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Notice of meeting and agenda

Planning Local Review Body (Panel 2)

10.00 am Wednesday, 27th May, 2020

Skype Meeting

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

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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) of the 11 March 2020 – 9 - 20
submitted for approval as a correct record

5. Local Review Body - Procedure

- 5.1 Note of the outline procedure for consideration of all Requests for Review 21 - 24

6. Requests for Review

- 6.1 2 Bangholm Road, Edinburgh – Single storey extension to front, side and rear of existing end-terrace dwelling and related alterations – application no 19/05705/FUL 25 - 60
- (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
- 6.2 1 Commercial Street, Edinburgh – New decking area for external tables and chairs including a parasol with 4m cover, portable planters with perspex sound diffusers (in retrospect) – application no 19/04799/FUL 61 - 154
- (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

- 6.3** 79 Durham Square, Edinburgh – Erect dwelling within garden ground – application no 19/04925/FUL 155 - 196
- (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
-
- 6.4** 25 Pepper Bank, Edinburgh – Construction of a building to replace previous in-situ structures and for its use for Class 11 (leisure) purposes – application no 19/04874/FUL 197 - 240
- (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
-
- 6.5** 358 South Gyle Road (at Land 24m West of), Edinburgh – Planning permission in principle for the erection of a single dwelling house including car parking space – application no 19/04343/PPP 241 - 320
- (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. Extracts of Relevant Policies from the Edinburgh Local Development Plan

- 7.1** Extracts of Relevant Policies from the Edinburgh Local Development Plan for the above review cases
- [Local Development Plan Online](#)
- Edinburgh Local Development Plan Policy DEL 4 (Edinburgh Park/South Gyle)
- 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 8 (Public Realm and
Landscape Design)

Edinburgh Local Development Plan Policy DES 10 (Waterside
Development)

Edinburgh Local Development Plan Policy DES 12 (Alterations and
Extensions)

Edinburgh Local Development Plan Policy EMP 9 (Employment Sites
and Premises)

Edinburgh Local Development Plan Policy ENV 12 (Trees)

Edinburgh Local Development Plan Policy ENV 21 (Flood Protection)

Edinburgh Local Development Plan Policy HOU 1 (Housing
Development)

Edinburgh Local Development Plan Policy HOU 4 (Housing Density)

Edinburgh Local Development Plan Policy HOU 7 (Inappropriate Uses
in Residential Areas)

Edinburgh Local Development Plan Policy RET 7 (Entertainment and
Leisure Developments - Preferred Locations)

Edinburgh Local Development Plan Policy RET 8 (Entertainment and
Leisure Developments - Other Locations)

Edinburgh Local Development Plan Policy RET 11 (Food and Drink
Establishments)

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

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

8. Non-Statutory Guidance

- 8.1 [Edinburgh Design Guidance](#)
- 8.2 [Guidance for Businesses](#)
- 8.3 [Guidance for Householders](#)
- 8.4 [The Leith Conservation Area Character Appraisal](#)

Laurence Rockey

Head of Strategy and Communications

Committee Members

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 Council 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.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Blair Ritchie, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel 0131 529 4085, email blair.ritchie@edinburgh.gov.uk.

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Minutes

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

10.00am, Wednesday 11 March 2020

Present: Councillors Booth, Child, Mowat (substituting for Councillor Rose) and Osler.

1. Appointment of Convener

Councillor Osler was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 2) of 29 January 2020 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 – Bonaly Farm, Torduff Road, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the change of use of existing hay field to camp site with accommodation in timber pods and ancillary services at Bonaly Farm, Torduff Road, Edinburgh. Application no 19/03360/PPP.

Assessment

At the meeting on 11 March 2020, 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, Scheme 1, being the drawings shown under the application reference number 19/03360/PPP on the Council's Planning and Building Standards Online Services.

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

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
 Edinburgh Local Development Plan Policy DES 1 (Design Quality and Context)
 Edinburgh Local Development Plan Policy DES 4 (Development Design – Impact on Setting)
 Edinburgh Local Development Plan Policy DES 5 (Development Design - Amenity)
 Edinburgh Local Development Plan Policy ENV 3 (Listed Buildings - Setting)
 Edinburgh Local Development Plan Policy ENV 9 (Development of Sites of Archaeological Significance)
 Edinburgh Local Development Plan Policy ENV 10 (Development in the Green Belt and Countryside)
 Edinburgh Local Development Plan Policy ENV 11 (Special Landscape Areas)
 Edinburgh Local Development Plan Policy ENV 17 (Pentland Hills Regional Park)
 Edinburgh Local Development Plan Policy ENV 21 (Flood Protection)
 Edinburgh Local Development Plan Policy HOU 7 (Inappropriate Uses in Residential Areas)
 Edinburgh Local Development Plan Policy RS 6 (Water and Drainage)
 Edinburgh Local Development Plan Policy TRA 2 (Private Car Parking)
 Edinburgh Local Development Plan Policy TRA 3 (Private Cycle Parking)
- 2) Relevant Non-Statutory Guidelines.
 ‘Development in the Countryside and Green Belt’
- 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 although the proposal was acceptable in principle as it complied with criterion a) of policy Env 10, it was deemed to not be acceptable in this instance as it did not comply with other policies.
- Clarification was sought on the location of the surrounding residential properties.
- That Environmental Protection were recommending refusal.
- That the previous application for a burial ground had been refused and not been appealed.
- That there were no reasons to overturn the decision by the Chief Planning Officer.

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 the adopted Edinburgh Local Development Plan Policy Env 11 as it failed to demonstrate that the proposal would have a positive impact on the character and appearance of the Special Landscape Area.
2. The proposal was contrary to policy Env 10 of the adopted Edinburgh Local Development Plan as it would detract from the rural character and appearance of the surrounding area.
3. The proposal was contrary to policy Hou 7 of the adopted Edinburgh Local Development Plan as it would have a materially detrimental impact on the living conditions of neighbouring residents.
4. The proposal was contrary to policy Env 17 of the adopted Edinburgh Local Development Plan as it would have an unacceptable impact upon the character and landscape quality of the park.
5. The proposal was contrary to policy Des 5 of the adopted Edinburgh Local Development Plan as it would adversely affect the amenity of neighbouring developments.
6. The proposal was contrary to policy Rs 6 of the adopted Edinburgh Local Development Plan as not enough information had been supplied to show that there was adequate sewerage to meet the demands of the development.
7. The proposal was contrary to policy Des 4 of the adopted Edinburgh Local Development Plan as it would not have a positive impact on its surroundings.

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

5. Request for Review – 19 Hillhouse Road, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the internal refurb and re-modelling of existing veterinary building, to create additional consult room, provide a new theatre and dental room, and a cat waiting area to existing reception area; proposed new single-storey extension to the rear of the building (with associated M&E, drainage and structural works) to house new consult room, accessible WC, dog ward & kennels, utility and freezer room at 19 Hillhouse Road, Edinburgh. Application no 19/04179/FUL.

Assessment

At the meeting on 11 March 2020, 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 01-09, Scheme 1, being the drawings shown under the application reference number 19/04179/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 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 12 (Alterations and Extensions)
Edinburgh Local Development Plan Policy HOU 7 (Inappropriate Uses in Residential Areas)
- 2) Relevant Non-Statutory Guidelines.
'Edinburgh Design Guidance'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

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

- Clarification on the extent of the existing extension and confirmation that it would extend the property beyond the existing extension to the rear.
- That the alterations were not significant and would not be harmful to the character of the building or surrounding area.
- Clarification on the issues of overshadowing and the dog kennels. It was confirmed that there were no issues with overshadowing and that the dog kennels would be internal.
- Clarification on whether the Guidance for Householders would apply in this instance as the property had been converted into a business. It was recommended by the Planning Adviser that this was guidance and that members had to consider whether the guidance would apply given the character of the property.

- Clarification on the proportion of the garden space that would be taken by the proposal and that it would be less than 1/3 of the garden space.
- That the proposal represented a small addition to the existing building.
- That the business had operated in this location for a significant period of time and the loss of this service would impact on the wider community.

Conclusion

Having taken all the above matters into consideration, the LRB determined that the proposal would not be contrary to LDP Policy Des 1, 4 and 12 as the alterations proposed would not be detrimental to the character and appearance of the existing building and street scene and would allow for better use of the building.

It therefore overturned the decision of the Chief Planning Officer and granted planning permission.

Decision

To not uphold the decision by the Chief Planning Officer and to grant planning permission subject to:

The following informatives:

- (a) The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
- (b) No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.
- (c) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.

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

6. Request for Review – 1 Kilmaurs Terrace, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the demolition of existing single storey extension and erection of new three storey extension at 1 Kilmaurs Terrace, Edinburgh. Application no 19/02713/FUL.

Assessment

At the meeting on 11 March 2020, 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 01-08, Scheme 1, being the drawings shown under the application reference number 19/02713/FUL on the Council's Planning and Building Standards Online Services.

The Planning Adviser also brought to the LRB's attention new information regarding the submission of photographs provided by the applicant demonstrating examples of other extensions within 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 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 12 (Alterations and Extensions)
Edinburgh Local Development Plan Policy HOU 7 (Inappropriate Uses in Residential Areas)
- 2) Relevant Non-Statutory Guidelines.
'Edinburgh Design Guidance'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

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

- Clarification on how far the side extension was set back from the original building line and confirmation that it was 600mm.
- That the proposal was considered to be excessive.
- That there were concerns regarding the impact on the trees in the adjoining garden ground.
- That there were concerns regarding the potential impact on the properties on Dalkeith Road.
- That there were concerns regarding the proposal being close to Dalkeith Road which was a busy route.

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 the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as it would have a detrimental impact on the character and appearance of the surrounding area.
2. The proposal was contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it was not acceptable in respect of its design and form, and would be detrimental to neighbourhood character.
3. The proposal was contrary to the Local Development Plan Policy Env 12 in respect of Trees, as it would result in damage to trees which were worthy of retention.
4. The proposal was contrary to the Local Development Plan Policy Des 5 in respect of Development Design - Amenity, as it may have had an adverse impact on the amenity of neighbouring residents due to loss of sunlight.

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

7. Request for Review – 18 Liberton Brae (at Land 33 Metres Northwest of), Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the proposed family dwelling house at 18 Liberton Brae (at Land 33 Metres Northwest of), Edinburgh. Application no 19/04204/FUL.

Assessment

At the meeting on 11 March 2020, 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, a hearing session and a site visit. 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 01-06, Scheme 1, being the drawings shown under the application reference number 19/04204/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 1 (Design Quality and Context)
 Edinburgh Local Development Plan Policy DES 4 (Design Quality and Context)
 Edinburgh Local Development Plan Policy DES 5 (Development Design - Amenity)
 Edinburgh Local Development Plan Policy DES 12 (Alterations and Extensions)
 Edinburgh Local Development Plan Policy ENV 2 (Listed Buildings - Demolition)
 Edinburgh Local Development Plan Policy ENV 3 (Listed Buildings - Setting)
 Edinburgh Local Development Plan Policy ENV 10 (Development in the Green Belt and Countryside)
 Edinburgh Local Development Plan Policy ENV 12 (Trees)
 Edinburgh Local Development Plan Policy ENV 16 (Species Protection)
 Edinburgh Local Development Plan Policy ENV 21 (Flood Protection)
 Edinburgh Local Development Plan Policy HOU 1 (Housing Development)
 Edinburgh Local Development Plan Policy TRA 2 (Private Car Parking)
 Edinburgh Local Development Plan Policy TRA 3 (Private Cycle Parking)
- 2) Relevant Non-Statutory Guidelines.
 'Development in the Countryside and Green Belt'
 'Edinburgh Design Guidance'
 'Listed Buildings and Conservation Areas'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

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

- Clarification on whether the area was located within the greenbelt and confirmation that it was.
- Confirmation that the two storehouse buildings required listed building consent before they could be demolished.
- That although it was vital to protect the greenbelt the wider site had already seen extensive development and the proposal would not have a detrimental impact on this area.
- That there would still be adequate amenity space.
- That the proposed building was of an attractive design.

- That the proposed building would be contained within the curtilage and cluster of the existing buildings, and was clearly separated from the greenbelt land.
- A contrary opinion was that this site was clearly greenbelt and that the proposal should not be permitted under LDP Policy Env 10.

Conclusion

Having taken all the above matters into consideration, the LRB determined that the proposal would not be contrary to LDP Policy Des 4, Env 3 and Env 10 and the non-statutory guidance on Listed Buildings and Conservation Areas, as the site had already seen extensive development and would involve an area of land contained within the curtilage of the existing buildings.

It therefore overturned the decision of the Chief Planning Officer and granted planning permission.

Motion

To not uphold the decision by the Chief Planning Officer and to grant planning permission subject to:

The following informatives:

- (a) The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
 - (b) No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.
 - (c) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.
- moved by Councillor Osler, seconded by Councillor Mowat

Amendment

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

Reasons for Refusal

1. The proposal was contrary to policy Env 10 of the Edinburgh Local Development Plan (LDP) in that it did not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal did not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building. The proposal was therefore not acceptable in principle.
2. The proposal was contrary to non-statutory Guidance for Development in the Countryside and Green Belt as no functional need for such a dwelling had been established; it did not relate to meeting the needs of one or more workers

employed in agriculture; it was not related to a rural activity or business, and it was not a brownfield site or a gap site.

3. The proposal was contrary to LDP policy Env 3 - Listed Buildings - Setting as the proposal would have a negative impact on the setting of a B listed building. The proposed construction of a dwelling house in this location would alter the traditional layout of the site where development had been located behind the main farmhouse. This would detract from 18 Liberton Brae as the main visual focal point of the site at this principal elevation.
4. The proposal was contrary to LDP policy Des 4 Development Design - Impact on Setting as the position of the dwelling to the west of 18 Liberton Brae did not respect the traditional site layout where buildings had traditionally been located behind the main building, ensuring that this was the main visual focal point of the site from point of entry.
5. The proposal was contrary to non-statutory guidance outlined in Listed Buildings and Conservation Areas. The construction of a new house on open space to the west of 18 Liberton Brae would crowd the B listed property and have a negative impact on its setting.

- moved by Councillor Booth, seconded by Councillor Child

Voting

For the motion - 2 votes

(Councillors Mowat and Osler.)

For the amendment - 2 votes

(Councillors Child and Booth.)

Decision

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

To not uphold the decision by the Chief Planning Officer and to grant planning permission subject to:

The following informatives:

- (a) The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
- (b) No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.
- (c) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.

8. Request for Review – 18 Redhall House Drive, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the proposed extension and house alterations (as amended) at 18 Redhall House Drive, Edinburgh. Application no 19/05125/FUL.

Assessment

At the meeting on 11 March 2020, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Chief Planning Officer.

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

The plans used to determine the application were numbered 01, 02, 03A, Scheme 1, being the drawings shown under the application reference number 19/05125/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:

- That the proposal would not contravene the non-statutory guidance as it would not take up 1/3 of the garden space, and sufficient garden ground remained.
- That there was sympathy for the applicant as they had taken care to match the hipped roof of the original building.
- That the proposal would not have a detrimental impact on the character of the existing house or the surrounding area.

Conclusion

Having taken all the above matters into consideration, the LRB determined that the proposal would not be contrary to LDP Policy Des 12 and the Guidance for

Householders as the proposal would not be detrimental to the character and appearance of the existing house.

Decision

To not uphold the decision by the Chief Planning Officer and to grant planning permission subject to:

The following informatives:

- (a) The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
- (b) No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.
- (c) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.

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

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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EKJN Architects.
FAO: Jon Newey
Bryerton House
129 High Street
Linlithgow
EH49 7AQ

Mrs Lianne Walker
7 East Camus Place
Edinburgh
Scotland
EH10 6QZ

Decision date: 3 February 2020

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

Single-storey extension to front, side and rear of existing end-terrace dwelling and related alterations.

At 2 Bangholm Road Edinburgh EH5 3AZ

Application No: 19/05705/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 6 December 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 the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would be detrimental to neighbourhood amenity and the character of the property.
2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as it would be detrimental to neighbourhood amenity and the character of the property.

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

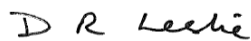
Drawings 01-02, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The proposed 'wrap around' extension represents an inappropriate addition to the principal elevation of the host property in terms of form and design. The proposal is contrary to Local Development Policy Des 12 and the non-statutory Guidance for Householders.

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 Conor MacGreevy directly on 0131 469 3743.



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 19/05705/FUL
At 2 Bangholm Road, Edinburgh, EH5 3AZ
Single-storey extension to front, side and rear of existing
end-terrace dwelling and related alterations.**

Item	Local Delegated Decision
Application number	19/05705/FUL
Wards	B04 - Forth

Summary

The proposed 'wrap around' extension represents an inappropriate addition to the principal elevation of the host property in terms of form and design. The proposal is contrary to Local Development Policy Des 12 and the non-statutory Guidance for Householders.

Links

<u>Policies and guidance for this application</u>	LDPP,
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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 property itself is an end-terrace residential dwelling with front and rear gardens. The terrace is symmetrical in its design with projecting bay window as design features. Within the area, the front elevations are generally unaltered with few projecting elements; any additions and alterations are mainly rear or side extensions.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The proposal consists of the following elements:

- A single-storey extension to the property which wraps around from the rear, along the gable and to the front of the property. The materials comprise of a combination of brick, glass and black timber weather boarding;
- Two solar panels to rear of the property;
- Two rooflights to the front of the property;
- Timber fence at the rear;
- Air source heat pump in the rear garden.

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 compatible with neighbourhood character;
- b) The proposal does not result in an unreasonable loss of neighbouring residential amenity;
- c) Any impacts on equalities or human rights are acceptable;
- d) Any comments raised have been addressed.

a) Scale, form and design -

Policy Des 12 (Alterations and Extensions) of the adopted Edinburgh Local Development Plan (LDP) states that planning permission will be granted for alterations and extensions to existing buildings which 'in their design and form, choice of materials and positioning are compatible with the character of the existing building...and will not be detrimental to neighbourhood amenity and character'.

The proposed extension is large in scale and will be visible within the streetscene. However, there are instances of rear and side extensions within the area and therefore, a large extension to the property is acceptable in principle. The extension of this scale and footprint is in keeping with the spatial pattern of the area and would not represent overdevelopment on the application site. The proposed design and materials are suitable.

However, the key concerns with regards to the design is the 'wrapping' of the extension around to the front of the property. The 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'. Whilst there are some visible side extensions, these are flush with the front elevation. There are no instances of this form of extension within the local area and it is therefore considered that the proposal will be visually inappropriate.

The houses within this area are well-designed; the rhythm and symmetry of the front elevations are a key characteristic of the appearance of the area. The projecting element of the extension will disrupt the appearance of the house and the wider terrace.

The gable is visible with the streetscape as the rear gardens of the properties fronting Clark Street run down to the side boundary of the application property. In this street context, the front projecting element will introduce a 3 metre high element that will be highly visible and intrusive in this context.

A revision was discussed with the architect to amend the design and remove the projecting front elevation and to pull the extension back beyond the existing building line but this was rejected.

It is considered that, due to the front projecting element of the extension, the proposals cannot be supported in the current design and it is contrary to the ELDP Policy Des 12 and the non-statutory Guidance for Householders.

The proposed timber fence is acceptable in terms of scale.

This element of the proposal complies with the ELDP Policy Des 12 and the non-statutory Guidance for Householders.

Proposed heat pump -

The proposed installation of a heat pump within the rear elevation, the solar panels and rooflights benefit from permitted development under The Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended).

b) Neighbouring Amenity -

Policy Des 12 (Alterations and Extensions) of the adopted Edinburgh Local Development Plan (LDP) states that planning permission will be granted for alterations and extensions to existing buildings which 'will not result in an unreasonable loss of privacy or natural light to neighbouring properties'. The non-statutory Guidance for Householders states that 'all extensions and alterations will be required to ensure adequate daylighting, privacy and sunlight both for themselves and neighbours'.

When assessing neighbouring amenity, it is important that reasonable levels of daylighting to existing buildings are maintained. When calculating against the criterion established in the non-statutory Guidance for Householders in relation to 4 Bangholm Road, the proposal complies in that it would not breach the 45-degree criterion established in the non-statutory Guidance for Householders.

This element of the proposal complies with the LDP Policy Des 12 and the non-statutory Guidance for Householder.

c) Human Rights -

The proposal was assessed in terms of human rights. No impacts were identified.

d) Five representations were received from members of the public.

Material Representations -

The proposal is out of character with the surrounding area; this is addressed in section a).

Loss of greenspace/overdevelopment; this is addressed in section a).

Daylighting concerns; this is addressed in section b).

Non-Material Representations -

Boundary concerns; this is a civil issue.

Three comments were in a neutral stance.

Conclusion -

Due to the front projecting element of the extension, it is considered that the proposal does not complement the existing house and it does not maintain the quality and character of the surrounding area.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would be detrimental to neighbourhood amenity and the character of the property.

2. The proposals are contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as it would be detrimental to neighbourhood amenity and the character of the property.

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

Five representations were received from members of the public.

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

6 December 2019

**Drawing
numbers/Scheme**01-02,

Scheme 1

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

Contact: Conor MacGreevy, Planning Officer
E-mail:conor.macgreevy@edinburgh.gov.uk Tel:0131 469 3743

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

Appendix 1

Consultations

No consultations undertaken.

END

Comments for Planning Application 19/05705/FUL

Application Summary

Application Number: 19/05705/FUL

Address: 2 Bangholm Road Edinburgh EH5 3AZ

Proposal: Single-storey extension to front, side and rear of existing end-terrace dwelling and related alterations.

Case Officer: Christopher Sillick

Customer Details

Name: Mr Mark Burgess

Address: 42 Clark Road Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: As an adjacent neighbour I am interested to clarify the placement of the boundary wall on the lane since it is a shared access lane and ensure that it is in keeping with the deeds. I'd also like more information regarding the height of the planned extension if possible. Lastly with regards the heatpump for the underfloor heating is there any noise generated by the running of the pump and if so how would it be minimised.

Comments for Planning Application 19/05705/FUL

Application Summary

Application Number: 19/05705/FUL

Address: 2 Bangholm Road Edinburgh EH5 3AZ

Proposal: Single-storey extension to front, side and rear of existing end-terrace dwelling and related alterations.

Case Officer: Christopher Sillick

Customer Details

Name: Mr Douglas Grant

Address: 40 Clark Road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: We have several concerns which are as follows:

The hedge at the gable end of 2 Bangholm Road has been left for many years to grow uncontrolled and protrude into the shared lane and does not mark the end of the property boundary. We would like the boundary line clarified in respect to this proposed extension as the shared lane is owned equally by five properties (39,40,41,42 Clark Road, as well as 2 Bangholm Road) and we have or the owners of the other properties (that we know) have not given permission for this extension to extend onto our shared property.

The gable height and length of the extension and the extra wall height and length is totally out of character with the neighbourhood and spoils the appearance of the area and view. There is nothing like this in the surrounding area and will ruin the atmosphere in what is a leafy suburb. We feel that the gable extension because of its height will cut down on the natural light into our garden.

We are also concerned about the noise that would come from the Airsource heat pump and what is being done to minimise this?

Comments for Planning Application 19/05705/FUL

Application Summary

Application Number: 19/05705/FUL

Address: 2 Bangholm Road Edinburgh EH5 3AZ

Proposal: Single-storey extension to front, side and rear of existing end-terrace dwelling and related alterations.

Case Officer: Christopher Sillick

Customer Details

Name: Mrs Heather Cherry

Address: 39 CLARK ROAD EDINBURGH

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: I am concerned that there may be no/reduced access to the common lane during construction (lane shared by 5 adjacent properties). I would seek reassurance that the width of the lane would not be reduced by this extension.

The height of the extension would reduce light reaching our garden & the lane in the morning.

Comments for Planning Application 19/05705/FUL

Application Summary

Application Number: 19/05705/FUL

Address: 2 Bangholm Road Edinburgh EH5 3AZ

Proposal: Single-storey extension to front, side and rear of existing end-terrace dwelling and related alterations.

