroom apartments, further extending the mix of current residential opportunities in the wider area.

The new design has removed the need for basement level habitation, which has provided supplementary lockable storage area(s) for residents and cycle parking provision has been integrated at street level.

GROUNDS FOR APPEAL

We are seeking an appeal on the following grounds:

- We do not believe that the assessment carried out by the planning officer accurately reflects the proposal or surrounding area.
- The handling report did not accurately calculate the distance from the proposed development to the nearest amenities and open space. This factual inaccuracy was used to justify refusal under policy HOU3.
- The handling report contradicts key decision making points from a previous planning application for the site (18/10175/PPP) relating to ENV3 and ENV6.

¹ Historic Environment Scotland - LB27421 - Listed Building Description for 8-10 South Fort Street (Statement of Special Interest)

-
- The handling report fails to reflect recent planning decisions in the local area and the Planning Authority's preference for prioritising visual density.
 - We believe that the application was refused on unreasonable grounds, requiring a higher level of detail than would be required for a planning permission in principle application.
 - Despite efforts to engage with the planning officer regarding any material considerations, the planning officer failed to respond. As such we were not afforded the opportunity to provide further information or address any relevant matters before determination.

JUSTIFICATION FOR PLANNING PERMISSION IN PRINCIPLE

The key determining factor for planning application 19/02479/PPP is whether the residential use of the site can be justified in principle. We believe that residential use can be justified because of the following:

The application complies with Policy Hou3. It was accepted in the determination of planning application 18/10175/PPP that the proposed residential use of this site was acceptable in principle. That determination identified that the proposed site lies within an urban area, that surrounding uses were generally residential in nature, and that proximity of the development to amenity was well within guidelines.

In contradiction, the handling report for 19/02479/PPP states inaccurately that the site "is not within reasonable proximity to public green space" and therefore is grounds to state that residential use is unacceptable.

The handling report sites Victoria Park as the nearest greenspace to the development. This is factually inaccurate. The site enjoys close proximity to Keddie Park, located just 50m from the site, and the Water of Leith Walkway represents designated Open Space and accessible amenity for residents.

The handling report also states that residences will not overlook a natural environment. It is our belief that this is an unreasonable demand and represents an inadequate assessment of the local area by the planning officer. Like the existing residential properties on South Fort Street, the outlook from the development would be the surrounding built and urban environment. There is no existing soft landscaping or trees on the site, and no loss of landscaping results from these proposals.

We believe that the application complies with Policy Hou3.

The visual density of development is acceptable and the statistical density is more favourable than recent residential development in the area. In the handling report for 19/02479/PPP it was

deemed that the density of the development was inappropriate. This fails to reflect the consultation with the Senior Planning Officer which resulted in significant design change.

The updated design proposes apartments which exceed all minimum guidelines as prescribed within the Planning Authority's guidance. This guidance is intended to provide improved residential environments, therefore compliance with this guidance will result in the creation of a satisfactory residential environment.

Further, the reasoning contradicts recent delegated planning decisions in the local area, where developments with a significantly greater density than that being proposed were approved and deemed satisfactory in terms of residential environment².

The matter of density was considered during consultation with the Senior Planning Officer, with the design proposals modified to reflect advice. Further, we discussed visual density, which has been deemed satisfactory and acceptable in the determination of 19/02479/PPP, with respect to local decision making³. It can be demonstrated from recent planning decisions, visual density is considered to outweigh density in statistical terms.

We believe that in the context of this site, which is modest in size, the density of the proposed development is acceptable.

The proposed development is appropriate to the conservation area (complies with ENV6) and is acceptable in terms of the setting of the adjacent building (complies with ENV3). The proposal is for a modest residential development within the Leith Conservation Area. The area comprises a mixture of industrial and residential property and is predominantly residential in character. Residential use in the area comprises a mixture of historical Georgian buildings and modern development, as exemplified by the properties located on the opposite side of South Fort Street.

The site, in its current use, offers little in visual enhancement of the area nor does it significantly contribute to the special character of Leith Conservation Area or contribute to the architectural character or appearance of the neighbouring property.

The design proposals have sought to sympathetically integrate this proposed development into the existing mix of modern and Georgian buildings on South Fort Street.