Case Officer: Christopher Sillick

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: I am concerned that there may be no/reduced access to the common lane during construction (lane shared by 5 adjacent properties). I would seek reassurance that the width of the lane would not be reduced by this extension.

The height of the extension would reduce light reaching our garden & the lane in the morning.

Comments for Planning Application 19/05705/FUL

Application Summary

Application Number: 19/05705/FUL

Address: 2 Bangholm Road Edinburgh EH5 3AZ

Proposal: Single-storey extension to front, side and rear of existing end-terrace dwelling and related alterations.

Case Officer: Christopher Sillick

Customer Details

Name: Mrs Donna Main

Address: 41 CLARK ROAD 41 CLARK ROAD Clark Road EDINBURGH

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am very concerned by the height of this proposed extension. From the proposed "single height" extension plans it will not be in keeping with other extensions but much higher and longer.

It will impact enormously on the green space, that as a council I feel you have a responsibility to protect. Is the "green" approach to the building of the extension sufficient to negate the loss green space and opportunity to plant trees and bushes? a 21st century concern.

I'd like to see more detailed plans to assess measurements.

We have a common lane and I'd need a promise that the lane won't be encroached upon. (Plans as they are now do suggest this and there has been precedent of this happening elsewhere.) We need to know how wide the side extension is to assess this. I know that if this happens the legal process does not support the applicant trying to reclaim the space. I've approached the land registry to get the measurement of the lane.

I need to know the proposed pump in the garden will be silent.

I look forward to hearing from you at your earliest convenience.



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 100210423-002

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:

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="Mrs"/>	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="Lianne"/>	Building Number: <input type="text" value="7"/>
Last Name: *	<input type="text" value="Walker"/>	Address 1 (Street): * <input type="text" value="East Camus Place"/>
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" value=""/>	Postcode: * <input type="text" value="EH10 6QZ"/>
Fax Number:	<input type="text"/>	
Email Address: *	<input type="text" value=""/>	

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="2 BANGHOLM 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="EH5 3AZ"/>

Please identify/describe the location of the site or sites

Northings	<input type="text" value="676188"/>	Easting	<input type="text" value="324906"/>
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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)

Single-storey extension side front and rear of existing end-terrace dwelling and related alterations.

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 attached 'Statement of review'.

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)

Statement of Review and Drawing 19-035/10a

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/05705/FUL

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

29/11/2019

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

03/02/2020

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)

A site inspection will help the Review Board to see how unobtrusive the proposal is in reality, when compared to the many larger, prominent extensions already granted consent on nearby houses.

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 Jon Newey

Declaration Date: 12/02/2020

Proposal Details

Proposal Name	100210423
Proposal Description	Single-storey extension and related alterations to existing end terrace dwelling
Address	2 BANGHOLM ROAD, EDINBURGH, EH5 3AZ
Local Authority	City of Edinburgh Council
Application Online Reference	100210423-002

Application Status

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

Attachment Details

Notice of Review	System	A4
19-035_Statement of Review ver-i	Attached	A4
19-035_10a Plans and elevations existing and proposed	Attached	A1
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-002.xml	Attached	A0

19-035

Proposed extension and alteration to 2 Bangholm Road, Edinburgh

Feb 2020

Application ref 19/05705/FUL.

Statement of Review

Introduction

The small end-terrace house at 2 Bangholm Road has been in the Walker family since it was built in 1925. The house is currently held in the estate of brother and sister George and Dorothy Walker who lived in the house their entire lives. George passed away in July 2018 and Dorothy in October 2018. The house will shortly become the home of a third generation of the family, Ross and Lianne Walker, the applicants, application ref 19/05705/FUL.

The house is in a poor state of repair. No modernisation or general refurbishment has been carried out for several decades. The house has been standing empty for a number of years.



The applicants can see the property's potential. They are prepared to invest heavily in it to make it their family home for the long-term future. They have commissioned EKJN architects, RIAS Accredited Sustainable Designers, to help them give the house a new lease of life. The house will soon be 100 years old. The intention is to make it fit for purpose in the 21st century, ready for its next 100 years.

A full-scale refurbishment of the property is proposed. The house will need to face the Climate Emergency, as declared by the Scottish Government in April 2019. By 2045 the Scottish Government aims to make the whole of Scotland entirely carbon-neutral. Retrofit of the extant housing stock will need to form a large part of these aspirations. This proposal represents an example of what could be achieved with suitable investment in our older housing stock.

Ross and Lianne are aware of the challenges they will face in attempting to turn an ordinary 1920's house into a 21st century zero-carbon future-home but they are prepared to do what is necessary to meet those challenges.

The proposals

The alterations proposed, as shown on the application drawings, aspire to the following:

- Structural repairs to stabilise cracks in the walls and ceilings.
- Upgrading insulation in the walls from zero to the best currently achievable standard.
- Upgrading insulation in the roof to exceed current standards.
- Replace the draughty timber floors with insulated, airtight construction including low-temperature under-floor heating heated by a high-efficiency air-source heat pump.
- Airsource heat pump located on the south side of the house where the source air is warmest, shielded from cooling winds by a masonry back-wall for improved efficiency.
- A new sun-space extension on the south side of the house to benefit from free solar heat on sunny days in winter.
- All windows replaced with the best available triple-glazed thermal-break casements.
- Photovoltaic panels fitted to the new south-facing roof slope for free electricity.
- Solar thermal panels located on the existing south-facing roof slope for free hot water.
- Airtightness seals at all window-wall, floor-wall and ceiling-wall junctions to reduce uncontrolled air leakage.
- A whole-house heat-recovery ventilation system for fresh air without heat loss.
- A charging point for an electric car.

and, crucially,

- A draught lobby constructed over the front door to prevent rapid heat loss whenever the north-facing front door is opened.



Refusal of consent

EKJN architects submitted a planning application for these proposals to Edinburgh Council in November 2019 on behalf of Ross and Lianne Walker.

On 14 Jan 2020 EKJN received an email from the Planning Officer, Conor MacGreevy, stating that although he had not yet been to visit the site he intended to refuse consent. He subsequently visited the site but was not prepared to give further consideration to the proposals. Consent was refused in Feb 2020.

The Planning Officer's comments to us were:

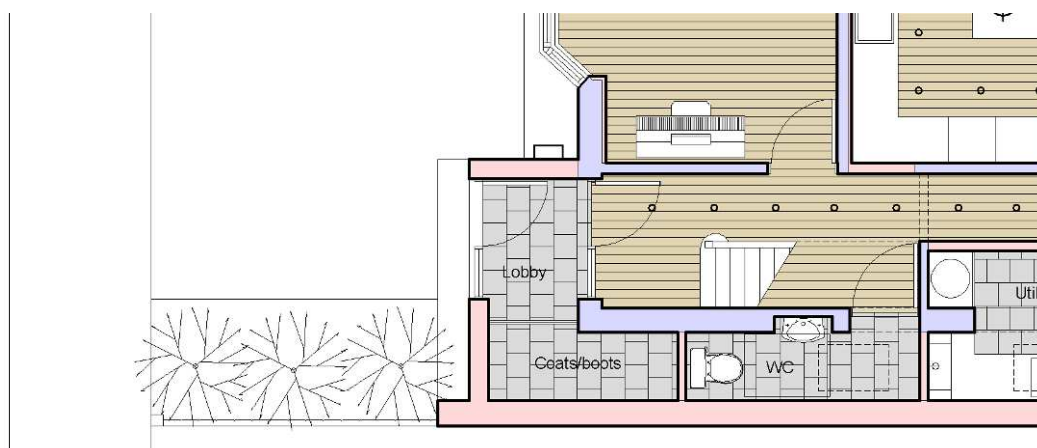
- The proposal must not project in front of the primary elevation.
- The proposal must be set back from the primary elevation.
- The proposal should be reduced marginally in scale in order to be subservient and subordinate with the host property because the gable end has a large visual capacity from the public realm and therefore is more visually exposed to the streetscape.

The Porch

We discussed the Planning Officer's concerns with him by telephone and through an exchange of emails prior to the refusal. The Planning Officer confirmed that his first two bullet points are related to the draught lobby (or porch) over the front door.

The Planning Officer considers the draught lobby/porch to be an 'extension' projecting in front of the building line.

We consider the draught lobby to be a 'porch'. The porch is a vital part of the sustainable retrofit package for this house. It is necessary to prevent rapid heat loss whenever the north-facing front door is opened.



A porch 3.0m high and having a floor area of 3.0 square metres would be 'permitted development'. IE it could be constructed here without planning consent.

The Planning Officer seems to be refusing consent for the *entire project* simply by redefining the 'porch' as an 'extension in front of the building line'. This raises the prospect of the drawings being changed to delete the porch, and the applicants then building the porch anyway under the rules of 'permitted development'. This seems an unnecessary tautology. There is nothing for the Planning Department to gain from refusing consent for the entire project under these circumstances.

Other houses in nearby streets already have porches over the front door very similar to what we propose:

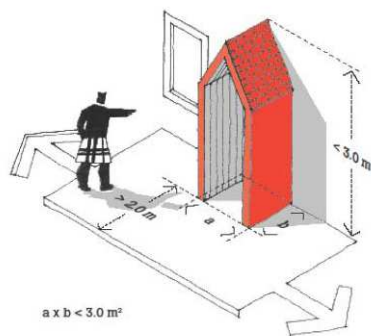
- 17 and 19 Bangholm Avenue already have porches similar to our proposal – see the Appendix to this document.

- A similar proposal was approved at 20 Bangholm Road as recently as October 2019 “*Application No:19/03930/FUL, Erect a porch to front of dwellinghouse. At 20 Bangholm Road Edinburgh EH5 3AZ*”.

The Planning Officer’s stance on this point seems unreasonably dogmatic. It is our hope that The Local Review Board will take a more pragmatic view of the proposals, will see the value of what Ross and Lianne are trying to achieve, will recognise that the proposed porch causes no offence to any neighbours (no overlooking, no overshadowing etc) and sets no unwelcome precedent in the site’s context.

It is our hope that the Local Review Board will set aside the Planning Officer’s concerns regarding what he defines as a ‘front extension’.

Porch



From the Scottish Government's guide to Permitted Development rights

The ‘scale’ of the project

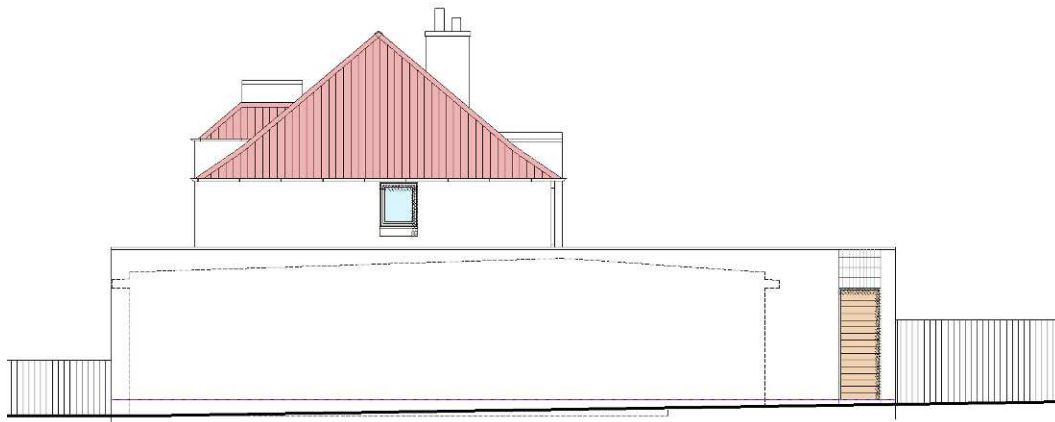
The Planning Officer’s third bullet point relates to the height of the proposed extension along the gable. Here the new construction will be tucked behind a new masonry boundary wall. The new boundary wall replaces an overgrown hedge which is roughly the same height in this location.



In this location a boundary wall 2.0m high would be ‘permitted development’. In order to ‘master’ the roof height of the proposed extension the proposed boundary wall is slightly taller, but no taller than the minimum necessary for the construction of a small, single-storey extension.

The proposed extension is not tall. The proposed extension is single-storey, flat roofed, with internal ceiling heights at 2.4m, slightly lower than the 2.5m ceilings of the original house. The land rises slightly towards the rear of the site such that there is no underbuild under the rear part of the extension, IE its floor will be at ground level. Given these circumstances there is no possible way that a domestic extension

could be any lower in height. There simply isn't any part of it that could be any smaller. It is no taller than the existing bay window. It is no taller than, for example, the flat roofed extension at 5 Bangholm Avenue – see the Appendix to this document.



The original house is a 2-storey coomed-roof design, 5.0m high from ground to eaves. Its pitched roof rises a further 3.5m from the eaves up to the height of the ridge. The proposed flat-roofed single-storey extension is a mere 2.8m from ground to eaves, a fraction of the height of the 'host' building. The Planning Officer's view that the proposed extension is not "subservient and subordinate with the host property" seems a strange conclusion to reach under the circumstances. We hope that the Local Review Board will be more understanding.

The Planning Officer's comments are difficult to reconcile with the plethora of 2-storey gable-end extensions to other houses in the immediate vicinity, including the immediate neighbour at 39 Clark Road which has a 6.0m high blank gable directly facing Bangholm Road. A bigger, more-prominent gable extension is hard to imagine, yet it was granted consent. Meanwhile the tiny proposal at 2 Bangholm Road, hidden half way along a narrow private lane, has been refused. In this context the refusal of consent makes little sense.



The numerous examples of prominent, tall, 2-storey and single-storey extensions on nearby properties are shown in the Appendix to this document.

In addition to the many built examples which can be seen on site inspection, a single storey extension at 22 Bangholm Road was approved in May 2019. It is taller than our proposal (19/01938/FUL - not yet built).

The final image in the Appendix shows 2 Bangholm Road in its immediate context. The image shows that the adjacent houses on Clark Road have rear-facing windows that face towards the application site. The houses on Clark Road are elevated relative to the application site such that their *ground floor* windows will look out *over the top* of the proposed extension, an indication of just how small, subordinate and subservient this proposal really is.

Had the Planning Officer kept an open mind before making his site visit perhaps he could have come to a different conclusion. It is our hope that The Local Review Board will visit the site, take cognisance of the various precedents mentioned in the Appendix below, will recognise how small and unobtrusive this proposal really is, will take the applicants' aspirations into account and will arrive at a better decision.

Conclusion

- The Climate Emergency is real.
- The Scottish Government intends to do something about it.
- Ross and Lianne Walker intend to do something about it.
- The Planning Officer's reasons for refusing consent for these proposals are difficult to reconcile in its context.
- The reasons for refusal seem counter-intuitive, unnecessarily obstructive, unreasonably dogmatic and offer no benefit to any person.

It is our hope the LRB can find a way to reverse the Planning Officer's decision and give this important little project the positive outcome it deserves.

Jon Newey IMAPS RIAS
Chartered Architect
RIAS Accredited Sustainable Building Designer
RIAS Accredited Conservation Architect
APS registered Principal Designer

EKJN architects

Appendix

Project: proposed extension to 2 Bangholm Road, Edinburgh

Nearby precedents on Bangholm park, Bangholm Road, Bangholm Avenue, Clark Road and Clark Avenue.



19 and 17 Bangholm Avenue: Front porches. Allowed as 'permitted development'



39 Clark Road: consent ref 01/02119/FUL. Immediate neighbour to the application site.



46 Clark Road, consent ref 14/00480/FUL. Taller than our proposal and more prominent on the street.



7 Bangholm Avenue, consent ref 95/00374/FUL. Taller than our proposal and more prominent on the street.



3 Clark Avenue, consent ref 92/02515/FUL. Significantly taller than our proposal and more prominent on the street.



5 Clark Avenue, consent ref 99/03639/FUL. Significantly taller than our proposal and more prominent on the street.



5 Bangholm Avenue. This flat-roofed extension is a similar height/scale of our proposal. It occupies a far more prominent location.



1 Bangholm Park, consent ref 01/02144/FUL. Significantly taller than our proposal and more prominent on the street.



21 Clark Avenue, consent ref 15/03424/FUL. Significantly taller than our proposal and more prominent on the street.



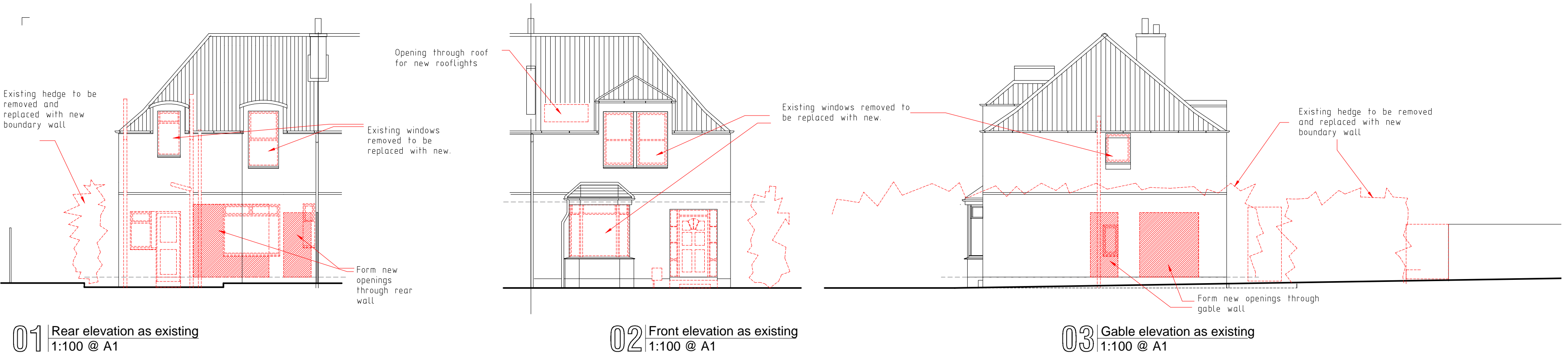
8 Bangholm Road, consent ref 10/02953/FUL. Significantly taller than our proposal and more prominent on the street.

The application site:



2 Bangholm Road. Refused consent.

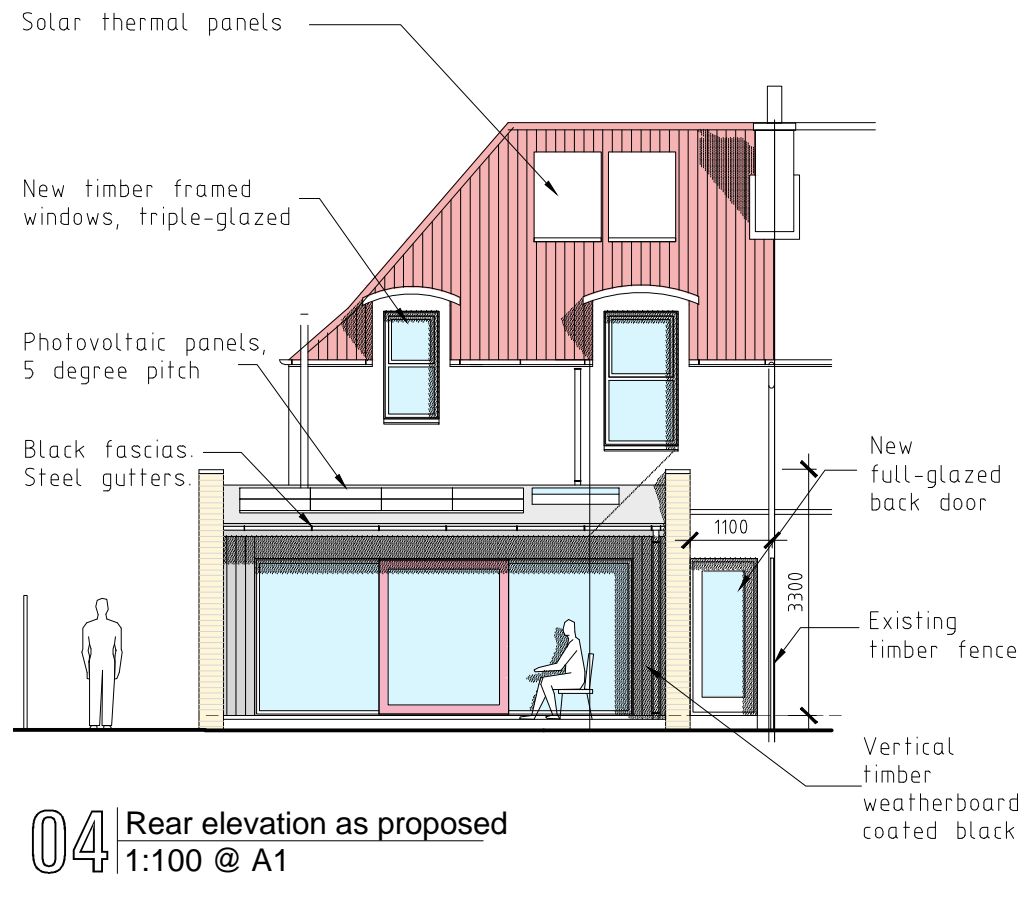
By comparison to the large, prominent, dominant examples/precedents (and there are very many of them in the nearby streets) this proposal is small, subservient, subordinate and unobtrusive.



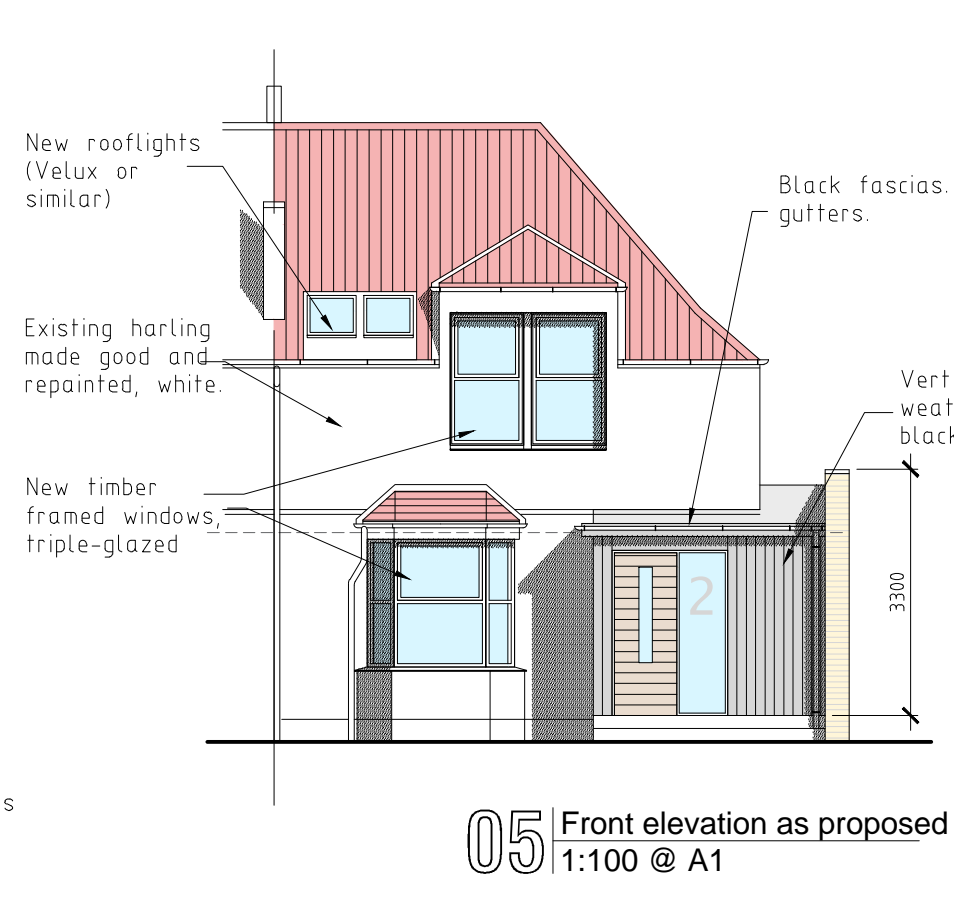
01 Rear elevation as existing
1:100 @ A1

02 Front elevation as existing
1:100 @ A1

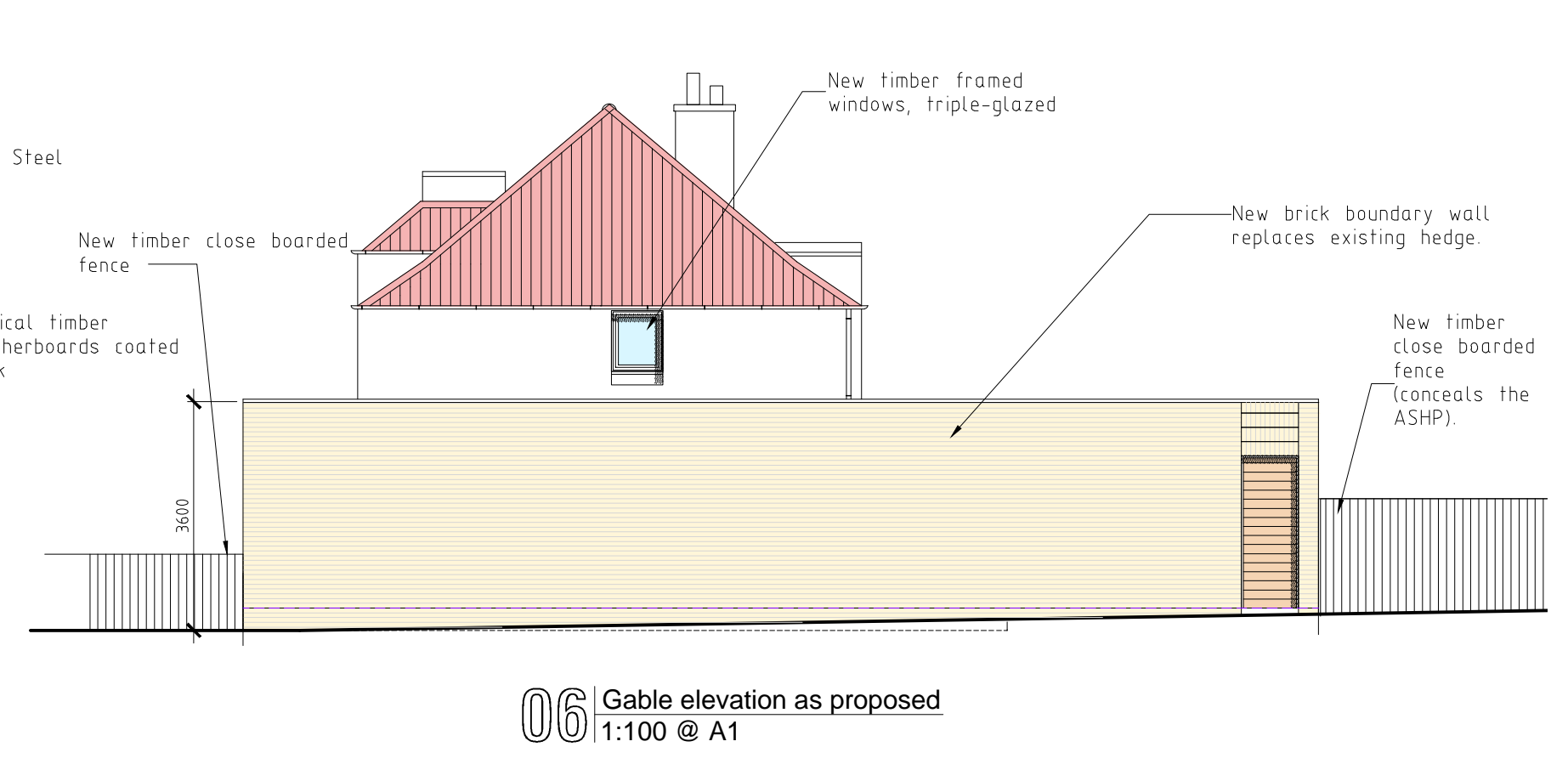
03 Gable elevation as existing
1:100 @ A1



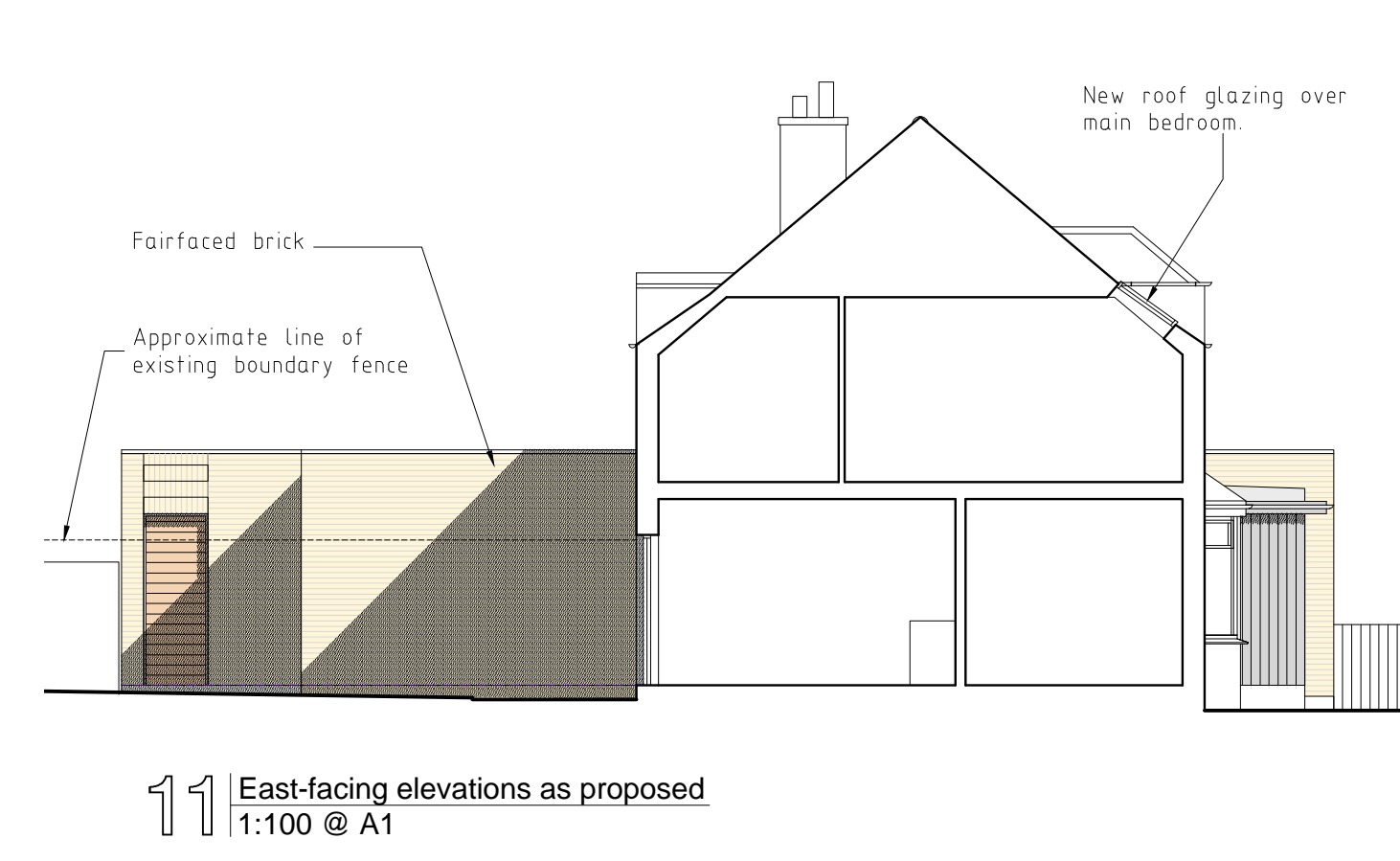
04 Rear elevation as proposed
1:100 @ A1



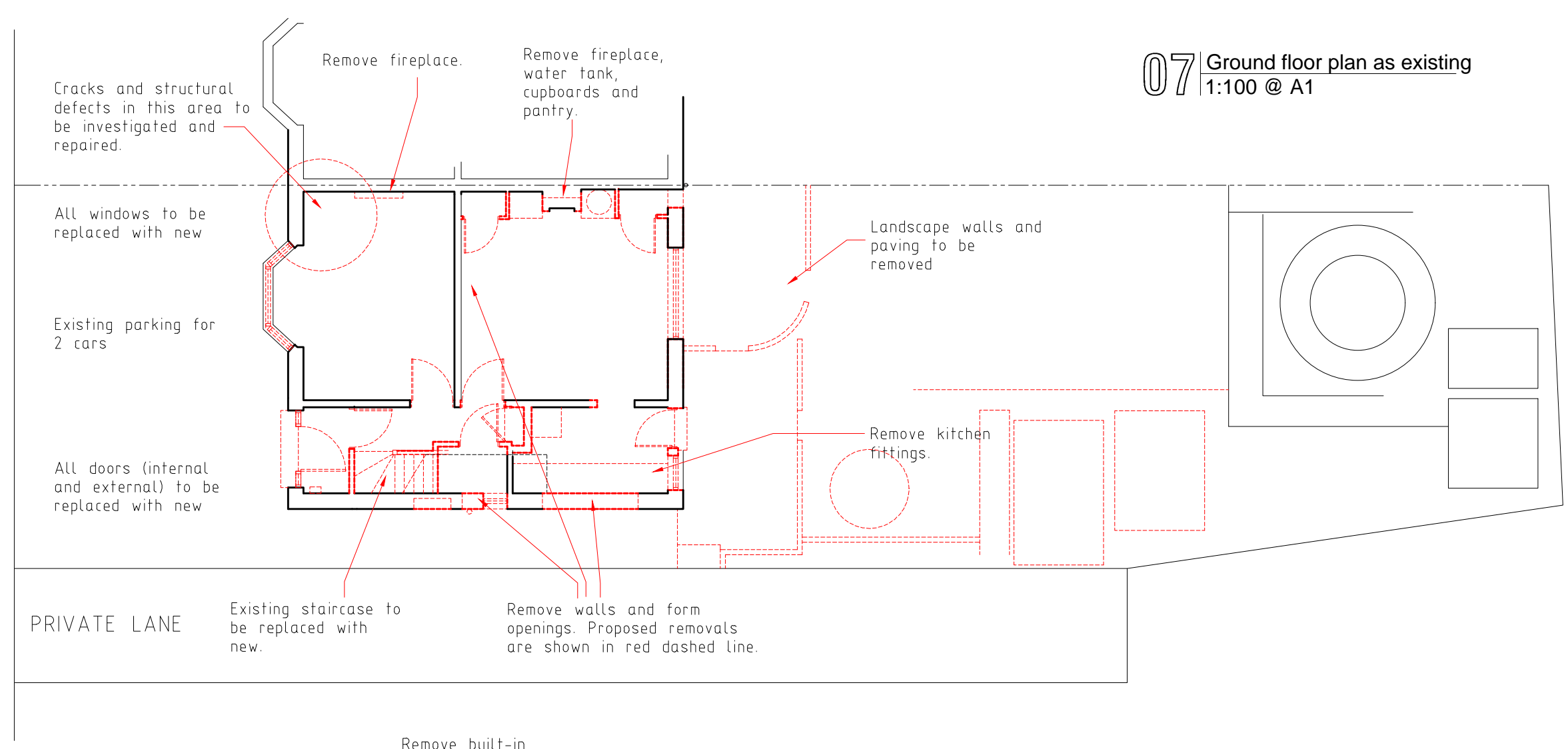
05 Front elevation as proposed
1:100 @ A1



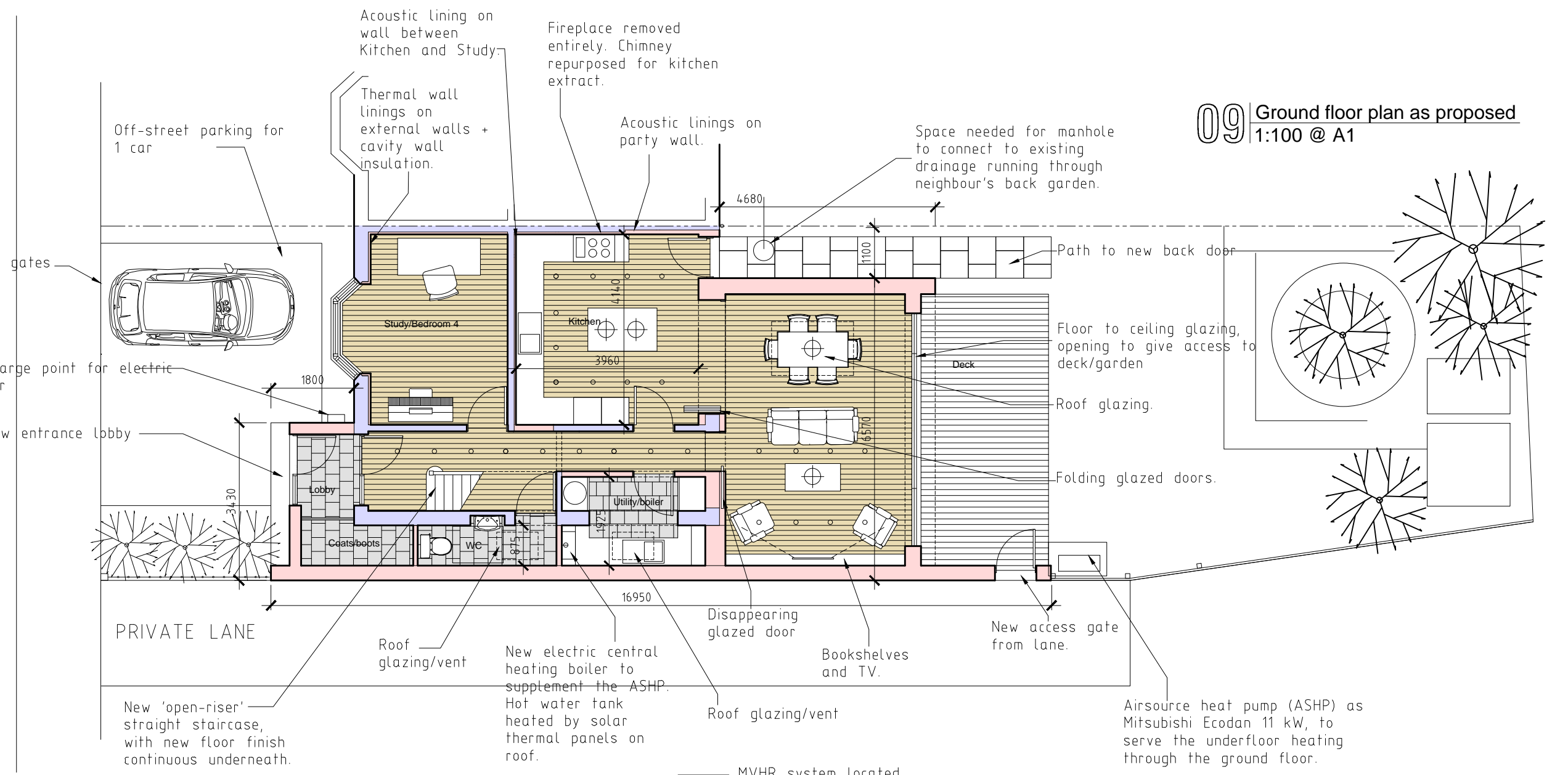
06 Gable elevation as proposed
1:100 @ A1



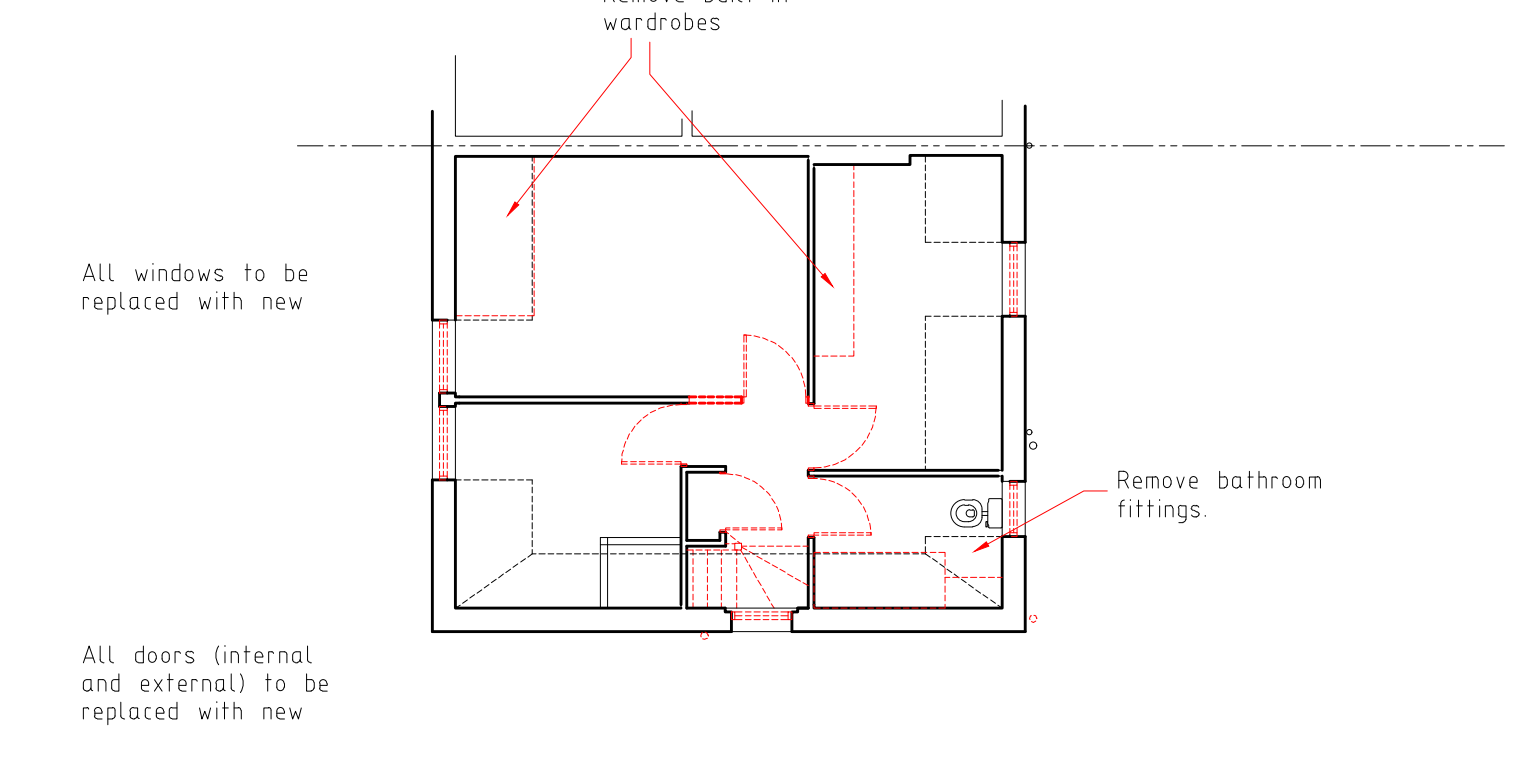
11 East-facing elevations as proposed
1:100 @ A1



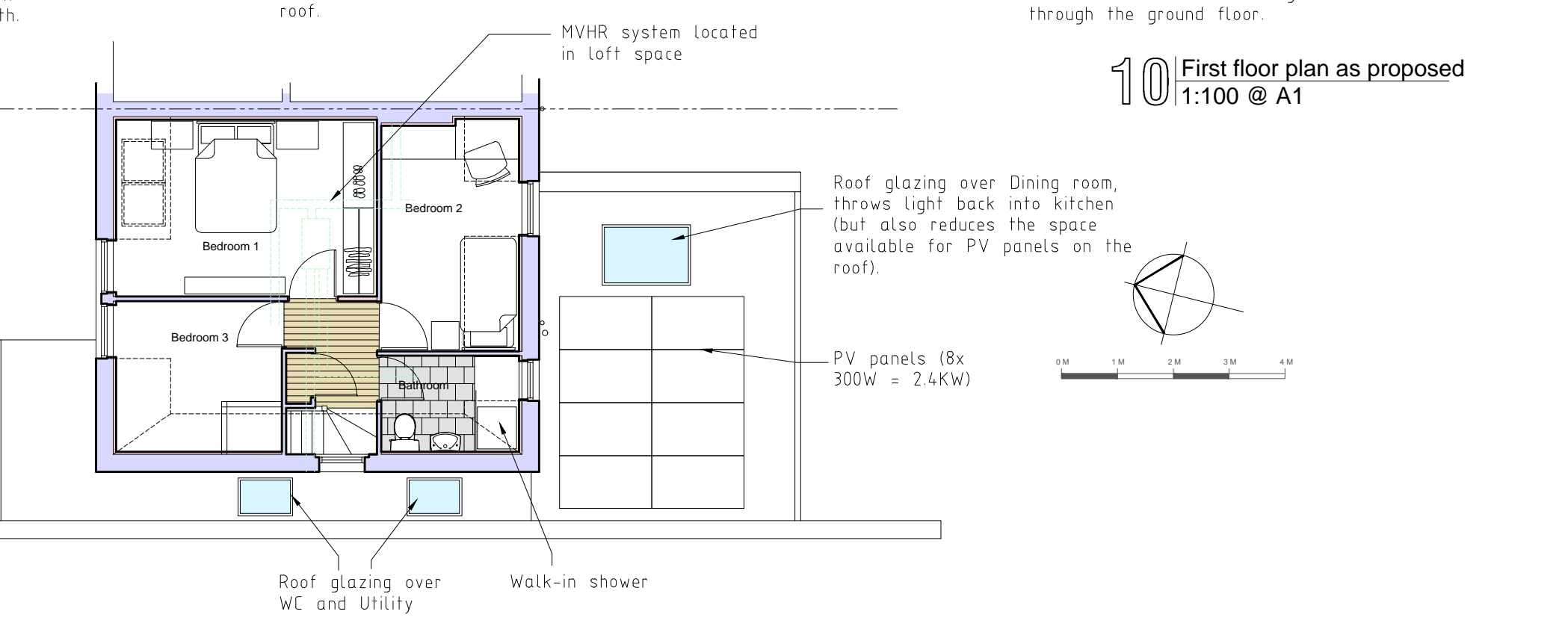
07 Ground floor plan as existing
1:100 @ A1



09 Ground floor plan as proposed
1:100 @ A1



08 First floor plan as existing
1:100 @ A1



10 First floor plan as proposed
1:100 @ A1

Do not scale this drawing. Use figured dimensions only. All dimensions given are in millimetres unless otherwise stated. All levels are in metres. All dimensions, levels shown on this drawing are to be verified by the contractor prior to the commencement of work. This drawing is to be read in conjunction with all relevant architectural, structural, services drawings and specifications. The copyright of this drawing and all relevant information appearing on this drawing is reserved by EKJN Architects. Use or disclosure to any third party either wholly or in part is prohibited unless expressly authorised by EKJN Architects. Variations and modifications to work shown on this drawing shall not be carried out without prior permission of EKJN Architects, who accept no liability for alterations made to this drawing by any other party.

Notes

Rev A: 26-11-19: East elevations added. MVHR system added.
Revisions

Sheet A1	Drawing Category	PLANNING
Project Extension and alteration 2 Bangholm Road Edinburgh		
for Mr & Mrs Walker		
Drawing Plans and elevations as existing and as proposed		
EKJN ARCHITECTS Project Managers and Principal Designers		
EKJN Architects Bryerton House 129 High Street Linlithgow EH49 7EJ Web www.ejkn.co.uk Tel 01506 847151 Fax 01506 846209 E mail@ejkn.co.uk		
Scale 1:100@A1	Date Nov 2019	By JRN
Job no 19-035	Drawing no 10	Rev A

Perimeters of window frames, external doors ceilings and ground floors all sealed with air-tightness tape to prevent uncontrolled air leakage. Skirtings all sealed to floors. All pipe/cable penetrations fully sealed.
New windows all have controllable 'trickle' vents to ensure good air quality management.