In consultation with the Senior Planning Officer, the design proposals have been modified to reflect the local area and to provide visual continuity to the street, preserving and framing the character of the neighbouring property.

² 18/04685/FUL

³ 18/04685/FUL, 13/02548/FUL

The proposal includes two elements, the first reflects the character of the adjacent listed building, featuring sympathetic materials and detailing to form a transitional entrance bay, which hosts the communal space and provides a connection between the existing building to the North and the proposed four storey element to the South. This new four storey element accommodates the majority of the proposed habitable floorspace, successfully decoupled from the historic fabric of number 8-10 South Fort Street. This approach aims to address issues identified within the previous application, whilst creating an improved living environment courtesy of improved floor space.

The proposed four storey element creates a 'bookend' to the southern end of the block, replicating in principle the existing four storey element to the north of number 8. This bookend effect reinforces the strong links between number 8-10 and number 5-7 on the opposite side of the street. Indeed in the 1990's permission was granted along similar principles when a 4 storey element was introduced to bookend number 7. This is relevant as number 8-10 are considered as a fragment of the wider original scheme which included the buildings opposite.

We believe that, not only is residential use on this site completely appropriate to the conservation area in which it is located, the proposed design offers an opportunity to further enhance the visual characteristics of South Fort Street whilst sympathetically framing and enhancing the important Georgian property located next door.

The Proposal will not have an adverse impact on neighbours. The handling report makes little comment on the justification for refusing 19/02479/PPP on these grounds, stating that insufficient information has been provided regarding impact on neighbours.

We believe this is an unreasonable statement as the application is for planning permission in principle. Full details and evidence regarding impact on neighbours would be sought at the detailed planning permission stage. Further, despite our efforts to engage with the planning officer⁴ regarding any material considerations expressed by neighbours, the planning officer failed to respond. As such we were not afforded the opportunity to provide further information or address any relevant matters.

We believe that the proposed development will not cause adverse impact on neighbours. We can confirm that all Visual Sky Component figures are in excess of the minimum standards required by the authority, to ensure the existing neighbouring properties will maintain access to sufficient daylight provision. Every effort has been made to maintain the privacy of surrounding neighbours, all properties are intended for long term residential use and there is no consent being sought for short term or holiday let.

⁴ Email to LAPO - Appendix 3

Further, we believe that the proposed development will provide significant improvement to the status quo - improving visual outlook for neighbours, removing an active service and scaffold storage yard and removing the potential for 'bad neighbour' development of an industrial nature on this site.

CONCLUSION

We believe that the proposed development provides a high quality residential development, sympathetic to the local area which it occupies. The development will improve visuals, remove existing 'bad neighbour use' replacing with long term residential property which will not only provide a desirable place to live, but also improve the current mix of housing size and types in the local area. The design, as informed by the planning authority, sympathetically compliments the neighbouring Grade B listed property, whilst also providing an opportunity to improve the 'quality' of the property by eliminating the exposure of the existing gable elevation.

As shown in the justification above, this proposed development complies with policies Hou3, ENV3 and ENV6, provides sufficient visual density and detail to achieve permission in principle for residential use on the site at 12-14 South Fort Street.

We ask the Local Review Body to uphold our appeal, grant planning permission in principle and allow this application to proceed to the detailed planning permission stage.

APPENDIX 1: LRB1 - Contextual elevation of proposed development

APPENDIX 2: LRB2 - Annotated Site Plan

APPENDIX 3: Email to LAPO 29/07/2019

APPENDIX 3

Email to LAPO: 29/07/2019 - No response or communication received by return

Grant McPherson

Mon 29/07/2019 13:35

To: alexander.calderwood@edinbu...

Cc: Stephen.dickson@edinburgh.g...

This message was sent with high importance.



Evernote

Good afternoon Alexander,

Hope this finds you well. Just following up from my voicemail message on the 18/07/2019.

We are aware that a small number of objections have been received in respect of our latest proposal for 12-14 South Fort Street, Edinburgh.

At this time it is unclear whether any material considerations have been raised however, we would be happy to engage & 'where necessary' amend our proposals in order to address any such concerns.