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Martin McMullen Architect.
209 Easter Road
Edinburgh
Scotland
EH6 8LG

Metro Inns Ltd.
FAO: Mr Pat Doherty
1 Commercial Street
Edinburgh
Scotland
EH6 6JA

Decision date: 6 December 2019

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

New decking area for external tables and chairs including a parasol with 4m cover, portable planters with perspex sound diffusers (in retrospect)

At 1 Commercial Street Edinburgh EH6 6JA

Application No: 19/04799/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 8 October 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 and Enforced** 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:-

1. The proposal is contrary to LDP policies Des 4 and Env 6 and the Council's Non Statutory Guidance for Business. The proposal is not acceptable in principle and does not preserve or enhance the character and appearance of the Leith Conservation Area. The use of the space and the siting of the furniture associated with the space has a detrimental impact on the character and appearance of the Leith Conservation Area.
2. The proposal is contrary to LDP policy Hou 7 and the Council's Non-Statutory Guidance for Business as it has a detrimental impact on the amenity of neighbouring residents.

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

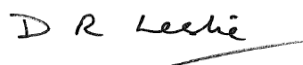
Drawings 01-03, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The proposal will unduly impact the character of the neighbourhood and will result in an unreasonable loss of public space. The proposal is not acceptable in principle and does not accord with the Local Development Plan. There are no material considerations which outweigh this conclusion.

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

Should you have a specific enquiry regarding this decision please contact Adam Gloser directly on .



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 19/04799/FUL

At 1 Commercial Street, Edinburgh, EH6 6JA

New decking area for external tables and chairs including a parasol with 4m cover, portable planters with perspex sound diffusers (in retrospect)

Item	Local Delegated Decision
Application number	19/04799/FUL
Wards	B13 - Leith

Summary

The proposal will unduly impact the character of the neighbourhood and will result in an unreasonable loss of public space. The proposal is not acceptable in principle and does not accord with the Local Development Plan. There are no material considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES01, LDES05, LDES08, LDES10, LRET11, NSG, NSBUS, OTH, CRPLEI,
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Report of handling

Recommendations

1.1 It is recommended that this application be Refused and Enforced subject to the details below.

Background

2.1 Site description

The application site is an extremely narrow cobbled section of Commercial Wharf. The site is currently operating as a car park and an external seating area for the adjacent restaurant situated within 1 Commercial Street.

The restaurant is the ground floor of a Victorian building in a prominent location on the west side of the Water of Leith opposite the Shore in Leith. It stands on the corner of Commercial Street and Commercial Wharf.

Commercial Street forms part of the primary coast road around the north of the city. Commercial Wharf is a setted cul-de-sac leading to a converted warehouse to the immediate south.

The building is listed category B, and is surrounded by other listed buildings.

This application site is located within the Leith Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

Retrospective planning permission is sought for a new decking area with portable planters.

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 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development

which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 proposal will adversely affect neighbouring residential amenity;
- b) the proposals preserve and enhance the character and appearance of the Leith Conservation Area;
- c) The proposal will adversely affect road safety;
- d) Comments raised have been addressed

a) Residential Amenity

Policy Hou 7 of the (LDP) states that developments, including changes of use, which will have a materially detrimental effect on living conditions of nearby residents will not be permitted.

The proposal involves the active utilisation of an outdoor area for customers to eat and drink in. Although sound diffusers have been proposed to mitigate the impacts of the proposal on neighbouring premises, the extensive level of provision for customers to eat and drink both inside the restaurant and outside in the decked area has the potential to generate significant levels of noise and disturbance for nearby residents residing in the tenement buildings on Commercial Street and Commercial Wharf throughout the course of the day, including into unsociable hours.

The proposal has a detrimental impact on the amenity of neighbouring residents and does not comply with LDP Policy Hou 7.

b) Conservation Area

Edinburgh Local Development Plan policy Env 6 highlights the importance of preserving the character and appearance of the conservation area. In addition, the non-statutory Guidance for Businesses advises that proposals should be architecturally compatible in design, scale and materials with the character of the conservation area.

The timber decking and portable Perspex planters are all constructed from poor quality materials and are of a detrimental design and form which does not reflect a permanent sense of place. These structures form highly incongruous developments which detract from the quality of the streetscape and disrupt the degree of separation between the waterfront and the traditional listed building.

The proposal does not preserve or enhance the character and appearance of the Leith Conservation Area. The proposal is contrary to LDP policy Env 6.

c) Road Safety

The addition of outdoor seating shall not significantly alter the intensity of the premises current use. There are no road safety concerns from the proposed use.

f) Public Comments

One letter of objection was received.

Material Considerations

- Impact on vehicular access through the site: addressed in section 3.3(c).

Conclusion

The proposal will unduly impact the character of the conservation area and will result in an unreasonable impact on residential amenity. The proposal is not acceptable in principle and does not accord with the Local Development Plan. There are no material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to LDP policies Des 4 and Env 6 and the Council's Non Statutory Guidance for Business. The proposal is not acceptable in principle and does not preserve or enhance the character and appearance of the Leith Conservation Area. The use of the space and the siting of the furniture associated with the space has a detrimental impact on the character and appearance of the Leith Conservation Area.
2. The proposal is contrary to LDP policy Hou 7 and the Council's Non-Statutory Guidance for Business as it has a detrimental impact on the amenity of neighbouring residents.

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**

Edinburgh Local Development Plan

Date registered

8 October 2019

**Drawing
numbers/Scheme**01-03,

Scheme 1

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

Contact: Adam Gloser, Assistant Planner
E-mail:adam.gloser@edinburgh.gov.uk Tel:

Links - Policies

Relevant Policies:**Relevant policies of the Local Development Plan.**

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

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

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 Ret 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

Other Relevant policy 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

Appendix 1

Consultations

No consultations undertaken.

END

Comments for Planning Application 19/04799/FUL

Application Summary

Application Number: 19/04799/FUL

Address: 1 Commercial Street Edinburgh EH6 6JA

Proposal: New decking area for external tables and chairs including a parasol with 4m cover, portable planters with perspex sound diffusers (in retrospect)|cr|

Case Officer: Adam Gloser

Customer Details

Name: Ms Georgina Gill

Address: 6/12 Commercial Wharf Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The area of the Wharf where the decking has been built used to be used for parking by people working in or visiting 1 Commercial Wharf. Since building work was started towards the erection of this decking, people have started parking further along the Wharf. The access lane is narrower at this point and a number of vehicles including council bin lorries have been unable to gain access to the Cooperage car park to collect bins from there. This in turn has led to frequent build ups of rubbish that cause health hazards to the residents of 6 Commercial Wharf. I also have concerns that there could be similar access difficulties if emergency vehicles need to access 6 Commercial Wharf.



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 100237884-001

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: Gray Planning & Development 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"/>	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"/>	Building Number:	<input type="text" value="1"/>
Last Name: *	<input type="text"/>	Address 1 (Street): *	<input type="text" value="Commercial Street"/>
Company/Organisation	<input type="text" value="Metro Inns 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="Uk"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH6 6JA"/>
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="1 COMMERCIAL 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 6JA"/>

Please identify/describe the location of the site or sites

Northings	<input type="text" value="676543"/>	Easting	<input type="text" value="327029"/>
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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)

NEW DECKING AREA FOR EXTERNAL TABLES AND CHAIRS INCLUDING A PARASOL WITH 4M COVER, PORTABLE PLANTERS WITH PERSPEX SOUND DIFFUSERS (IN RETROSPECT) (PLANNING REF: 19/04799/FUL)

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.

Please refer to attached Grounds for Review Statement

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)

Please refer to attached List of Appeal Documents

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

19/04799/FUL

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

07/10/2019

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

06/12/2019

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 recommended to view the alleged unlawful decking area and to view it in the context of the surrounding residential properties

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 Neil Gray

Declaration Date: 05/03/2020

Proposal Details

Proposal Name	100237884
Proposal Description	New decking area for external tables and chairs including a parasol with 4m cover, portable planters with perspex sound diffusers (in retrospect)
Address	1 COMMERCIAL STREET, EDINBURGH, EH6 6JA
Local Authority	City of Edinburgh Council
Application Online Reference	100237884-001

Application Status

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

Attachment Details

Notice of Review	System	A4
Refused Application 19_04799_FUL-_01__LOCATION_PLAN-4388516	Attached	A4
Refused Application 19_04799_FUL-_02__EXISTING_PLAN-4388517	Attached	A3
Refused Application 19_04799_FUL-_03__PROPOSED_PLANS_AND_SECTION-4388518	Attached	A3
Refused Application 19_04799_FUL-APPLICATION_FORM-4388866	Attached	A1
Refused Application 19_04799_FUL-COVER_LETTER-4397841	Attached	A4
Refused Application 19_04799_FUL-DECISION_NOTICE-4446115	Attached	A4
Refused Application 19_04799_FUL-HANDLING_REPORT-4446113	Attached	A4
Appeal Doc 1 - Decision Notice	Attached	A4
Appeal Doc 2 - Report of Handling	Attached	A4
Appeal Doc 3 - Supporting Statement by architect	Attached	A4
Appeal Doc 4 - Aerial Photo taken August 2012 showing seating	Attached	A4
Appeal Doc 4b Photo of Outside Seating	Attached	A4
Appeal Doc 5 - Licencing Board Approval and Premises Plan 2009	Attached	A4
Appeal Doc 6 - Enforcement Action CEC Sept 19	Attached	A4
Appeal Doc 7 - Non-Statutory Guidance For Business	Attached	A4

Appeal Doc 8 - Image taken 2011 and 2015 showing outdoor area enclosure	Attached	A4
List of Appeal Documents at 050320	Attached	A4
Local Review Body Cover Letter 050320	Attached	A4
Grounds for Review Statement 050320	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0



October 07th, 2019

City Development Department
Planning & Development
Waverley Court,
4 East Market Street,
Edinburgh,
EH8 8BG,

Dear Sirs

**RE: RETROSPECTED PLANNING FOR EXTERNAL SEATING AREA AT
1 COMMERCIAL STREET , EDINBURGH.**

We would like to apply for retrospect planning consent for the proposed external seating area at the above address. . Please find uploaded one colour set of drawings PL-01- 03 showing the proposed alterations which include:-

- New decking area for external tables and chairs
- New parasol with 4m cover.
- Portable planters with Perspex sound diffusers.

supporting statement –

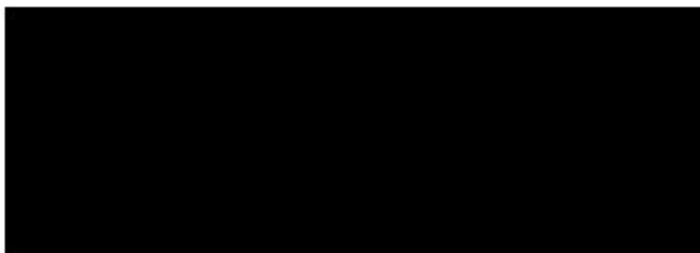
The restaurant seeks to install a level decking area with planters and a parasol for external diners.

The previous restaurant always had external seating in this area as evident in the historical aerial photos below and my client seeks to keep this tradition going but with a level base in which to set the external seating and tables providing diners with a much better experience.

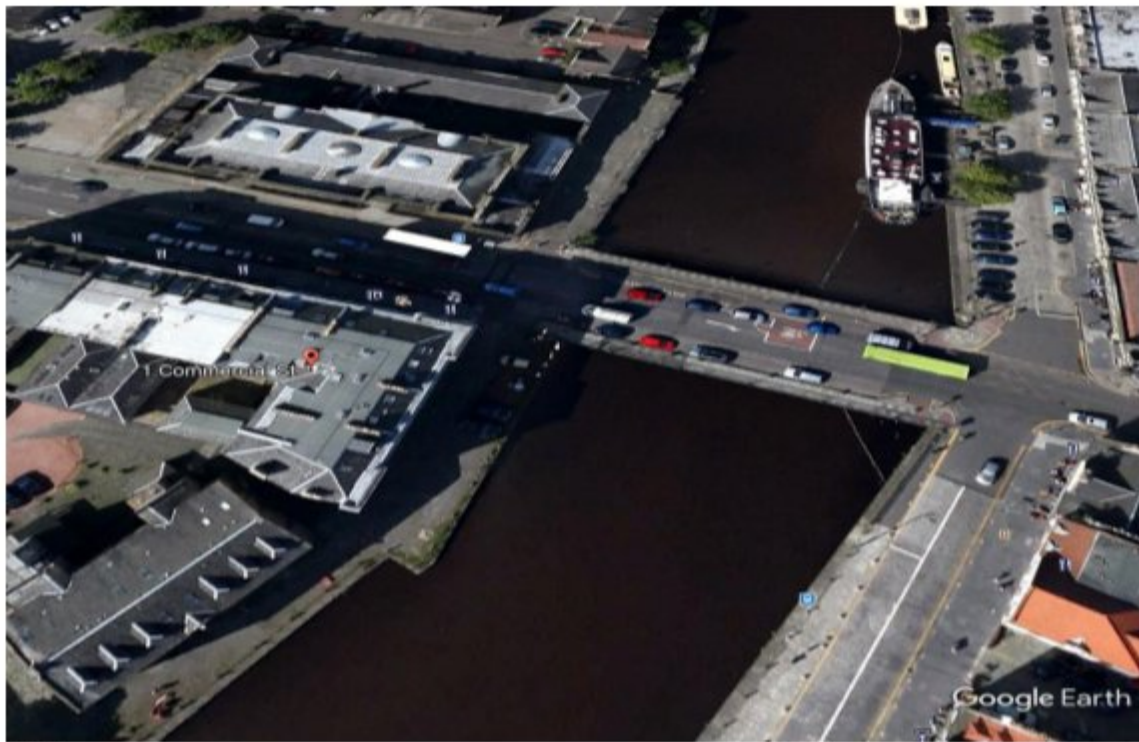
The planters are portable so can be rolled out and removed easily and will provide a splash of colour and greenery to the seating area.

If you require any further information, please don't hesitate to contact me.

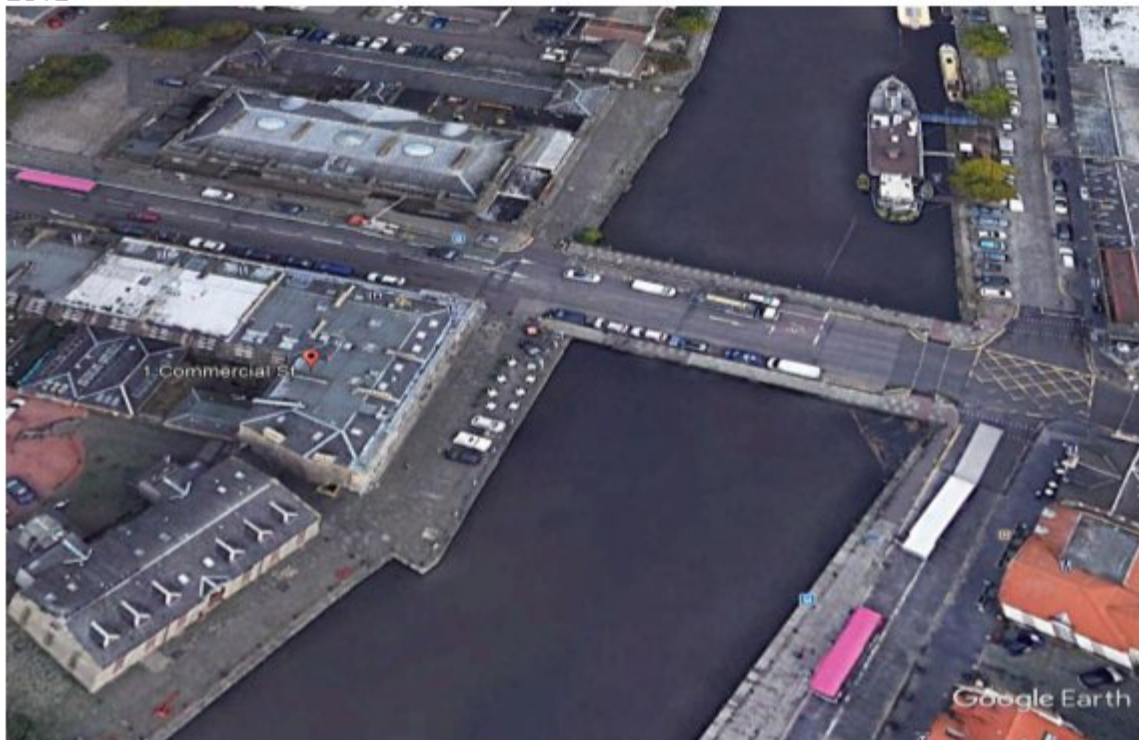
Yours sincerely



Martin McMullen
Cc. Pat Doherty



2012



2016



2018



Example of the proposed planters



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 100185643-001

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)

New decking area for external tables and chairs including a parasol with 4m cover, Portable planters with Perspex sound diffusers

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☐ Yes ☒ No

(Answer 'No' if there is no change of use.) *

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

☐ No ☒ Yes – Started ☐ Yes - Completed

Please state date of completion, or if not completed, the start date (dd/mm/yyyy): *

06/09/2019

Please explain why work has taken place in advance of making this application: * (Max 500 characters)

The client wasn't aware he required planning permission as they were just making improvements to the existing external seating area.

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:	Martin McMullen Architect		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Martin	Building Name:	
Last Name: *	McMullen	Building Number:	209
Telephone Number: *		Address 1 (Street): *	Easter Road
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH6 8LG
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input type="checkbox"/> Individual <input checked="" type="checkbox"/> 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: *	Pat	Building Number:	1
Last Name: *	Doherty	Address 1 (Street): *	Commercial Street
Company/Organisation	Metro inns Ltd	Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	Scotland
Mobile Number:		Postcode: *	EH6 6JA
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:

1 COMMERCIAL STREET

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH6 6JA

Please identify/describe the location of the site or sites

Northing

676543

Easting

327029

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

723.00

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)

existing external seating area for the restaurant

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.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; padding: 2px 10px;">6</div>
<p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *</p>	<div style="border: 1px solid black; padding: 2px 10px;">5</div>
<p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input checked="" type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	

If Yes or No, please provide further details: * (Max 500 characters)

existing refuse location to remain unchanged

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☐ Yes ☒ No

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

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

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

Signed: Martin McMullen

On behalf of: Metro inns Ltd

Date: 07/10/2019

☒ 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. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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 Martin McMullen

Declaration Date: 07/10/2019

Payment Details

Pay Direct

Created: 07/10/2019 20:54



October 07th, 2019

City Development Department
Planning & Development
Waverley Court,
4 East Market Street,
Edinburgh,
EH8 8BG,

Dear Sirs

**RE: RETROSPECTED PLANNING FOR EXTERNAL SEATING AREA AT
1 COMMERCIAL STREET , EDINBURGH.**

We would like to apply for retrospect planning consent for the proposed external seating area at the above address. . Please find uploaded one colour set of drawings PL-01- 03 showing the proposed alterations which include:-

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- New parasol with 4m cover.
- Portable planters with Perspex sound diffusers.

supporting statement –

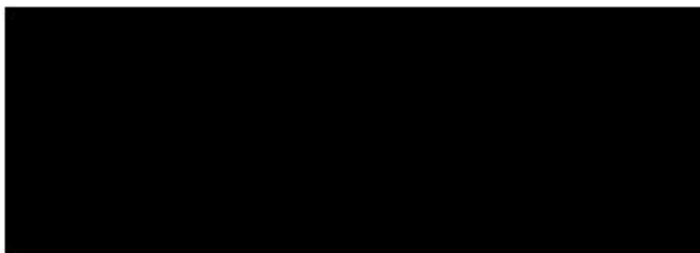
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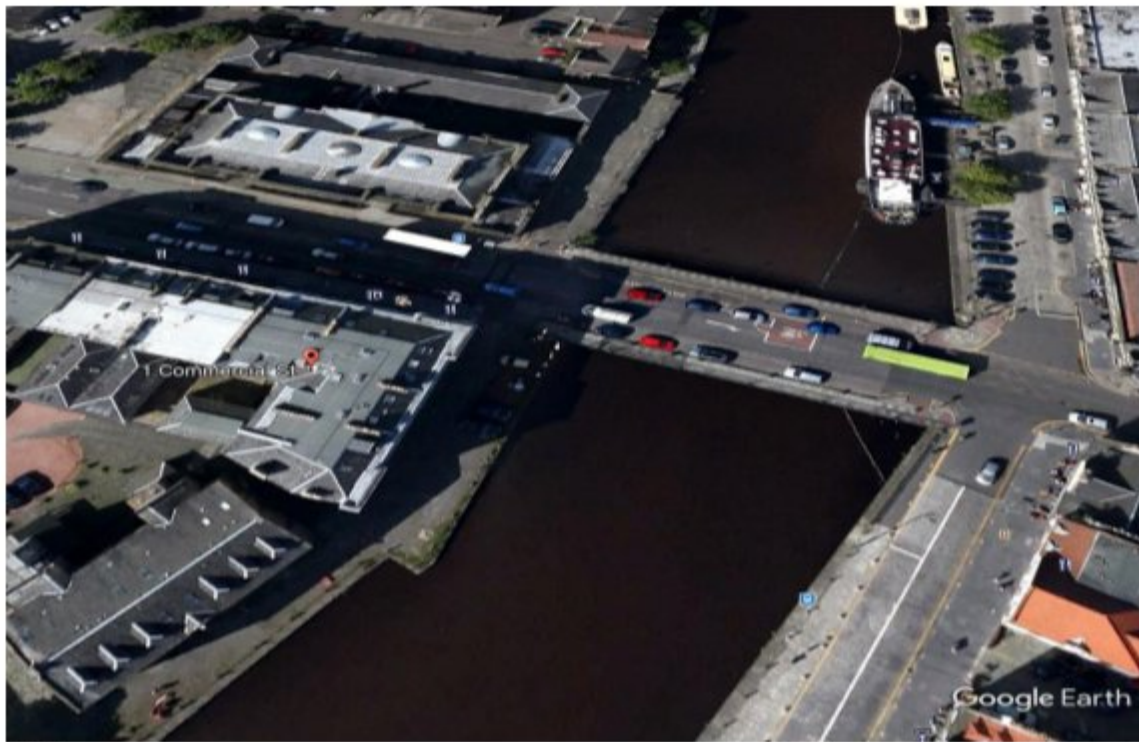
The planters are portable so can be rolled out and removed easily and will provide a splash of colour and greenery to the seating area.

If you require any further information, please don't hesitate to contact me.

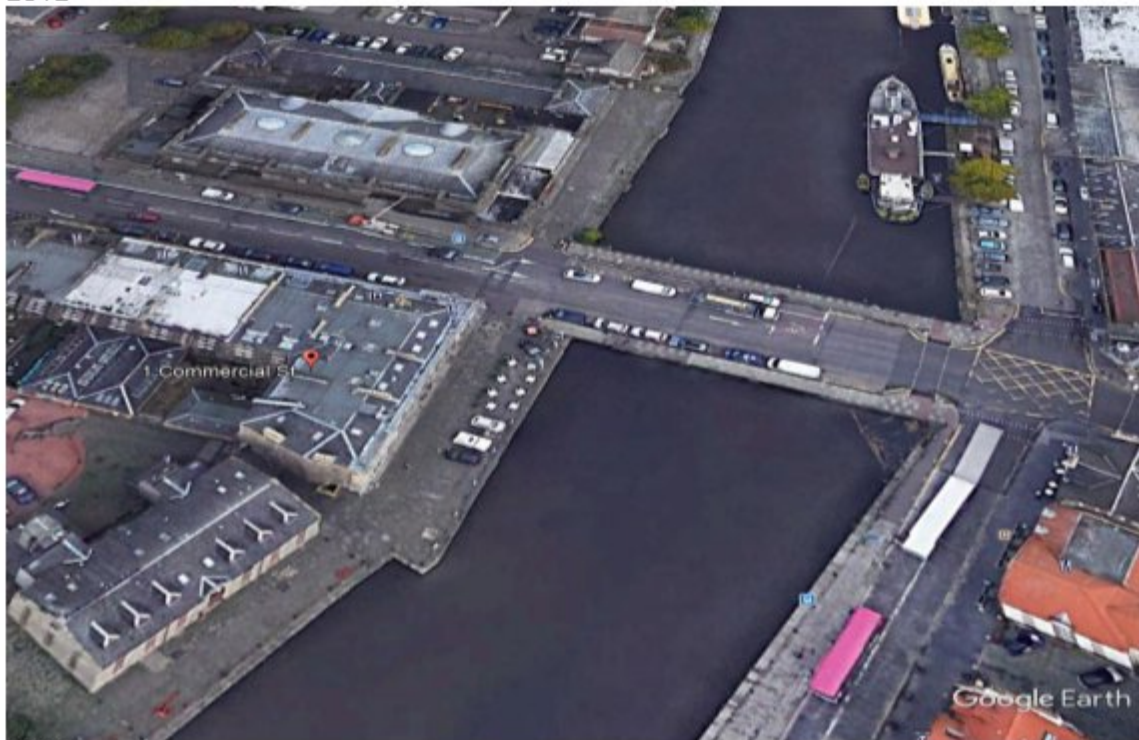
Yours sincerely



Martin McMullen
Cc. Pat Doherty



2012



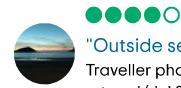
2016



2018



Example of the proposed planters



●●●●○
"Outside seating area"
Traveller photo submitted by
retep d (Jul 2017)



Shop hotels in Edinburgh

dd/mm/yyyy

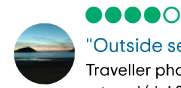
Check In

dd/mm/yyyy

Check Out

Shop hotels





●●●●○
"Outside seating area"
Traveller photo submitted by
retep d (Jul 2017)



Shop hotels in Edinburgh

dd/mm/yyyy

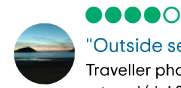
Check In

dd/mm/yyyy

Check Out

Shop hotels





●●●●○
"Outside seating area"
Traveller photo submitted by
retep d (Jul 2017)



Shop hotels in Edinburgh

dd/mm/yyyy

Check In

dd/mm/yyyy

Check Out

Shop hotels





LICENSING BOARD

Premises Licence

Issued by The City of Edinburgh Licensing Board under the terms and conditions
of the Licensing (Scotland) Act 2005

Premises licence number	08/11947
-------------------------	----------

Date of commencement of licence	1 September 2009
---------------------------------	------------------

Postal address of premises	
----------------------------	--

1 Commercial Street Edinburgh	
----------------------------------	--

Postcode EH6 6JA	Telephone number
------------------	------------------

Description of premises

Premium Dining Public House & Restaurant
--

Licensed hours		
	On Sale	Off Sale
Monday	11:00 to 01:00	11:00 to 22:00
Tuesday	11:00 to 01:00	11:00 to 22:00
Wednesday	11:00 to 01:00	11:00 to 22:00
Thursday	11:00 to 01:00	11:00 to 22:00
Friday	11:00 to 01:00	11:00 to 22:00
Saturday	11:00 to 01:00	11:00 to 22:00
Sunday	12:30 to 01:00	12:30 to 22:00

Name and postal address (or registered address if a company), telephone number and email (where relevant) of holder of premises licence

Punch Partnerships (PTL) Limited
 Elsley Court
 20-22 Great Titchfield Street
 London
 W1W 8BE

Registered number of premises licence holder, e.g. company number, charity number (where applicable)

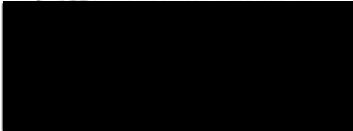
03512363



LICENSING BOARD

Name, postal address and telephone number of premises manager named in the operating plan

Ms Carol Ann Lawrie



Number of the personal licence held by the premises manager named in the operating plan and the name of the issuing Licensing Board

Premises Manager number : 14/02861

Issuing Licensing Board: City of Edinburgh



LICENSING BOARD

Licence Conditions

The mandatory conditions set out in schedule 3 to the Licensing (Scotland) Act 2005 will apply.

The following local conditions will also apply:-

- [1. All amplified music and vocals shall be so controlled as to be inaudible in neighbouring residential premises]

OPERATING PLAN

Licensing (Scotland) Act 2005, section 20(2)(b)(i)

Question 1

STATEMENT REGARDING ALCOHOL BEING SOLD ON PREMISES/OFF PREMISES OR BOTH

<i>I(a) Will alcohol be sold for consumption solely ON the premises?</i>	NO
<i>I(b) Will alcohol be sold for consumption solely OFF the premises?</i>	NO
<i>I(c) Will alcohol be sold for consumption both ON and OFF the premises?</i>	YES
<i>*Delete as appropriate</i>	

Question 2

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION ON PREMISES

<i>Day</i>	<i>ON Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11AM	1AM
<i>Tuesday</i>	11AM	1AM
<i>Wednesday</i>	11AM	1AM
<i>Thursday</i>	11AM	1AM
<i>Friday</i>	11AM	1AM
<i>Saturday</i>	11AM	1AM
<i>Sunday</i>	12.30PM	1AM

Question 3

STATEMENT OF **CORE** TIMES WHEN ALCOHOL WILL BE SOLD FOR CONSUMPTION **OFF** PREMISES

<i>Day</i>	<i>OFF Consumption</i>	
	<i>Opening time</i>	<i>Terminal hour</i>
<i>Monday</i>	11AM	10PM
<i>Tuesday</i>	11AM	10PM
<i>Wednesday</i>	11AM	10PM
<i>Thursday</i>	11AM	10PM
<i>Friday</i>	11AM	10PM
<i>Saturday</i>	11AM	10PM
<i>Sunday</i>	12.30PM	10PM

Question 4

SEASONAL VARIATIONS

<i>Does the applicant intend to operate according to seasonal demand</i>	YES
--	------------

**If YES – provide details*

To benefit from the annual extensions determined by the Licensing Board for the sale of alcohol for consumption on the premises during the Edinburgh Festival and festive period, in line with existing permissions.

Question 5

PLEASE INDICATE THE OTHER ACTIVITIES OR SERVICES THAT WILL BE PROVIDED ON THE PREMISES IN ADDITION TO SUPPLY OF ALCOHOL

COL. 1 5(a) Activity	COL. 2 Please confirm YES/NO	COL. 3 To be provided during core licensed hours – please confirm YES/NO	COL. 4 Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Accommodation	NO	N/A	N/A
Conference facilities	YES	YES	YES
Restaurant facilities	YES	YES	YES
Bar meals	YES	YES	NO
5(b) Activity Social functions including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Receptions including Weddings, funerals, birthdays, retirements etc.	YES	YES	YES
Club or other group meetings etc.	YES	YES	YES
5(c) Activity Entertainment including:	Please confirm YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
Recorded music – see 5(g)	YES	YES	YES
Live performances – see 5(g)	YES	YES	NO
Dance facilities	YES	YES	NO

<i>Theatre</i>	YES	YES	NO
<i>Films</i>	YES	YES	NO
<i>Gaming</i>	YES	YES	NO
<i>Indoor/outdoor sports</i>	NO	YES	NO
<i>Televised sport</i>	YES	YES	YES
5(d) <i>Activity</i>	<i>Please confirm</i> YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Outdoor drinking facilities</i>	YES	YES	YES
5(e) <i>Activity</i>	<i>Please confirm</i> YES/NO	To be provided during core licensed hours – please confirm YES/NO	Where activities are also to be provided outwith core licensed hours please confirm YES/NO
<i>Adult entertainment</i>	NO	NO	NO

Where you have answered YES in respect of any entry in column 4 above, please provide further details below.

The activity/activities &/or service will cease 30 minutes after the terminal hour for the sale of alcohol (where alcohol is being consumed with a meal).

Activities/services may continue during the extended hours sought in Question 4 above.

5(f) any other activities

If you propose to provide any activities other than those listed in 5(a) – (e) please provide details or further information in the box below.

Karaoke, charity casino night during core hours and any seasonal variation hours.

5(g) Late night premises opening after 1.00am

Where you have confirmed that you are providing live or recorded music, will the decibel level exceed 85dB?	NO
When fully occupied, are there likely to be more customers standing than seated?	NO
*Delete as appropriate	

Question 6 (On-sales only)

CHILDREN AND YOUNG PERSONS

6(a)	When alcohol is being sold for consumption on the premises will children or young persons be allowed entry	YES
	*Delete as appropriate	

6(b) Where the answer to 6(a) is YES provide statement of the **TERMS** under which they will be allowed entry

Children and young persons will only be allowed access if consuming a meal.

6(c) Provide statement regarding the **AGES** of children or young persons to be allowed entry

0 to 17 years

6(d) Provide statement regarding the **TIMES** during which children and young persons will be allowed entry

11AM to 1AM

6(e) Provide statement regarding the **PARTS** of the premises to which children and young persons will be allowed entry

All parts of the premises to which the public have access.

Question 7

CAPACITY OF PREMISES

What is the proposed capacity of the premises to which this application relates?

160

Question 8

PREMISES MANAGER (NOTE: not required where application is for grant of provisional premises licence)

Personal details

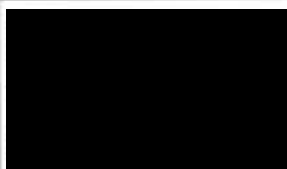
8(a) *Name*

Carol Ann Lawrie

8(b) *Date of birth*

17 April 1962

8(c) *Contact address*



8(d) *Email address*


8(e) *Personal licence*

<i>Date of issue</i>	<i>Name of Licensing Board issuing</i>	<i>Reference no. of personal licence</i>
09 April 2014	City of Edinburgh Licensing Board	14/02861

DECLARATION BY APPLICANT OR AGENT ON BEHALF OF APPLICANT

If signing on behalf of the applicant please state in what capacity.

The contents of this operating plan are true to the best of my knowledge and belief.

Signature ..  (see note below)

Date 12/05/2016

Capacity ~~APPLICANT~~/AGENT (delete as appropriate).

Telephone number and email address of signatory

*** Data Protection Act 1998**

The information on this form may be held on an electronic public register which may be available to members of the public on request.

Stephen J. McGowan
Partner - Head of Licensing (Scotland)
TLT LLP
140 West George Street, Glasgow, G2 2HG
+44 (0)333 006 1203
Stephen.McGowan@TLTsolicitors.com

18 MAY 2016



LICENSING BOARD

SUMMARY PREMISES LICENCE

Issued by The City of Edinburgh Licensing Board under the terms and conditions
of the Licensing (Scotland) Act 2005

Premises licence number 08/11947

Postal address of premises

1 Commercial Street
Edinburgh

Postcode EH6 6JA

Telephone number

Description of premises

Premium Dining Public House & Restaurant

Name and postal address (or registered address if a company) of premises licence holder

Punch Partnerships (PTL) Limited
Elsley Court
20-22 Great Titchfield Street
London
W1W 8BE

Registered number of premises licence holder, e.g. company number, charity number
(where applicable)

03512363

Name of premises manager named in the operating plan

Ms Carol Ann Lawrie

Granted: 5 March 2018



LICENSING BOARD

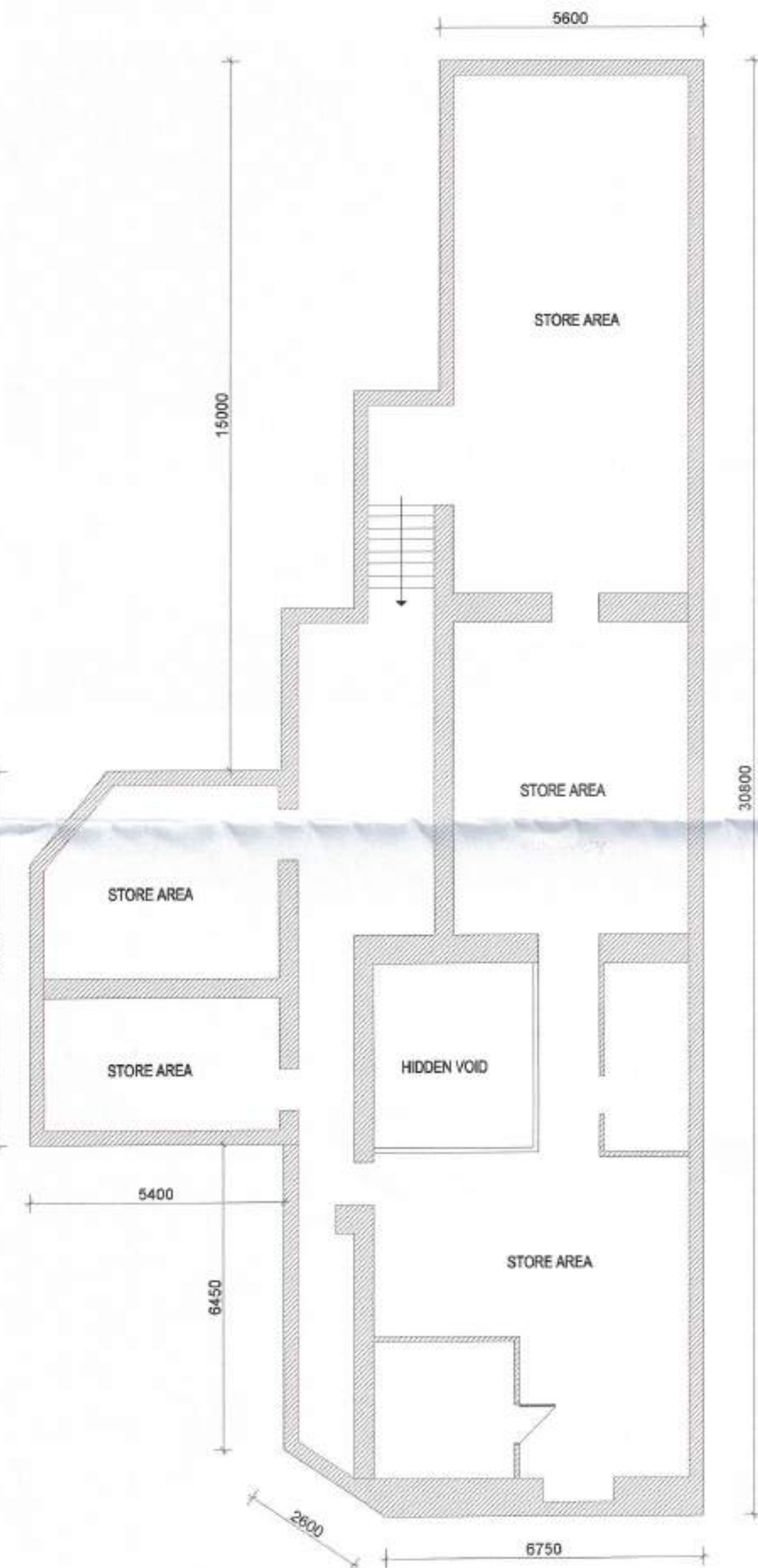
Licence Conditions

The mandatory conditions set out in schedule 3 to the Licensing (Scotland) Act 2005 will apply.

The following local conditions will also apply:-

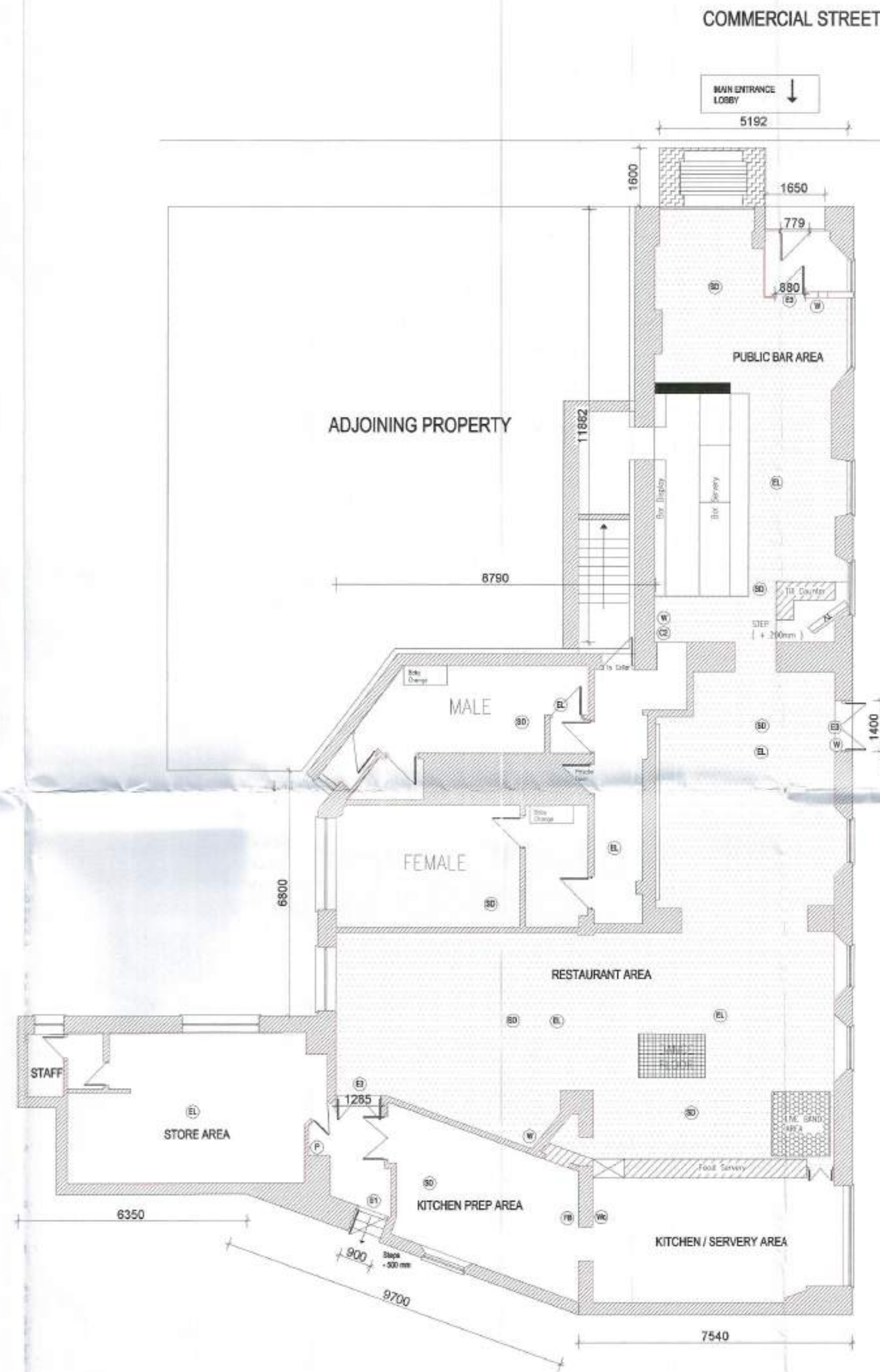
- (1) All amplified music and vocals shall be so controlled as to be inaudible in neighbouring residential premises

Granted: 5 March 2018



BASEMENT / CELLAR AREAS

NOTE:
BASEMENT CONTAINS OTHER AREAS
/CHAMBERS WHICH COULD NOT BE
ACCESSED OR HAVE BEEN BLOCKED UP



GROUND FLOOR PLAN
No 1 COMMERCIAL STREET

LEGEND

- (EL) EMERGENCY LIGHTING
- (SD) SMOKE DETECTOR
- (W) WATER EXTINGUISHER
- (F) FOAM EXTINGUISHER
- (P) DRY POWDER EXTINGUISHER
- (FB) FIRE BLANKET
- (CE) CO2 EXTINGUISHER
- (WC) WET CHEMICAL EXTINGUISHER
- (EL) ILLUMINATED 'EXIT' SIGN
- (ES) ILLUMINATED 'EMERGENCY EXIT' SIGN
- (ES) ILLUMINATED 'EXIT' SIGN WITH DIRECTIONAL ARROW
- (CC) CIGARETTE VENDING MACHINE
- (AMP) FRUIT MACHINE
- (SNP) QUIZ MACHINE
- (TV) TELEVISION / PLASMA SCREEN
- (JB) JUNK BOX (AUDIBLE THROUGHOUT PREMISES)
- (DB) DART BOARD
- (LP) LOW LEVEL PARTITIONS
- (IF) INTERNAL FIXED SEATING
- (ES) EXTERNAL SEATING AREA



POOL TABLE

DENOTES CHILDREN & YOUNG PERSON AREAS
(Where children and/or young persons are permitted entry to the premises they will be allowed to use the toilets and all appropriate means of securing the toilet and the other part or parts of the premises to which they are allowed entry)

DENOTES LIVE MUSIC / DJ (AUDIBLE THROUGHOUT PREMISES)
KARAOKE WILL BE PROVIDED THROUGHOUT THE PREMISES
RECORDED MUSIC WILL BE PROVIDED THROUGHOUT THE PREMISES

DENOTES DANCE FLOOR AREA

DENOTES PAVED SEATING AREA

DENOTES PAVEMENT SEATING

ELA DENOTES EXTERNAL LICENSED AREA

NET TRADE AREA
240 SQM

ALCOHOL WILL BE SOLD WITHIN THE PREMISES INCLD WITHIN THE RED LINE

FOOD MAY ALSO BE PROVIDED WITHIN THE AREA WHERE ALCOHOL WILL BE SOLD AND CONSUMED

ANY CONFERENCE FACILITIES/RECEPTIONS ETC/CLUB OR OTHER GROUP MEETINGS MAY TAKE PLACE THROUGHOUT THE PREMISES

THEATRE FACILITIES MAY BE PROVIDED THROUGHOUT THE PREMISES

GAMING WILL TAKE PLACE WITHIN THE PREMISES

Note: Children aged 0-17
years allowed on premises
11.00-01.00hrs

NOTES

This drawing is copyright.
It is sent to you in confidence and must not be reproduced or disclosed to third parties without our prior permission.

This drawing is to be read in conjunction with all relevant consultants, specialist manufacturers drawings and specifications.

Any discrepancies in dimensions or details on or between these drawings should be drawn to our attention.

All dimensions are in millimetres unless noted otherwise.

Any surveyed information incorporated within this drawing cannot be guaranteed as accurate unless confirmed by fixed dimension.

All electrical works required to meet the requirements of Part P (Electrical Safety) must be designed, installed, inspected and tested by a person competent to do so.

This may require an appropriate BS 7671 electrical installation certificate to be issued for the work by a person competent to do so.

This is the layout plan approved by the
City of Edinburgh Licensing Board on:

Date: 30/03/09

Relative to Premises Licence Number:

08/11947.

Gill Lindsay
Clerk of the Licensing Board

B	16.10.08	Basement areas added	DGB
A	13.05.08	Rear store and corridor added. Music area also added	DGB
REV	DATE	DESCRIPTION	INITIAL
			CHECKED

Head Projects Winnersh, Reading 0118 930 0099 	CLIENT	Punch Taverns Plc		
	PROJECT	Scottish Licensing		
	TITLE	Guilianos on the Shore 1 Commercial St Edinburgh - Outlet - 727721		
	SCALE	1:100	DATE	18-03-2008
	DRAWN	HEJ	CHECKED	DGB
	PROJECT NO.	727721		
	Tier 2	B		

1/12/08
Approved
Plans

• EDINBURGH •

THE CITY OF EDINBURGH COUNCIL

Planning & Transport
Directorate of Place

Owner / occupier,
Hemmingway's
Edinburgh,
EH6 6JA

Our ref 19/00444/EOPDEV

19th of September
2019.