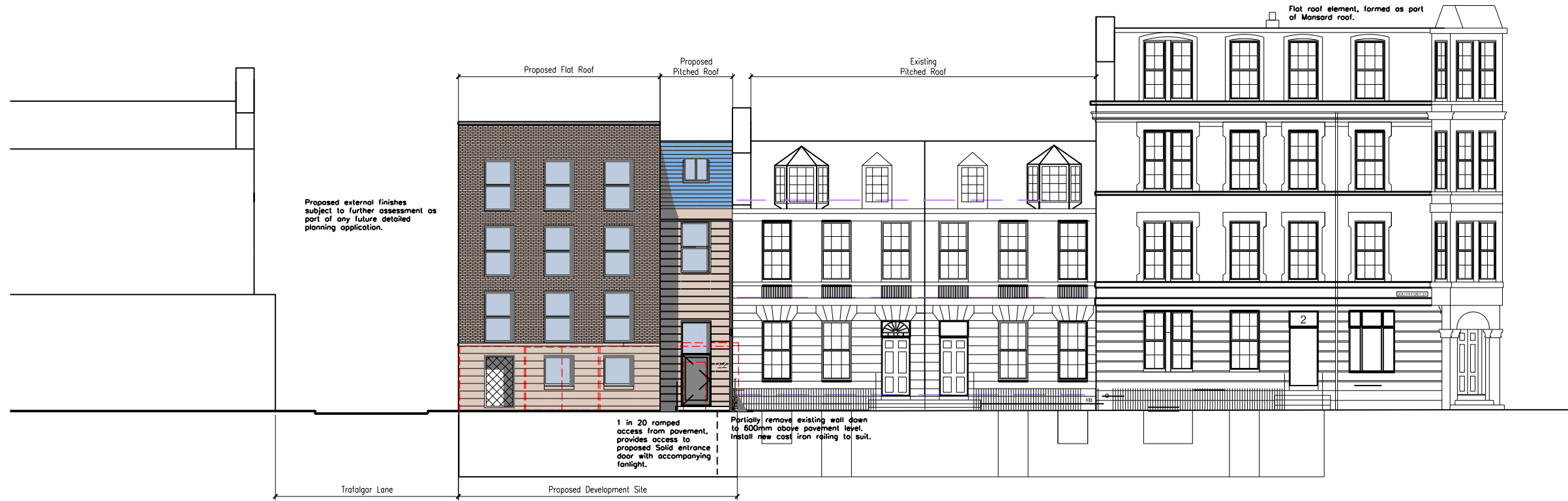
Following on from our previous application, we conducted a series of meetings & discussions with the Authority in respect of the site. This latest proposal was greatly influenced by these discussions and attempts to address the predominantly LDP issues cited previously as grounds for refusal.

Should you wish to discuss any of the above and/or any associated matter, please do not hesitate to contact me.

Kind Regards

Grant McPherson

Technical Design Consultant



East Elevation
Scale 1:100 @ A1

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Please note that ALL works are to be undertaken within Clients own feu.

Drawn by: GMC

Description:
Proposed East Elevation
2 - 12 South Fort Street

Project Ref: 18/002

Project Name:
Proposed Apartment
Development.

Issue:

24/2019
10/

Client:

Mr R. Graham,
12-14 South Fort Street
Leith, Edinburgh.