Dear Sir/Madam,

Alleged unlawful decking , Bernard Street Bridge / Commercial Street,

The planning authority has recently received an enquiry regarding the above. I have undertaken a site inspection in response to these enquiries and can advise you accordingly as to the position of the planning authority in respect of this matter.

It is evident from the site visit a section of raised decking to accommodate tables and chairs has been erected adjacent to your restaurant. Further investigation revealed that no planning permission was in place for the decking.

The decking is an inappropriate form of development in this conservation area locality, and is contrary to the policy Des Env 6 of the Edinburgh Local Development Plan. The decking is inappropriate in terms of its scale, materials and that it covers a substantial proportion of the original cobble setts on Custom Wharfe. Therefore, it is unlikely that any subsequent planning application would be approved. This being the case, I am writing to you to inform you of the Council's position on this matter, and to give you the opportunity to remedy the situation through removal of the decking. Failure to do so within 28 days of receipt of this letter will result in formal enforcement action,

If you have any further queries, please contact, Alan Atkins at alan.atkins@edinburgh.gov.uk or telephone (0131) 529 6771 (Direct Dial).


Alan Atkins
Planning Officer
Householders and Enforcement West

Waverley Court
4 East Market Street Edinburgh EH8 8BG
Tel 0131 469 3557 Fax 0131 529 6206

METRO INNS LTD

GROUNDS FOR REVIEW OF A PLANNING DECISION

1 COMMERCIAL STREET, EDINBURGH EH6 6JA

**NEW DECKING AREA FOR EXTERNAL TABLES AND
CHAIRS INCLUDING A PARASOL WITH 4M COVER,
PORTABLE PLANTERS WITH PERSPEX SOUND DIFFUSERS
(IN RETROSPECT)**

(PLANNING REF: 19/04799/FUL)

Online E-planning ref: 100237884 -001

March 2020
Our Ref: 2020_02

W: www.grayplanning.co.uk

Contents

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2	THE APPEAL SITE AND PROPOSALS	3
3	GROUND FOR REVIEW.....	6
4	CONCLUSIONS	12

Appendices

The following documents are referred to in this Grounds for Review Statement.

All such documents have been electronically uploaded to the ePlanning.Scot online portal.

Document 01 – Decision Notice Application Ref: 19/04799/FUL dated 06.12.19

Document 02 – Report of Handling of Planning Application 19/04799/FUL

Document 03 – Cover Letter with Supporting Statement submitted with planning application
19/04799/FUL

Document 04 – Further Aerial Photo from Google StreetView 3D Birds Eye View Taken 2012 showing
outdoor seating present

Document 05 – Restaurant Licence Approval by CEC with Premises Floorplan showing approved outdoor
seating plan

Document 06 – City of Edinburgh Council Enforcement Investigation September 2019

Document 07 – City of Edinburgh Council's Non- Statutory Guidance for Business February 2019

Document 08 – Google Street View image taken May 2011 and again May 2015 showing outdoor street
area with enclosed seating

Full Planning application drawings and sections, application form, landowner certification all as submitted
for planning approval.

1 INTRODUCTION

THE PROPOSED DEVELOPMENT AND REASONS FOR REFUSAL

- 1.1 These are Grounds for Review of a decision to install a new decking area for external tables and chairs including a parasol with 4m cover, portable planters with perspex sound diffusers (all in retrospect) at 1 Commercial Street, Edinburgh EH6 6JA.
- 1.2 The Review request is submitted under Section 43A of the Town and Country Planning (Scotland) Act 1997 (as amended 2006). The Notice of Review has been lodged within the prescribed three-month period from the refusal of planning permission dated 6th December 2019 (**Document 01**).
- 1.3 By Delegated Powers, the Chief Planning Officer (PLACE) of The City of Edinburgh Council decided to refuse the application, as recommended by an Assistant Planning Officer in the Report of Handling (**Document 02**). The two reasons for refusal are per the Decision Notice (**Document 01**), which state:

- 1. The proposal is contrary to LDP policies Des 4 and Env 6 and the Council's Non Statutory Guidance for Business. The proposal is not acceptable in principle and does not preserve or enhance the character and appearance of the Leith Conservation Area. The use of the space and the siting of the furniture associated with the space has a detrimental impact on the character and appearance of the Leith Conservation Area.*
- 2. The proposal is contrary to LDP policy Hou 7 and the Council's Non-Statutory Guidance for Business as it has a detrimental impact on the amenity of neighbouring residents.*

PROPOSED PROCEDURE TO BE FOLLOWED IN DECIDING THE REVIEW

- 1.4 We recommend two procedures - a site visit (accompanied) and further written representations should be the procedure followed by the Local Review Body in deciding the case.
- 1.5 With respect to the two reasons for refusal, visual inspection of the appeal site is necessary to confirm that the apparatus alleged unlawfully erected on the appeal site does not have a detrimental impact on the character and appearance of the Conservation Area. Visual inspection will also confirm the position and context for neighbouring residents.

2 THE APPEAL SITE AND PROPOSALS

- 2.1 Full details of the planning application site, detailed site layout, technical land use considerations are contained in the planning application.
- 2.2 The proposal is to seek permission retrospectively, for erection of a decking area with portable planters, associated with the existing long-established restaurant business at 1 Constitution Street – currently known as ‘Hemingways’ operated since 2017 by Metro Inns Ltd (Margherita Restaurants) and until then previously known as ‘Giulianos on the Shore’ (operated by the Giuliano family). A restaurant use has operated here for over 40 years. The property is a lease from Star Bars and includes up to 10 car parking spaces, which is where the tables and chairs are situated.
- 2.3 The development is located within an existing car parking area serving the restaurant and surrounding properties. The proposal site lies in the Leith Conservation Area, and situated on a cobbled section of Commercial Wharf. The decking structure is not attached to the existing building housing the restaurant (within the ground floor of a Grade B-Listed Building) so no Listed Building Consent is necessary for the development. The property stands on the corner of Commercial Street and Commercial Wharf which is a cul-de-sac leading to a converted warehouse to the immediate south.
- 2.4 The decking area would house tables and chairs for customers, parasols with 4m covers and planters as sound diffusers. The decking would be finished in treated timber, with portable planters formed of Perspex. The appeal proposals sought to continue the tradition of outdoor seating which was started by Giulianos, over 30-years ago, through minor improvements to the design.
- 2.5 Details of the form and design of the decking and planters is found in the drawings which were submitted by the architects, as follows:
- Existing Plan (Drawing PL-01)
 - Proposed Plan and Sections (Drawing PL-02)
- 2.6 The architects also provided a detailed supporting statement submitted with the planning application (See **Document 03**). It explains the proposals summarized as follows:
- The decking, parasols and planters will be housed externally and not fixed to the existing building. The decking and planters would therefore be moveable.
 - The appellants are seeking to extend the tradition of outdoor seating utilised by the previous occupants (Giulianos) during 2005-2017. **Document 03** (page 2) shows an aerial photo (by Google ©) showing the external seating images taken 2012 and 2016. **Document 04** shows an aerial photo (by Google StreetView (in 3D birds eye view)) which clearly shows the seating present in 2012. Further image taken May 2011 and again May 2015 show the street furniture in place (**Document 08**).
 - See Section 2.6 below for background to the historical occupation and function of the property as it is relevant to the appeal case. This demonstrates there has been external seating without any objection or enforcement action prior to the matter being raised in 2019

which required the submission of the retrospective planning application now before this appeal.

- An example of the form and design of proposed planters is found in Page 3 of **Document 03**.

BACKGROUND TO USE OF EXTERNAL AREA FOR SEATING

- 2.7 The appellants are seeking to extend the tradition of outdoor seating provided to customers, since the previous occupants (Giulianos) were housed here from 2005-2017. Giuliano's started the outdoor seating tradition over 30-years ago.
- 2.8 **Document 05** shows the City of Edinburgh Council Licencing Board approved an application by Giuliano's (approved 2016). The application reports the Licence previously commenced in September 2009 and described as "Premium Dining Public House & Resturant". The Licence condition is also relevant to this appeal, it states "*All amplified music and vocals shall be so controlled as to be inaudible in neighbouring residential premises*". The appended site plan to the Licencing Board approval found last page of the Licence **Document 05** shows the premises floor plan and seating area externally clearly indicated. The drawing is stamped approved by City of Edinburgh Council Licencing Board of 30.03.09 relative to the premises Licence No. 08/11947. We will return to the significance of **Document 05** in relation to the planning appeal, as it clearly shows the premises licence permits outdoor seating since 2009 some ten years prior to the Council's planning authority taking enforcement action which has led to the retrospective planning application subject to this planning appeal.
- 2.9 Giuliano's established outdoor seating with tables and chairs placed on the cobbles, for over 30 years. The City of Edinburgh Council's Licencing Board approved outdoor drinking in the above permits. There have been no reported issues of the licensees breaching the licence conditions for the premises (i.e. all amplified music and vocals shall be so controlled as to be inaudible in neighbouring residential premises).
- 2.10 When the new occupants, Margherita Restaurants took assignation of the lease in 2017, they reviewed the suitability (and safety) of the established outdoor seating area and decided to improve conditions given the situation on the cobbled street (which also runs steeply), might one day result in injury to customers or members of the public. The proposal for a deck along with screening provided by the planters is intended to remedy the potential risk to safety by creating a level, flat surface instead of the cobbled area. The planters would provide screening and beautification through flowers and plants arranged around the deck.

ENFORCEMENT INVESTIGATION

- 2.11 Appeal **Document 06**, shows the City of Edinburgh Council investigated the alleged unlawful erection of the proposals - i.e. formation of "raised decking", with reference 19/00444/EOPDEV.
- 2.12 The investigation by the Council's Enforcement Officer advised the raised decking did not have planning permission. The Officer claimed the decking to be "*inappropriate form of development in the conservation area locality*". The appellants were asked to remedy the situation by removal of the decking. No formal enforcement action was progressed by City of

Edinburgh Council however, as the appellants did their right to retrospectively apply for planning permission for the alleged unlawful “raised decking”. The planning application 19/04799/FUL then followed. It was submitted for determination on 7th October 2019. This prompt action by the appellant demonstrates that despite the Enforcement Officer’s opinion that planning permission would not be supported (which is highly presumptuous, given that no planning application had been submitted for the consideration of the planning authority), the appellants were keen to ensure legal compliance for a misunderstanding, as they did not realise the erection of raised decking constituted ‘development’ in planning law terms. On realising the breach, they promptly applied for planning permission.

3 GROUNDS FOR REVIEW

3.1 Section 1 outlined the Planning Authority's two reasons for refusal. Based on the evidence presented in this appeal, the appellant contends both these reasons can be set aside, and planning permission should be granted for the proposed development. This is subject to the imposition of relevant, enforceable planning conditions.

3.2 This section will argue the following Grounds:

1. The proposal is acceptable in principle as there has been 30 years of external seating at this established restaurant and bar premises. This is evidenced by previous tenants' documents, aerial photography and the City of Edinburgh Council's Licensing Board approval of Licence of 2009 and again of 2016 - see appeal **Documents 03, 04 and 05**. See background Section 2.7 explaining the longevity of the premises use and external seating arrangements. The proposal is therefore not contrary to LDP Policy Des 4.
2. The character and appearance of the Leith Conservation Area will not be damaged – it will not affect a need to preserve or enhance the conservation area given the small-scale nature of the raised decking proposal. For the reason given above, the outdoor seating has been established at the premises for 30 years and licenced for outdoor drinking since 2009 then renewed in 2016. The raised decking is a small addition to the established outdoor seating arrangements with limited impact on the conservation area, so not contrary to LDP Policy Env 6.
3. The proposal is not contrary to the Council's Non-Statutory Guidance for Business 2019. The use of the space and the siting of the furniture associated with the space does not have a detrimental impact on the character and appearance of the Leith Conservation Area.
4. The appellants demonstrate that never before has there been any complaint of noise from nearby residential premises, therefore the licensee has never before breached the City of Edinburgh Council Licensing Board licence that all amplified music and vocals shall be so controlled as to be inaudible in neighbouring residential premises (See **Document 05**). The proposal includes mitigation measure (Perspex planters) to reduce any further risk of audible noise impacting on residential amenity. The proposal is not contrary to LDP policy Hou 7 and the Council's Non-Statutory Guidance for Business as it has not before and does not (through virtue of the mitigation proposed) pose any risk to amenity of neighbouring residents.

3.3 Each of these points is expanded in the paragraphs below, with evidence presented and justification given to support the appellants case that planning permission should be granted. Not only do the proposals meet the provisions of the Development Plan, there are also material considerations which are relevant, add weight to and support the appellants case.

1 – PRINCIPLE OF THE PROPOSED DECKING / SEATING AREA

- 3.4 The planning authority's reason for refusal is the proposal has a detrimental impact on setting contrary to LDP Policy Des4. Policy Des 4 states amongst other things, 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 townscape and landscape, and impact on existing views, having regard to: a) height and form b) scale and proportions, including the spaces between buildings c) position of buildings and other features on the site d) materials and detailing. The proposal is of a very small scale and in proportion with the outdoor space occupied by existing car parking and in line with the curtilage of the restaurant premises. It does not encroach wider or extend beyond the area immediately outside of the premises.
- 3.5 The space between the building and the shore is occupied by parked vehicles and this can affect views and vistas of the Shore from the frontage. Therefore the formal raised decking area is intended to provide a seating area which adds to the surroundings positively.
- 3.6 It is acknowledged the surrounding area is a built environment of high quality. The area also has a settled townscape character, ie since conversion to residential flats above, the bonded warehouses have a new character and offer interest to the area. The proposed decking's siting and design has been guided by views within the wider landscape across the Shore and the waterfront to add value and experience for patrons.
- 3.7 The appellants would argue that of more relevance than Policy Des4, is Policy Des 3 which more reasonably applies to existing features of a place. Policy Des 3 was not considered by the Planning officer in the determination of the planning application (See **Document 03**). The appellants argue that over the 30-years of past outdoor seating for customers, the proprietors have sought to provide a place to relax and enjoy the outdoor setting. The Policy states proposals that incorporate development design that incorporates and enhances existing features to add to "*existing characteristics and features worthy of retention on the site and in the surrounding area*" will be supported. The appellants have explained that when they took over operations at the premises in 2017 they wanted to continue and prolong the successful, unchallenged use of the area for customer seating, through improvements. One of the improvements to the existing seating area they saw was to cover over the cobbles to reduce any risk of injury to visitors on an uneven surface. The raised decking proposal came from this idea.

2 – CHARACTER AND APPEARANCE OF LEITH CONSERVATION AREA (SMALL SCALE NATURE OF DECKING PROPOSAL)

- 3.8 The reason for refusal states the proposed development would not preserve or enhance the character and appearance of Leith Conservation Area and is contrary to LDP Policy Env 6.
- 3.9 Policy Env 6 permits proposals which meets three criteria – that the proposal preserves or enhances the special character and is consistent with the relevant conservation area character appraisal. Preserves trees, boundaries, paving or other features that contribute

positively to the character of the area, and demonstrates high standards of design and uses material appropriate to the historic environment.

- 3.10 The proposals preserve the Leith Conservation Area, as no building will be harmed, and none of the surrounding places will be affected. The proposals are for a relatively small-scale raised decking – proportionate to the surrounding area. There are several examples of outdoor furniture along the Shore at Leith – seats, tables and parasols. These several examples are part of the character and make consistency of this part of the Leith Conservation Area – they are all associated with leisure and tourism experiences for people to spend longer in the area.
- 3.11 There are several examples in the Shore area nearby, of a mixture of design of the tables and chairs – for instance stainless steel effect chairs, stacked chairs, wooden fencing and planters. The example street view shot below is “Malt and Hops” bar on The Shore lying opposite to the appeal site, on outdoor paving on a busy through street. The appeal site is on a quite cul de sac street by comparison. The figures overleaf demonstrate the variety.



The figure above shows closer detail of the on-street tables and chairs at a property opposite the appeal site. Shows the broad variety of materials, finishes and types of furniture in the conservation area.

- 3.12 The scale of decking proposed will not encroach into neighbouring premises space, nor onto the public highway. At 4.6m by 14m, 64 sq m is a very small proportion of the public amenity space along The Shore and the waterfront.
- 3.13 It is noted the non-statutory Guidance for Businesses advises that proposals should be architecturally compatible in design, scale and materials with the character of the conservation area. The small-scale nature of the decking proposals, and their functional need to be capable of removal/replacement owing to the heavy use of the materials would make the use of alternative materials more costly and prohibitive.
- 3.14 In the Report of Handling, (**Document 03**) it is stated how the timber decking and portable Perspex planters are all “constructed from poor quality materials and are of a detrimental design and form which does not reflect a permanent sense of place”. For the reason given above, the materials and construction are designed to be functional and capable of being removed or replaced (for example out of season, or when maintenance or repair is necessary), so the intention was never to create permanent fixed structures to the streetscape.
- 3.15 The structures do not detract from the quality of the streetscape and do not disrupt the degree of separation between the waterfront and the traditional listed building. For the reasons given above, the decking and the planters can be moved, re-located or removed altogether and so would not result in damage to the streetscape quality.
- 3.16 Based on all of these points above, it is contended that the proposal’s nature and scale, and potential for removal or replacement (based upon the choice of materials and design) means the development is not of harm to the Conservation Area and does not detract from the streetscape. The proposal is not contrary to LDP Policy Env 6.

3 - NON STATUTORY GUIDANCE FOR BUSINESS 2019 (USE OF THE SPACE)

- 3.17 The Edinburgh Non-Statutory Guidance for Business is cited by the planning authority of not being complied with in the appeal proposals. The Planning Officer’s Report of Handling (**Document 02**) does not consider the document in any detail, and therefore it is difficult to fully understand why the proposals do not comply with this Guidance.
- 3.18 The appellants contend that the proposal for raised decking and planters does comply with the Guidance for Business 2019, (see **Document 07**) , for the following reasons:
- 3.19 It is noted the Guidance for Business 2019 requests occupants of premises to obtain “tables and chairs permits” if the business sells food and drink. The appellants refer to the appeal Document 05, the City of Edinburgh Council Licencing Board approval for the sale of food and drink from the premises. The site floor plan attached to the Licence approved in 2009 and renewed in 2016 shows the outside table and chairs area showing clearly 2no. picnic type tables. This is historical and the appeal development proposal was intended to improve and make safer the outside seating area through the development of a raised deck to make the cobbled surface more even and welcoming for customers.

- 3.20 The Guidance refers to advice about extension to food and drink uses, at Page 9. It states; *“Proposals for extensions to venues in the areas of restriction (i.e. within the midst of housing) will only be accepted if there will be no adverse impact of the residential amenity caused by night time activity.* However, **Document 05** clearly shows the appellant’s Licence to operate the premises for food and drink, its only restriction is on keeping noise inaudible around surrounding residential properties. We comment on residential amenity below.

4– NEARBY RESIDENTIAL AMENITY

- 3.21 The 2nd reason for refusal in the Decision Notice claims that the proposal is unacceptable because it would have a detrimental impact on nearby residents. It is alleged this would make the proposal contrary to Policy Hou 7 of the LDP.
- 3.22 Policy Hou 7 states that developments, including changes of use, which will have a materially detrimental effect on living conditions of nearby residents will not be permitted. As has been stated before, and supported by the Licencing evidence, the proprietors before the appellant (Giuilanos) and the current (Margherita Restaurants) have never received complaint from nearby residents nor any formal action from the Environmental Health authority about noises or disturbances to surrounding residential occupants.
- 3.23 It is acknowledge the proposal involves the active utilisation of an outdoor area for customers to eat and drink in. However this practice has been ongoing for over 30-years, and tables and chairs formed from at least 2012 and 2016 as the appeal supporting **Document 04** demonstrates.
- 3.24 The appellants are particularly concerned that the planning officer has misunderstood the nature of the long-established business as the Licence describes as a “Premium Dining Public House & Resturant” (**Document 05**). The proprietors have had signs in place within the premises and external on the entrance door to remind visitors to respect residential amenity and to keep noise controlled. Therefore the additional measure of sound diffusers formed as planters, is a further enhancement to the development to respect the surrounding character and comply with Policy Hou 7. The proposal does not have a detrimental impact on the amenity of neighbouring residents and does comply with LDP Policy Hou 7.

4 CONCLUSIONS

4.1 This Grounds for Review statement sets out the appellants case, that the 2 reasons for refusal can be set aside, and planning permission should be granted. This is because:

- The premises have been operating as a “Premium Dining Public House & Restaurant” per the City of Edinburgh Council Licencing Board licence conferred in 2009 and renewed in 2016 (**Document 05**). The Licence allows for eating and drinking and approved the attached seating plan with the Licence (**Document 05** last page). That seating plan shows clearly the presence of external seating on the appeal site, from as early as 2009.
- The previous proprietors (Giuliano’s) have confirmed, for over 30-years, they have served customers outdoors on tables and seating. The appellants want to continue that tradition.
- The appeal site conditions of cobbles was recognised as a potential safety risk to the proprietor’s customers, so the proposed raised decking is a design response to improve the surface and make it more safe and welcoming.
- The raised decking area is not of excessive scale or nature, rather it is confined to the area immediately outside of the premises. The scale and nature is therefore unlikely to detrimentally impact on the character of the area within the wider context of the conservation area designation. There are shown to be several other examples of outdoor seating and tables in locations that are less well sited as demonstrated in this appeal.
- The raised decking is not a permanent structure (i.e. not fixed to building), so can be removed, replaced or stored. This is the intention of the appellants, during any period out of season for instance, or for maintenance or repair purposes to ease replacement and make the operation cost-effective. Should the appeal be allowed, then a suitable planning condition to enforce control over the period of use, its removal or storage, of the raised decking and the planters’ position on the area can be discussed with the planning authority.
- The choice of materials of the raised decking is therefore a product of the intended operation of the decking, i.e. that it can be maintained and replaced if necessary, without undue expense.
- The proposal for Perspex planters to diffuse noise, is not because the proprietors anticipate a noisy outdoor seating arrangement – as this has not been the case for the 30 years it has been practiced, but rather it is to comply with and meet the proprietors Licencing Board conditions to reduce noise on the surrounding residential area.
- **The proposals are therefore not detrimental to the conservation area or the character of the streetscape, so are not contrary to LDP Policy Env 6.**
- **The proposals are not out of keeping or character and do not impact on the setting of the place, so are not contrary to LDP Policy Des 4.** We do however refer to the support the proposed additional street furniture would have under LDP Policy Des 3 which supports well-designed additions - in this case the reason for the addition to the outdoor seating area is to protect visitors from risk of injury over the cobbled street, and to provide a more even surface.
- **The proposals will not detrimentally impact on nearby and surrounding residential amenity.** There have been no complaints of disturbance from the premises outdoor or indoor use, for over 30 years, and referring to the Council’s Licence Board approval of 2009 and renewal of 2016 (Document 05), the condition of Licence therein to ensure no audible noise impacts on surrounding residential properties has been and continues to be complied with. The installation of proposed planters as noise diffusers is intended to strengthen

mitigation against any noise and thus protect residential amenity. **As such the proposal complies with LDP Policy Hou 7.**

- 4.2 It is respectfully requested therefore that the Local Review Body reconsider the proposals and find favour with the arguments set out in this Review and grant planning permission.

PLANNING APPEAL – ONLINE REFERENCE 100237884 -001

NEW DECKING AREA FOR EXTERNAL TABLES AND CHAIRS INCLUDING A PARASOL WITH 4M COVER, PORTABLE PLANTERS WITH PERSPEX SOUND DIFFUSERS (IN RETROSPECT) (PLANNING REF: 19/04799/FUL)

LIST OF DOCUMENTS FOR APPEAL

The following documents are relied upon to support the appeal case:

Please note other documents such as Local Development Plan, Supplementary Planning Guidance, Advice Notes, Scottish Government policy and guidance are not reproduced. We have assumed, at this stage, City of Edinburgh Council can provide these if necessary.

Document 01 – Decision Notice Application Ref: 19/04799/FUL dated 06.12.19

Document 02 – Report of Handling of Planning Application 19/04799/FUL

Document 03 – Cover Letter with Supporting Statement submitted with planning application 19/04799/FUL

Document 04 – Further Aerial Photo from Google StreetView 3D Birds Eye View Taken 2012 showing outdoor seating present

Document 04b – TripAdvisor Photos showing outdoor seating

Document 05 – Restaurant Licence Approval by CEC with Premises Floorplan showing approved outdoor seating plan

Document 06 – City of Edinburgh Council Enforcement Investigation September 2019

Document 07 - City of Edinburgh Council's Non- Statutory Guidance for Business February 2019

Document 08 – Street View Image taken May 2011 and again May 2016 showing outdoor seating enclosure area

Full Planning application drawings and sections, application form, landowner certification all as submitted for planning approval 19/04799/FUL.

2020-02

5th March 2020

The City of Edinburgh Council
Local Review Body
Business Centre
G.2 Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

Emailed to: planning.systems@edinburgh.gov.uk

Dear Sir/Madam

PLANNING APPEAL TO LOCAL REVIEW BODY – ONLINE REFERENCE 100237884 -001

**1 COMMERCIAL STREET, EDINBURGH EH6 6JA
NEW DECKING AREA FOR EXTERNAL TABLES AND CHAIRS INCLUDING A PARASOL WITH 4M
COVER, PORTABLE PLANTERS WITH PERSPEX SOUND DIFFUSERS (IN RETROSPECT)
(PLANNING REF: 19/04799/FUL)**

We are instructed by Metro Inns Ltd to request that City of Edinburgh Local Review Body reviews the decision by the planning authority to refuse planning permission for the above proposed development. The Review has been electronically submitted with reference 100237884 -001.

The Review Documents comprise the following:

- Completed Notice of Review forms
- Grounds for Review Statement
- List of Documents intended to be relied upon in the Review

Should you require any further information to assist in determining the Review, please contact me in the first instance.

Yours sincerely,

Neil Gray
MA (Hons), MSc, Dip TP, MRTPI
Director

Metro Inns Ltd

Guidance for Businesses

February 2019

Page 125



Guidance for Businesses



Who is this guidance for?

This guidance is intended to assist businesses in preparing applications to change the use of a property or carry out alterations to a business premises.

Policy Context

This document interprets policies in the *Edinburgh Local Development Plan*. Relevant policies are noted in each section and should be considered alongside this document.



Misc: Student Housing, Radio Telecommunications, Open Space Strategy etc.

This document and other non-statutory guidance can be viewed at: www.edinburgh.gov.uk/planningguidelines

Listed Buildings and Conservation Areas

If the building is listed or located within a Conservation Area, guidance on *Listed Buildings and Conservation Areas* must also be considered. Boxes throughout this guideline give specific information relating to Listed Buildings and Conservation Areas. You can check if your property is listed or located within a conservation area on the Council's website www.edinburgh.gov.uk/planning

Business Gateway

Business Gateway offers businesses free practical help and guidance. Whether you're starting up or already running a business, and provide access to business support and information services.

To get more information on help for your business, or to book an appointment with our experienced business advisers please contact our Edinburgh office.

Contact details:

Business Gateway (Edinburgh Office)
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG
Tel: 0131 529 6644

Email: bglothian@bgateway.com

www.bgateway.com

This guidance was initially approved in December 2012 and incorporates additional text on short term commercial visitor accommodation approved in February 2013, and minor amendments approved in February 2014, February 2016, March 2018 and February 2019.

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Do I need Planning Permission?

Planning Permission

Planning permission is required for many alterations, and changes of use. However, some work can be carried out without planning permission; this is referred to as 'permitted development'. Permitted development is set out in legislation.

Common enquiries are set out in the relevant chapters of this document.

If you believe your building work is 'permitted development', you can apply for a [Certificate of Lawfulness](#) to confirm that the development is lawful and can go ahead. This can be applied for online at www.eplanning.scot

What is a change of use?

Most properties are classified under categories known as a 'Use Class'. For example, shops are grouped under Class 1 and houses under Class 9. Some uses fall outwith these categories and are defined as 'sui generis', meaning 'of its own kind'. This is set out in The Use Classes (Scotland) Order 1997 (as amended).

Changing to a different use class is known as a change of use and may require planning permission, although some changes between use classes are allowed without planning permission. Planning permission is not required when both the present and proposed uses fall within the same 'class' unless there are specific restrictions imposed by the council. [The Scottish Government Circular 1/1998](#) contains guidance on use classes.

Listed Buildings and Conservation Areas

Fewer alterations are considered to be permitted development and most changes to the outside of a building, including changing the colour, require planning permission. More information on other consents which may be required is included on the next page.

Listed Building Consent

Listed building consent is required for works affecting the character of listed buildings and also applies to the interior of the building and any buildings within the curtilage. Planning permission may also be required in addition to Listed Building Consent. If your building is listed, specific guidance on [Listed Buildings and Conservation Areas](#) must also be considered along with this document.

What Other Consents Might Be Required?

Advertisement Consent

Advertisements are defined as any word, letter, model, sign, placard, board, notice, awning, blind, device or representation, whether illuminated or not, and employed wholly or partly for the purpose of advertisement, announcement or direction.

While many advertisements require express consent, certain types do not need express consent as they have 'deemed consent'. You can check this by consulting *The Town and Country Planning (Control of Advertisements) (Scotland) Regulations 1984*.

Advertisements displayed in accordance with the advert regulations do not require advertisement consent.

Building Warrant

Converted, new or altered buildings may require a Building Warrant. There is more Building Standards information at www.edinburgh.gov.uk/buildingwarrants. For detailed information please go to the [Scottish Government website](http://www.scottishgovernment.gov.uk).

Road Permit

You must get a permit to the Council if you want to carry out work in or to occupy a public street. A *road permit* will be required if forming a new access or driveway or if placing a skip or excavation in a public road. It will also be required for scaffolding or to occupy a portion of the road to place site huts, storage containers, cabins, materials or contractors

plant, to put up a tower crane or to operate mobile cranes, hoists and cherry pickers from the public highway. For more information contact the Areas Roads Manager in your *Neighbourhood Team*.

Licensing

Some activities, such as the sale and supply of alcohol or late hours catering, require a licence. Please contact *Licensing* for more information on 0131 529 4208 or email licensing@edinburgh.gov.uk.

The Civic Government (Scotland) Act 1982 (Licensing of houses in Multiple Occupation) Order 2000, requires operators of HMOs to obtain a licence allowing permission to be given to occupy a house as a HMO where it is the only or principal residence of three or more unrelated people.

Table and Chairs Permit

If your business sells food and drink you may be able to get a permit from the Council to put tables and chairs on the public pavement outside your business.

A *tables and chairs permit* allows you to put tables and chairs on the public pavement between 9am and 9pm, seven days a week and is issued for either six or twelve months. For more information please email TablesChairsPermits@edinburgh.gov.uk or phone 0131 529 3705.

Biodiversity

Some species of animals and plants are protected by law. Certain activities, such as killing, injuring or

capturing the species or disturbing it in its place of shelter, are unlawful. It is also an offence to damage or destroy a breeding site or resting place (or obstruct access to).

If the presence of a European Protected Species (such as a bat, otter or great crested newt) is suspected, a survey of the site must be taken. If it is identified that an activity is going to be carried out that would be unlawful, a license may be required.

More information on European Protected Species, survey work and relevant licenses is available on the [Scottish Natural Heritage website](http://www.scottishnaturalheritage.gov.uk).

Trees

If there are any trees on the site or within 12 meters of the boundary, they should be identified in the application. Please refer to *the Edinburgh Design Guidance (chapter 3.5)* for advice.

All trees in a Conservation Area or with a Tree Preservation Order are protected by law, making it a criminal offence to lop, top, cut down, uproot wilfully, damage or destroy a tree unless carried out with the consent of the council. To apply for works to trees, go to www.eplanning.scot.

Trade Waste

Proposals for commercial use of a property should ensure that there will be sufficient storage space off street to store segregated waste containers, in line with the Council's Trade Waste policy.

Changing a Residential Property to a Commercial Use

What does this chapter cover?

Changes of use to:

- guest houses
- short term commercial visitor accommodation
- house in multiple occupation (HMOs)
- private day nurseries
- running a business from home

This guideline is not intended to address new hotel development which is covered by [Edinburgh Local Development Plan](#) (LDP) Policy Emp 10 Hotel Development.

Where an extension to a residential property is required to then run a business from home, please refer to the [Guidance for Householders](#) to understand what permissions are required.

When is planning permission required?

Some activities within a residential property can be undertaken without requiring planning permission. Some common enquiries are given below.

What should I do if it is permitted development?

If you believe planning permission is not required, you can apply for a [Certificate of Lawfulness](#) for legal confirmation.

Using your home as a guest house

Planning permission will not be required for the use of a house as a bed and breakfast or guest house if:

- The house has less than four bedrooms and only one is used for a guest house or bed and breakfast purpose
- The house has four or more bedrooms and no more than two bedrooms are used for a guest house or bed and breakfast purpose

Planning permission will always be required if a flat is being used as a guest house or bed and breakfast, regardless of the number of rooms.

Short Term Commercial Visitor Accommodation

The change of use from a residential property to short term commercial visitor accommodation may require planning permission. In deciding whether this is the case, regard will be had to:

- The character of the new use and of the wider area
- The size of the property
- The pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand, and
- The nature and character of any services provided.

Houses of Multiple Occupation (HMOs)

The sharing of accommodation by people who do not live together as a family is controlled at the point at which there is considered to be a material change of use. For houses, Class 9 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 considers this to be when more than 5 people are living together, other than people living together as a family. As with houses, the Council would also expect a material change of use to occur in flats when more than 5 unrelated people share accommodation. All planning applications for Houses in Multiple Occupancy (HMOs) are assessed using LDP Policy Hou 7: Inappropriate Uses in Residential Areas, having regard to the advice below.

Private day nurseries

The change of use from a residential property to a private day nursery requires planning permission.

Where child minding is undertaken from a residential property, whether a change to a private day nursery has occurred will be assessed on a case by case basis. Consideration will be given to the number of children, the frequency of activity and the duration of stay. The criteria under 'Running a business from home' should also be considered.

Running a business from home

Proposals which comply with all the following may not need planning permission, but always check with the council first.

- There should be no change in the character of the dwelling or the primary use of the area. For example signage, display of commercial goods, increased pedestrians and vehicular movements, noise etc.
- There should be no more than the parking of a small vehicle used for commercial and personal purposes within the curtilage of a dwelling house.
- Any ancillary business should not be detrimental to the amenity of the area by reason of noise, vibration, smell, fumes, smoke, ash, dust, or grit.
- There should be no impact on the amenity or character of the area as a result of visitors or deliveries to the property.
- The primary use of the property must be domestic and any members of staff on the premises should have no impact on the amenity and character of the property.

What to consider if planning permission is required

Policy Hou 7

Sets out when uses will not be permitted in predominately residential or mixed use areas i.e. uses which would have a materially detrimental effect on the living conditions of nearby residents.

Amenity

Proposals for a change of use will be assessed in terms of their likely impact on neighbouring residential properties. Factors which will be considered include background noise in the area and proximity to nearby residents.

In the case of short stay commercial leisure apartments, the Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest.

In the case of private day nurseries, whether nearby residential uses overlook the garden will also be considered. This is due to the potential for increased noise to those households.

Road Safety and Parking

The *car parking standards* define the levels of parking that will be permitted for new development and depends on the scale, location, purpose of use and the number of staff. Parking levels will also be dependent on the change of use and proximity to public transport.

The existing on-street parking and traffic situation will be important considerations in this assessment. The location should be suitable to allow people and deliveries to be dropped-off and collected safely. This is especially important for children going to and from a private day nursery. The potential impact on vulnerable road users – cyclists and pedestrians – will also be a consideration.

Parking in Gardens

The provision of new car parking should have regard to character and setting of the property and should normally preserve a reasonable amount of front garden. In a conservation area parking in the front garden would only be considered if there was an established pattern and it was part of the character of the area. Parking in the front garden of a listed building is not likely to be supported and there is normally a presumption against loss of original walling and railings and loss of gardens. Further information on the design of parking in gardens can

be found in the *Guidance for Householders*.

Flatted Properties

Change of use in flatted properties will generally only be acceptable where there is a private access from the street, except in the case of HMOs. Nurseries must also benefit from suitable garden space.

Further information

If a proposal has the potential to result in impacts then these should be addressed at the outset so they can be considered by the case officer. Examples of information that may be required include:

- An acoustic report if there is potential for noise impact.
- Details of ventilation systems if the application has the potential to create odour problems, and details of the noise impact of any proposed ventilation system.
- Details of any plant and machinery
- Details of attenuation measures if structure-borne and air-borne vibrations will occur.

Changing to a Food or Drink Use

What does this chapter cover?

Uses such as:

- Restaurants, cafes and snack bars (Class 3)
- Hot food takeaways (Sui Generis)
- Cold food takeaways which are classed as a shop (Class 1)

Public houses and bars (Sui Generis)

Class 7 uses (hotels and hostels) licensed or intending to be licensed for the sale of alcohol to persons other than residents or persons other than those consuming meals on the premises. i.e. with a public bar.

It does not include:

- Class 7 uses (hotels and hostels) without a public bar.

When is planning permission required?

Some food and drink uses do not require planning permission. Information on some common enquiries is given on this page.

Changing a shop to Class 3 use or hot food takeaway

Planning permission is required for a change of use from a shop to a hot food takeaway or to a Class 3 use, such as a café or restaurant. Whether this change has, or will occur will be determined on a case by case basis. Regard will be given to:

- Concentration of such uses in the locality
- The scale of the activities and character and appearance of the property
- Other considerations are the impact on vitality and viability, the effect on amenity and potential road safety and parking problems.

Selling cold food for consumption off the premises

Businesses selling cold food for consumption off the premises, such as sandwich bars, fall within Class 1 shop use. If the building is already in use as a shop then permission is not required.

Some secondary uses alongside the main uses also do not need permission; this is dependant on the scale of the activity.

Ancillary uses which are not likely to require planning permission in addition to a Class 1 shop use are:

- The sale of hot drinks
- The provision of one microwave oven and/or one soup tureen
- Seating constituting a very minor element to the overall use. The limit will vary according to the size and layout of the premises
- An appropriately sized café in a larger unit, such as a department store, if it is a relatively minor proportion of the overall floorspace and operates primarily to service the shop's customers.

What should I do if it is permitted development?

If you believe planning permission is not required, you can apply for a *Certificate of Lawfulness* for legal confirmation.

What to consider if planning permission is required

Protecting Shops

Policies Ret 9-11

Set out which locations a non-shop use is acceptable. These policies should be considered if a shop will be lost as part of the changes. In some areas of the City, the loss of a shop use will not be permitted. In other areas, certain criteria must be met.

Policy Hou 7

sets out when uses will not be permitted in predominantly residential or mixed use areas.

Policy Ret 11

Sets out when food and drink establishments will not be permitted.

Restaurants, cafés, snack bars and other Class 3 Uses

Proposals will be supported in principle in the following locations:

- Throughout the Central Area
- In designated shopping centres
- In existing clusters of commercial uses, provided it will not lead to an unacceptable increase in disturbance, on-street activity or anti-social behaviour to the detriment of the living conditions of nearby residents.

Proposals in predominantly housing areas will not normally be permitted.

Hot Food Takeaways

With the exception of proposals within areas of restriction (shown on the next page), proposals will be supported in principle in the following locations:

- Throughout the Central Area
- In designated shopping centres
- In existing clusters of commercial uses, provided it will not lead to an unacceptable increase in disturbance, on-street activity or anti-social behaviour to the detriment of the living conditions of nearby residents.

Proposals in the areas of restriction will only be accepted if there will be no adverse impact upon existing residential amenity caused by night-time activity. Where acceptable, this will normally be controlled through conditions restricting the hours of operation to 0800 to 2000.

Proposals in predominantly housing areas will not normally be permitted.

Where a restaurant's trade is primarily in-house dining but a minor element is take-away food then this still falls within the Class 3 use. Where take-away is a minor component of the business it will not require planning permission.

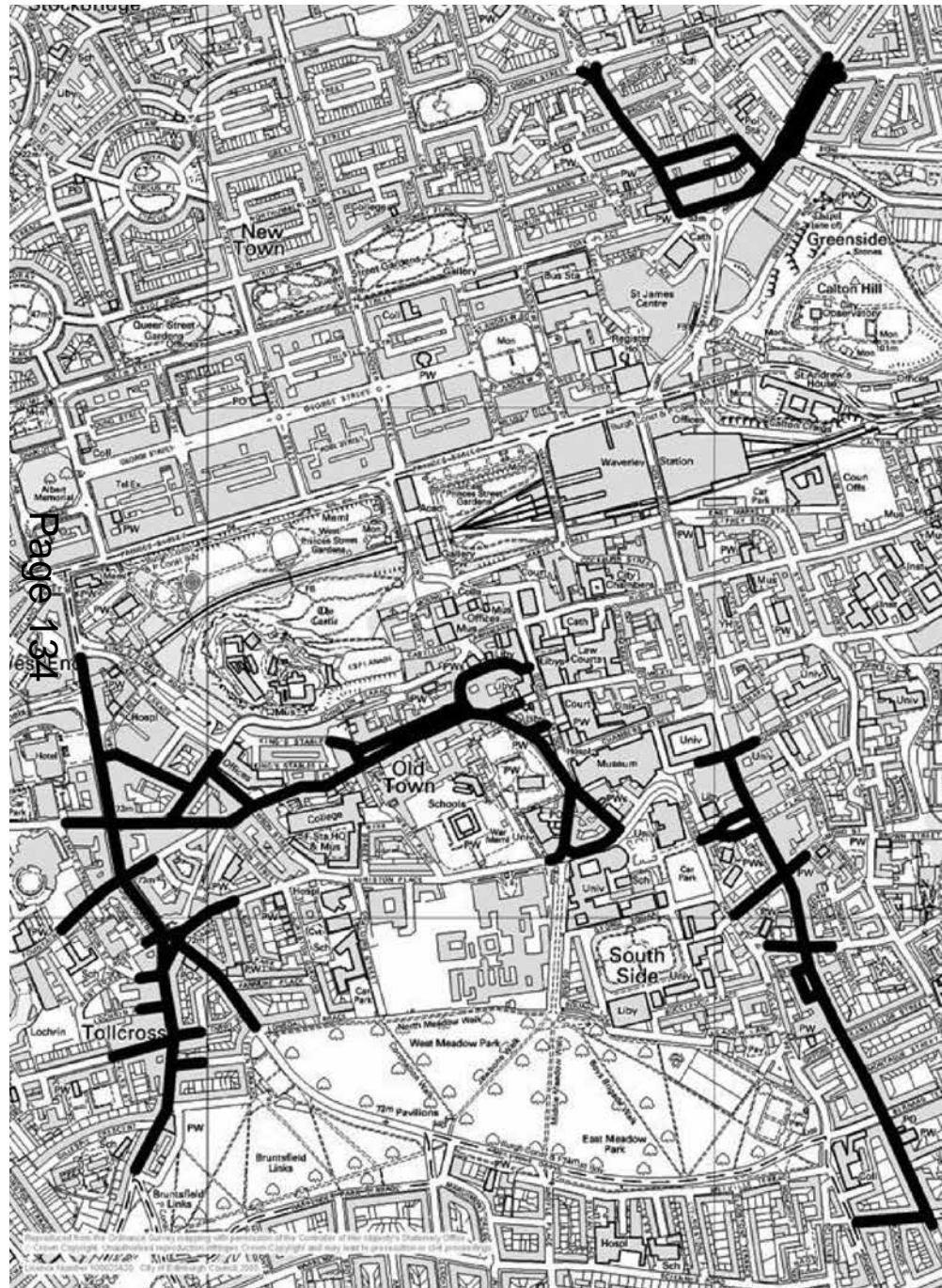
Public houses, entertainment venues and hotels outwith Class 7 (Hotels and Hostels)

In all locations, these uses should be located so as not to impinge on residential surroundings. Accordingly, such developments, with the exception of public houses designed as part of a new build development, will not be allowed under or in the midst of housing¹

There will be a presumption against new public houses and entertainment venues in the areas of restriction (shown on Page 10). Proposals for extensions to venues in the areas of restriction will only be accepted if there will be no adverse impact of the residential amenity caused by night time activity.

Proposals in predominantly housing areas and residential side streets will not normally be permitted.

[1] "Under or in the midst of housing" means a) where there is existing residential property above the application site or premises; or b) where there is existing residential property immediately adjoining two or more sides of the building or curtilage comprising the application site. "Residential property" means dwelling houses, flats or houses in multiple occupancy and includes any vacant units.



Ventilation

If the use is acceptable in principle, establishments with cooking on the premises must satisfy ventilation requirements to ensure that they do not impinge on the amenity of the residential area or other neighbourhoods.

An effective system for the extraction and dispersal of cooking odours must be provided. Details of the system, including the design, size, location and finish should be submitted with any planning application. A report from a ventilation engineer may also be required where it is proposed to use an internal route in an existing building for ventilation ducting.

The ventilation system should be capable of achieving 30 air changes an hour and the cooking effluvia ducted to a suitable exhaust point to ensure no cooking odours escape or are exhausted into neighbouring premises.

Conditions shall be applied to ensure the installation of an effective system before any change of use is implemented, and/or the restriction of the form and means of cooking where necessary.

On a listed building or in a conservation area, the use of an internal flue should be explored before considering external options. The flue would need planning permission and listed building consent in its own right.

Design

Any external duct should be painted to match the colour of the existing building to minimise its visual impact.

Location

Ventilation systems should be located internally. Where this is not practicable, systems located to the rear may be considered.

Noise

Conditions may be put in place to ensure that there is no increase in noise that will affect the amenity of the area.

The map identifies areas of restriction. These are areas of mixed but essentially residential character where there is a high concentration of hot food takeaways, public houses and entertainment venues.

Changing a Commercial Unit to Residential Use

When is permission required?

Planning permission is required to convert a business to a house or flat. Permission will also be required for physical alterations to any external elevation. Listed building consent, where relevant, may also be required.

What to consider if planning permission is required

Protected shops

Policies Ret 9-11 set out when a non-shop use is acceptable. They should be considered if a shop will be lost as part of the changes.

In some areas of the city, the loss of a shop use will not be permitted. In other areas, certain criteria must be met. These policies should be considered for more information.

Amenity

Policy Hou 5

Sets out the criteria to be met by proposals to convert to residential use.

Applications for a change of use will need to prove that the quality and size of accommodation created is satisfactory.

Units with insufficient daylight will be unacceptable; proposals should fully meet the council's daylight requirements in the [Edinburgh Design Guidance](#). Basement apartments with substandard light will only be accepted where the remainder of the created unit represents a viable unit in its own right with regards to adequate daylight.

Dwelling sizes should meet the following minimum requirements and exceeding these standards is encouraged. Provision of cycle and waste storage is encouraged and may be required in some instances.

Number of Bedrooms	Minimum Gross Floor Area (sq m)
Studio	36
1 (2 persons)	52
2 (3 persons)	66
2 (4 persons)	81
3 (4 persons)	81
Larger Dwellings	91

Design

New designs should be of a high quality and respect their context

1. **Consider the architectural or historic merit of the shopfront and its context and identify an appropriate design from one of the following three basic approaches.**

Retain the shopfront



Henderson Street

Retaining the existing shopfront and adapting it for residential use is a simple method of conversion and ensures the property fits well within its context. Where the shopfront is of architectural or historic merit this will be the only appropriate design.

A design which retains the shop front could be used in residential areas or within a row of shops.

Simple contemporary design



Royal Park Terrace

Simple contemporary designs are often the most successful. The existing structural openings should be retained and any features of architectural or historic merit retained and restored. High quality materials should be used.

A simple contemporary design could be used in residential areas or within a row of shops.