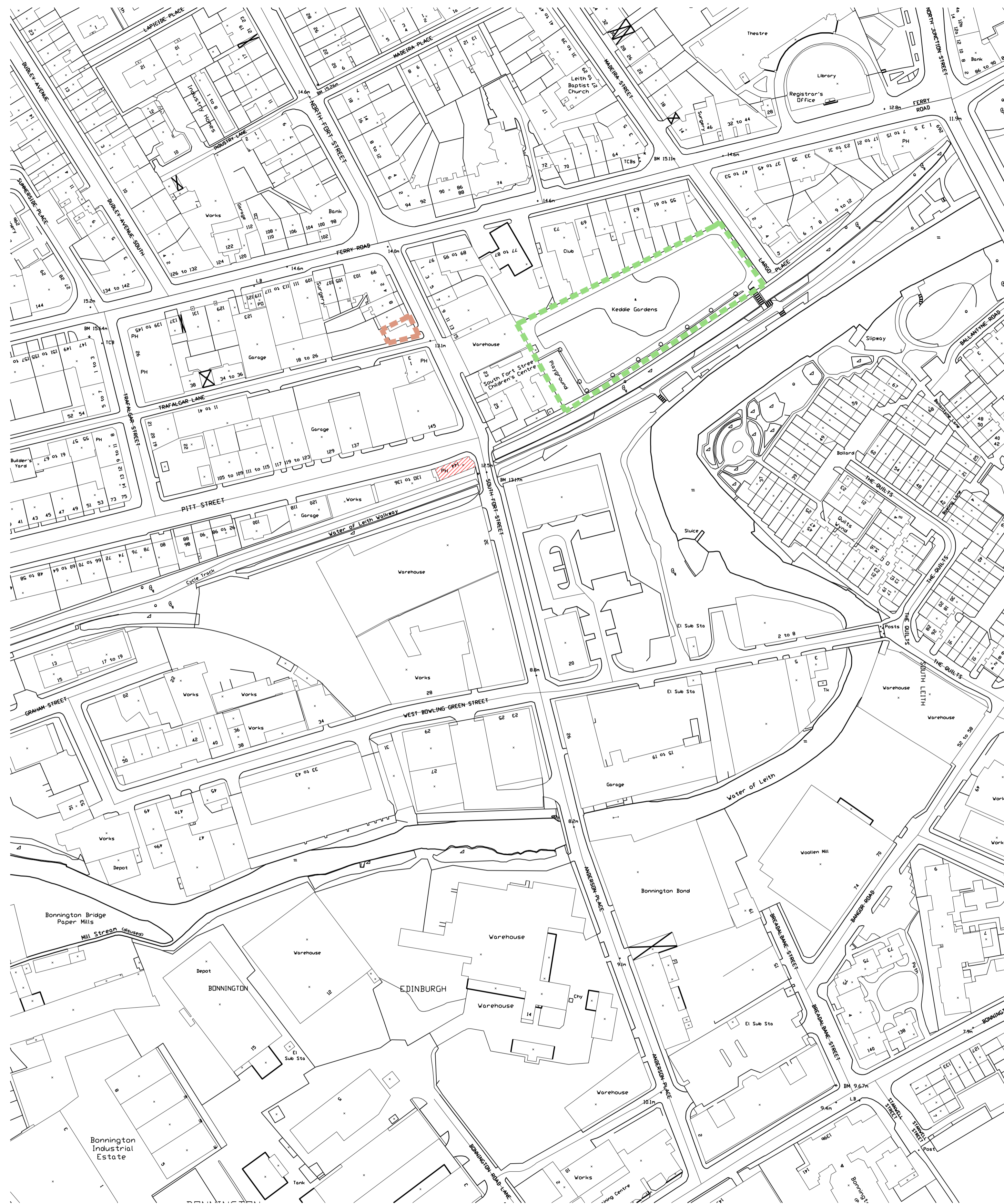
GENLO
DESIGN

(gen-loo lo-see)

Latin term meaning 'the genius of the place', referring to the prevailing duty or spirit. Every place has its own unique qualities, not only in terms of its physical makeup, but of its history and culture. It is the responsibility of the designer to understand these unique qualities, to enhance them rather than to destroy them.

LRB1

Rev -



Location Plan
Scale 1:1250 © A1



Existing Site Plan
Scale 1:100 © A1

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(Open-Access)

Leith has a rich history and the character of the place reflects the quality of the people who live and work there. Every place has its own unique qualities, not only in terms of its physical makeup, but of how it is perceived, so it ought to be the responsibility of those who have the power to shape its future to enhance its unique qualities, to enhance them rather than to destroy them.



Client:
**Mr R. Graham,
12-14 South Fort Street
Leith, Edinburgh.**

Issue:
**24/2018
09/2018**

Project Ref: 18/002
Project Name:
**Proposed Apartment
Development.**

Drawn by: GMC
Description:
Site & Location Plan(s)

LRB2

Rev 1