Residential appearance

Conversions with a residential appearance are rarely successfully achieved. Attention should be paid to structural openings, materials and detailing to ensure the new residential property does not stand out from its context.

Windows which are a version of those on the upper floors in terms of proportions, location and detail are usually most appropriate. Doors should relate to the scale of the building and should not result in a cluttered appearance.

Paint work should be removed to expose the stone or toned to match the building above.

A design with a residential appearance may be appropriate in residential areas but not within a row of shops.



Consider the privacy of residents

To create privacy within the property, shutters or moveable screens behind the window could be considered as an alternative to frosted glass. Where considered acceptable, frosted glass should not occupy more than 50% of the height of the window. Retaining recessed doors also provides a degree of separation from the street. Metal gates could also be added.

Altering a Shopfront

There should always be a presumption to improve, where possible, a poor shopfront.

Understanding your shopfront

Policy Des 12

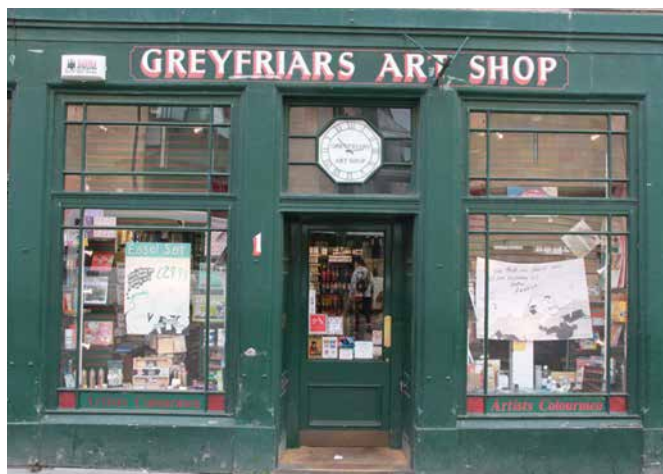
sets out the principles for altering a shopfront

1. Consider the period of the building and the style of the shopfront

Shopfronts come in many styles, reflecting the different periods of architecture in Edinburgh. Those of architectural merit or incorporating traditional features or proportions should be retained and restored.

2. Determine whether there are any original or important architectural features or proportions which need to be retained

The pilasters, fascia, cornice and stallriser form a frame around the window and should be retained. Recessed doorways, including tiling, should not be removed. Original proportions should be retained.



Pilasters



Cornice



Stallriser

3. Identify any inappropriate additions which should be removed

Large undivided areas of plate glass can be appropriate within a small shopfront, however over a larger area can appear like a gaping hole over which the upper storeys look unsupported.

Large deep fascia boards and other claddings should be removed and any original features reinstated.



Deep Fascia



Proportions



Cladding

Good Example

At 37-41 Nicolson Street, Edinburgh, restoration work has been carried out to remove modern additions and unveil the original Victorian shopfront of 'McIntyre's Drapery Stores'. Architectural features, including the cornice, pilasters and glazing bars have been exposed. Views into the store have now been opened up and the shop is more noticeable in the street.



Context

Shopfronts should be designed for their context

1. Consider the relationship of the frontage to the rest of the street

The relationship of the frontage to the established street pattern should be considered, particularly in terms of fascia and stallriser height and general proportions. Alterations should preserve and strengthen the unity of the street.



One shopfront across two separate buildings will not normally be acceptable as it disrupts the vertical rhythm of the facades above.



2. Consider the relationship to features on the upper floors

Where units have a narrow frontage and vertical emphasis, they should retain their individual integrity, rather than attempting to achieve uniformity with adjoining properties.



Good Examples



St Stephen Street



William Street



Grassmarket

New Design

New designs should be of high quality and respect their surroundings

1. Identify the features or proportions which will need to be retained or restored

The pilasters and frame should be retained, even if the rest of the frontage is not of sufficient quality to merit retention.

Poorly designed fascias and pilasters do not make up a well composed frame. Pilasters should not be flat to the frontage and fascias should not exceed one-fifth of the overall frontage height or be taken over common staircases. Stallrisers should be in proportion to the frontage.

Cornice which continues from the adjacent frontages will require to be restored. No part of the frontage should be located above this.

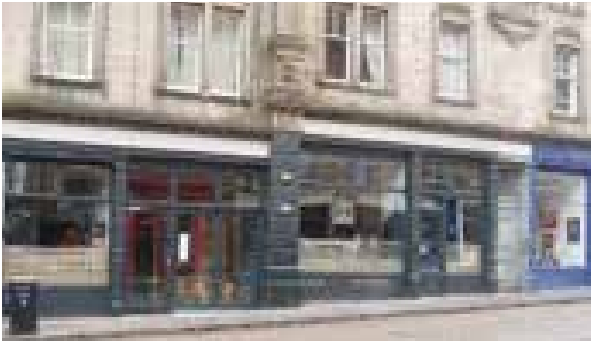
2. Consider the design and materials to be used

Where a new frontage is considered appropriate, there is no particular correct style. Modern designs will be considered acceptable providing they incorporate high quality materials, are well proportioned, and retain any features of architectural merit.

Reproduction frontages should be based on sound historical precedent in terms of archival evidence or surviving features.

Appropriate spacing and cornice should be used to create a visual break between the frontage and the building above.

Good Examples



Barclay Place



Bread Street

In general, natural and traditional materials, such as timber, stone, bronze, brick and render should be used. These should be locally sourced from renewable or recycled materials, wherever possible. Frontages clad in incongruous materials will not be acceptable.

Paint and Colour

When is permission required?

Planning permission, and where relevant listed building consent, will be required to paint a building which is listed or within a conservation area, including a change of colour.

Planning Permission will not be required to paint an unlisted building out with conservation areas. However the painting and colour of a building should reflect its character and the area.

Good Example



Victoria Street

Listed Buildings and Conservation Areas

Paint

Unpainted stonework and other good quality materials should not be painted.

Colour Schemes

The creation of a strong identity for a business must come second to an appropriate balance with the context. Colour schemes should clarify the architectural form and not apply alien treatments and design. The most successful are simply schemes which employ only one or two colours.

Muted or dark colours are preferable.

Uniform Appearance

Coordinated paint schemes are encouraged and should be retained where present. In particular, common details, such as arches and pilasters, should have a uniform treatment. Similar lettering and signage should also be used.

The range of colours within a block should be limited.

Security

1. Determine whether a security device is necessary and consider alternative solutions

Security devices should not harm the appearance of the building or street. Toughened glass or mesh grilles could be used as an alternative to security shutters.



2. If a device is considered acceptable, consider its location in relation to the window

Where shutters are not common within the immediate area, they should be housed internally, running behind the window.

Elsewhere, shutters should be housed behind the fascia or a sub-fascia.

Shutters should not be housed within boxes which project from the front of the building.

3. Identify an appropriate shutter design

Solid roller shutters are unacceptable. They do not allow window shopping at night, the inability to view the inside of the shop can be a counter security measure and they tend to be a target for graffiti.



Roller shutters of the non-solid type may be acceptable in a perforated, lattice, brick bond or open weave pattern. Shutters made up of interlocking clear polycarbonate sheets running externally to the glass may also be acceptable.



Where there is evidence of early timber shutters, they should be restored to working order or replaced to match.



Listed Buildings and Conservation Areas

Externally mounted shutters will not be considered acceptable.

The most appropriate security method is toughened glass. Internal open lattice shutters or removable mesh grilles may also be acceptable.

Metal gates are most appropriate on recessed doors.

Shutters should be painted an appropriate colour, sympathetic to the rest of the frontage and immediate area.

Blinds and Canopies

1. Consider whether a blind or canopy is appropriate on the building

Blinds and canopies should not harm the appearance of the building or street.

Traditional projecting roller blinds, of appropriate quality, form and materials, will be considered generally acceptable

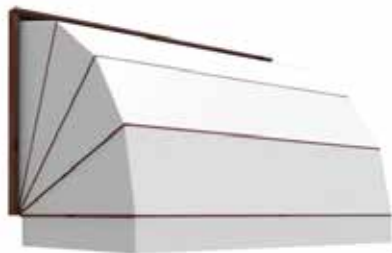
Dutch canopies will not be acceptable on traditional frontages where important architectural elements would be obscured.

Listed Buildings and Conservation Areas

Dutch canopies will not be acceptable on listed buildings or in conservation areas.

Blinds and canopies will not be considered acceptable on domestic fronted buildings.

Solar glass and film are acceptable alternative methods of protecting premises from the sun, providing they are clear and uncoloured.



Dutch canopy

2. If acceptable, consider the location of the blind or canopy

Blinds and canopies should fold back into internal box housings, recessed within the frontage. They must not be visually obtrusive or untidy when retracted.



Boxes housing blinds and canopies that project from the building frontage will not be acceptable.

Blinds and canopies will not be acceptable above the ground floor level.



3. Determine an appropriate design and materials

Blinds and canopies must be made of high quality fabric. Shiny or high gloss materials in particular will not be supported.

An advert, including a company logo or name, on a blind or canopy will need advertisement consent.



Automatic Teller Machines

1. Consider whether an ATM will be acceptable

ATMs should not impact upon the character of the building or area.

Free standing ATMs add to street clutter and will not be considered acceptable.

ATMs may be considered acceptable when integrated into a frontage, providing no features of architectural or historic interest will be affected and the materials and design are appropriate.

2. If acceptable, consider the location, design and access

Consideration should be given to pedestrian and road safety. Terminals should be sited to avoid pedestrian congestion at street corners and narrow pavements. The assessment of the impact on road safety will include any potential increase in the number of vehicles stopping, visibility and sightlines.

The use of steps for access to ATMs should be avoided and the units should be suitable for wheelchair access.

Where ATMs are removed, the frontage should be reinstated to match the original.

Listed Buildings and Conservation Areas

Consideration should first be given to locating the ATM internally. For guidance on internal alterations, consider the Listed Buildings and Conservation Area guidance.

Externally, ATMs should be located in a concealed position on the façade, within an inner vestibule or on a side elevation.

ATMs should not be fitted to finely detailed façades or shopfronts of historic or architectural merit. They will not be acceptable where stone frontages, architectural features or symmetry will be disturbed. New slappings (knocking a hole through a wall to form an opening for a door, window etc) will be discouraged.

Only one ATM will be allowed on the exterior of any building.

Where acceptable, the ATM should not be surrounded by coloured panels or other devices and signage should not be erected. The ATM and any steps or railings, where necessary, should be formed in high quality materials and be appropriate to the area. Surrounding space should match the façade in material and design.

Permissions Required

ATMs which materially affect the external appearance of a building require planning permission. Listed building consent may also be required for an ATM on a listed building. In addition, advertisement consent may be required for any additional signage.

Air Conditioning and Refrigeration

Location

Air conditioning and refrigeration units should not be located on the front elevation or any other conspicuous elevations of buildings, including roofs and the flat roofs of projecting frontages.

It will normally be acceptable to fix units to the rear wall. These should be located as low as possible.

Design

Units should be limited in number, as small as practicably possible and painted to tone with the surrounding stonework or background.

Listed Buildings and Conservation Areas

The preferred location for units on listed buildings and within conservation areas are:

- standing within garden or courtyard areas (subject to appropriate screening and discreet ducting)
- Within rear basement areas
- Inconspicuous locations on the roof (within roof valleys or adjacent to existing plant). However, in the New Town Conservation Area and World Heritage Site, aerial views will also be considered.
- Internally behind louvers on inconspicuous elevations. This should not result in the loss of original windows.

Where it is not practicably possible to locate units in any of the above locations, it may be acceptable to fix units to the wall of an inconspicuous elevation, as low down as possible.

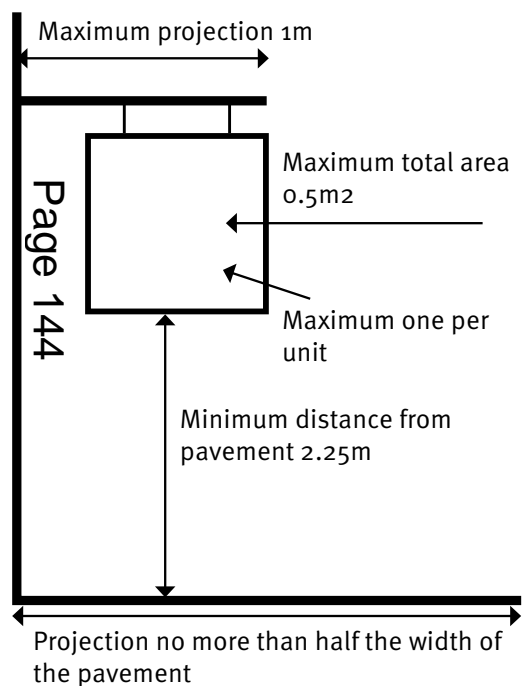
Units should be limited in number, as small as practicably possible and painted to tone with the surrounding stonework or background.

Ducting must not detract from the character of the building.

Signage and Advertisements

1. Consider the scale, location and materials of the advertisement and any lettering

High level signage is not normally considered acceptable.



NB. Dimensions may be reduced for smaller frontages

Projecting and Hanging Signs

Traditional timber designs are most appropriate on traditional frontages.



Fascia

Box fascia signs applied to existing fascias are not considered acceptable.

Individual lettering should not exceed more than two thirds the depth of the fascia, up to a maximum of 450mm.

Princes Street

Projecting signs and banners will not be supported. Illumination must be white and static.

Listed Buildings, Conservation Areas and Royal Mile

Signage obscuring architectural details is not acceptable.

Signage should be timber, etched glass or stainless steel; synthetic materials are not appropriate.

Signage should harmonise with the colour of the shopfront.

Applied fascia boards/panels will not normally be acceptable. Lettering shall be applied directly onto the original fascia. If there is an existing applied fascia board/panel in place, this should a) be removed and the original fascia restored, or b) an appropriate new fascia applied but only where there is no original fascia.

Letters must be individual and hand painted.

On buildings of domestic character, lettering or projecting signs are not acceptable. Guidance on alternative signage is given on the next page.

In the Royal Mile area of Special Control, there are additional controls on advertisements.

2. Consider an appropriate method of illumination

External illumination will only be acceptable if unobtrusive.

Individual letters should be internally or halo lit. Discreet spotlights painted out to match the backing material or fibre optic lighting may also be acceptable. Illumination must be static and no electrical wiring should be visible from outside of the premises. White illumination is preferable.

Projecting signs should only be illuminated by concealed trough lights.

LED strip lighting to illuminate signage may be acceptable where it can be positioned discreetly on the shop front.

3. Consider alternative advertisements

Internal Advertisements

Advertisements behind the glass should be kept to a minimum to allow maximum visibility into the premises.



Directional Signs/ Temporary On-Street Advertising / A boards

Advance directional signs outwith the curtilage of the premises to which they relate (including 'A boards' and other temporary on-street advertising) will not be permitted.

Guest Houses

Houses in residential use (Class 9) but with guest house operations should not display signs, except for an official tourism plaque or a window sticker.

For properties operating solely as a guest house (Class 7), any pole signs located in front gardens should not exceed 0.5sq metres in area.

Listed Buildings and Conservation Areas

Basement properties

Basement properties may be identified by a name plate or modest sign on the railings, or where they don't exist, discreet and well designed pole mounted signs may be acceptable.

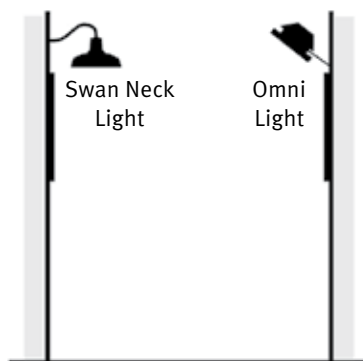


Buildings of domestic character

On buildings of domestic character, identification should consist of a brass or bronze nameplate, smaller than one stone. Where the building is in hotel use, consideration will be given to painted lettering on the fanlight or a modest sign on the railings.

Listed Buildings and Conservation Areas

Swan neck lights, omni-lights on long arms or trough lights along the fascia will not normally be acceptable. Letters should be halo or internally lit.

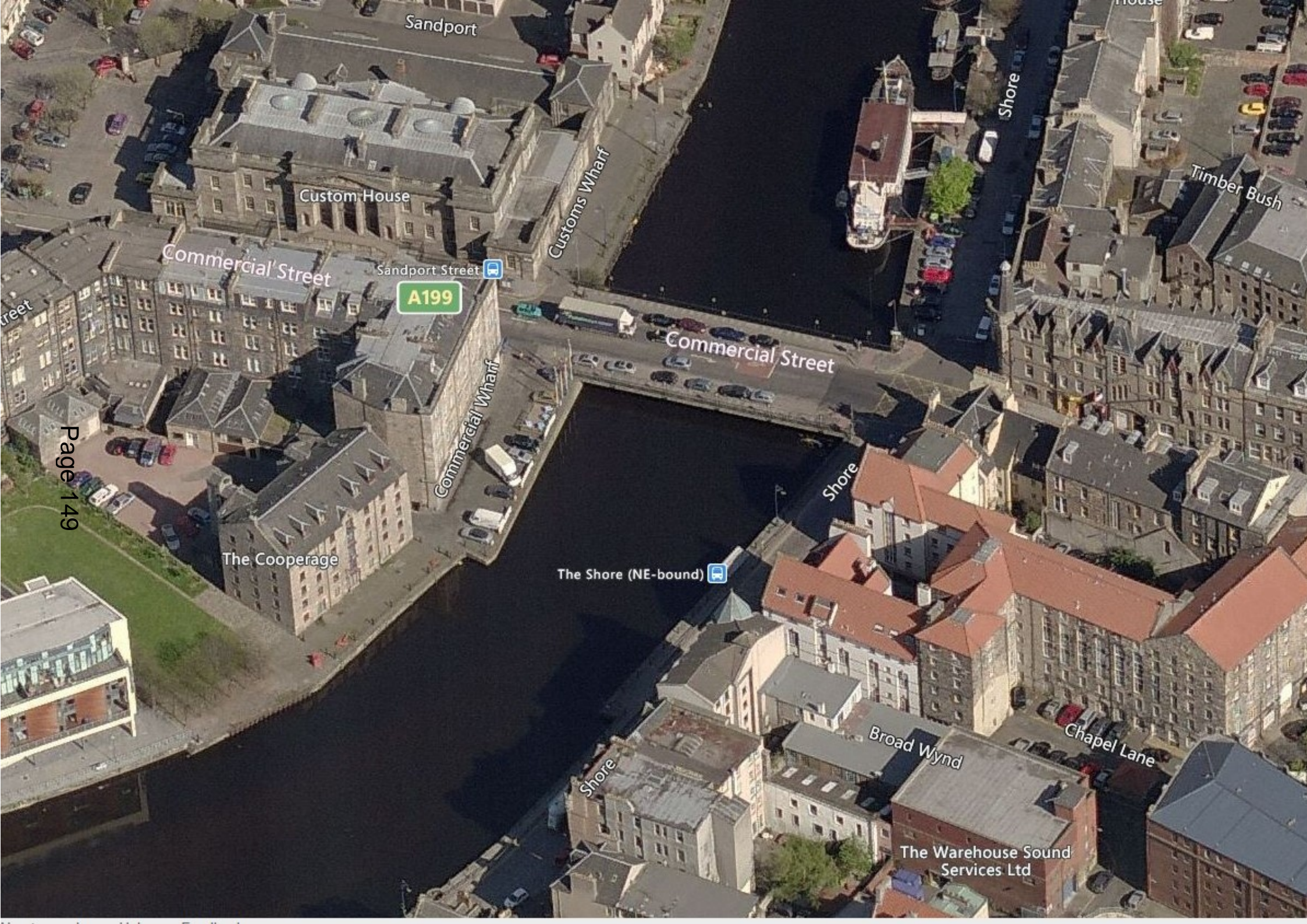




You can get this document on tape, in Braille, large print and various computer formats if you ask us. Please contact ITS on 0131 242 8181 and quote reference number 12-0930. ITS can also give information on community language translations.







Sandport

Custom House

Customs Wharf

Commercial Street

Sandport Street

A199

Commercial Wharf

Commercial Street

Shore

Timber Bush

Page 149

The Cooperage

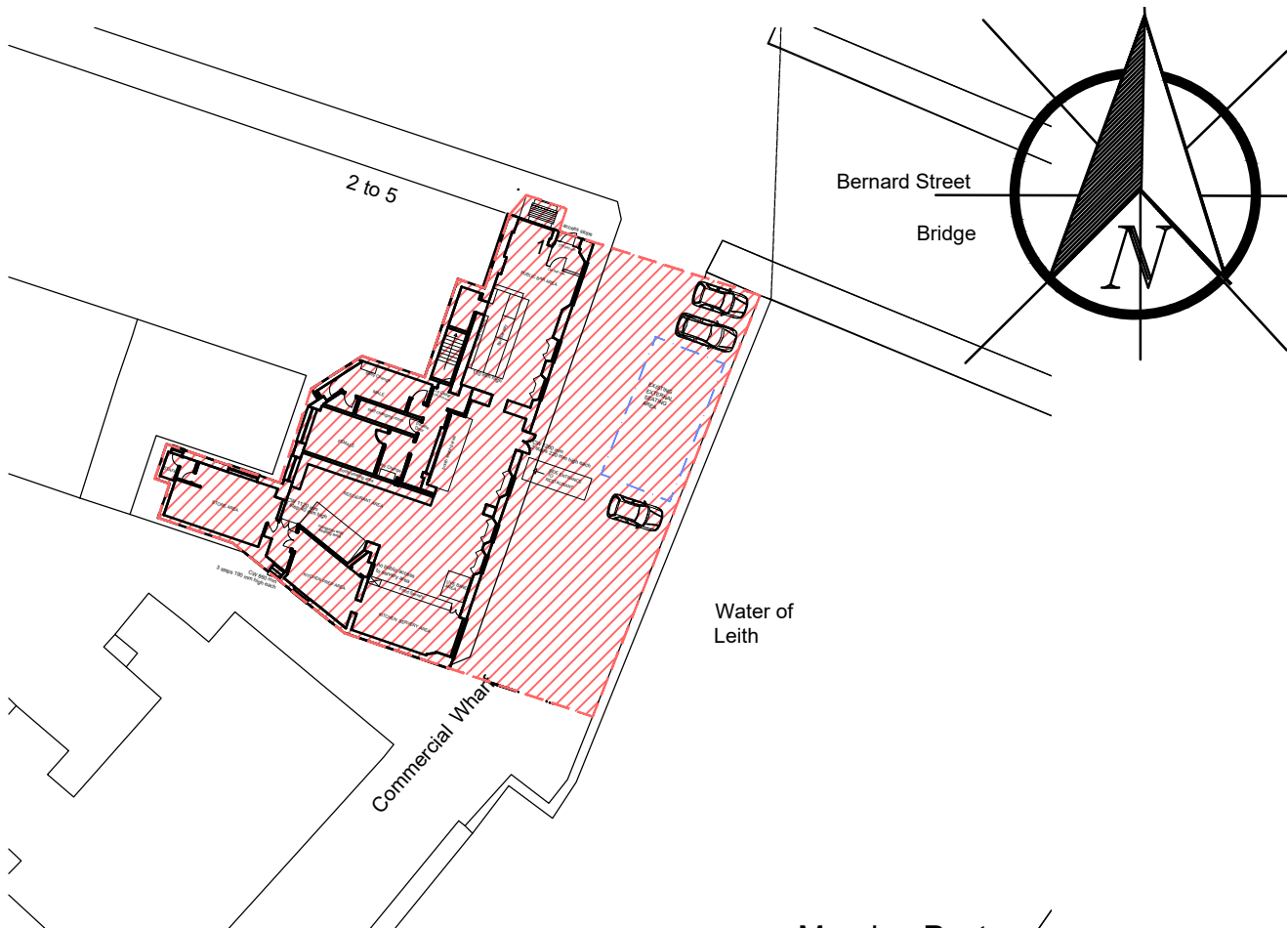
The Shore (NE-bound)

Shore

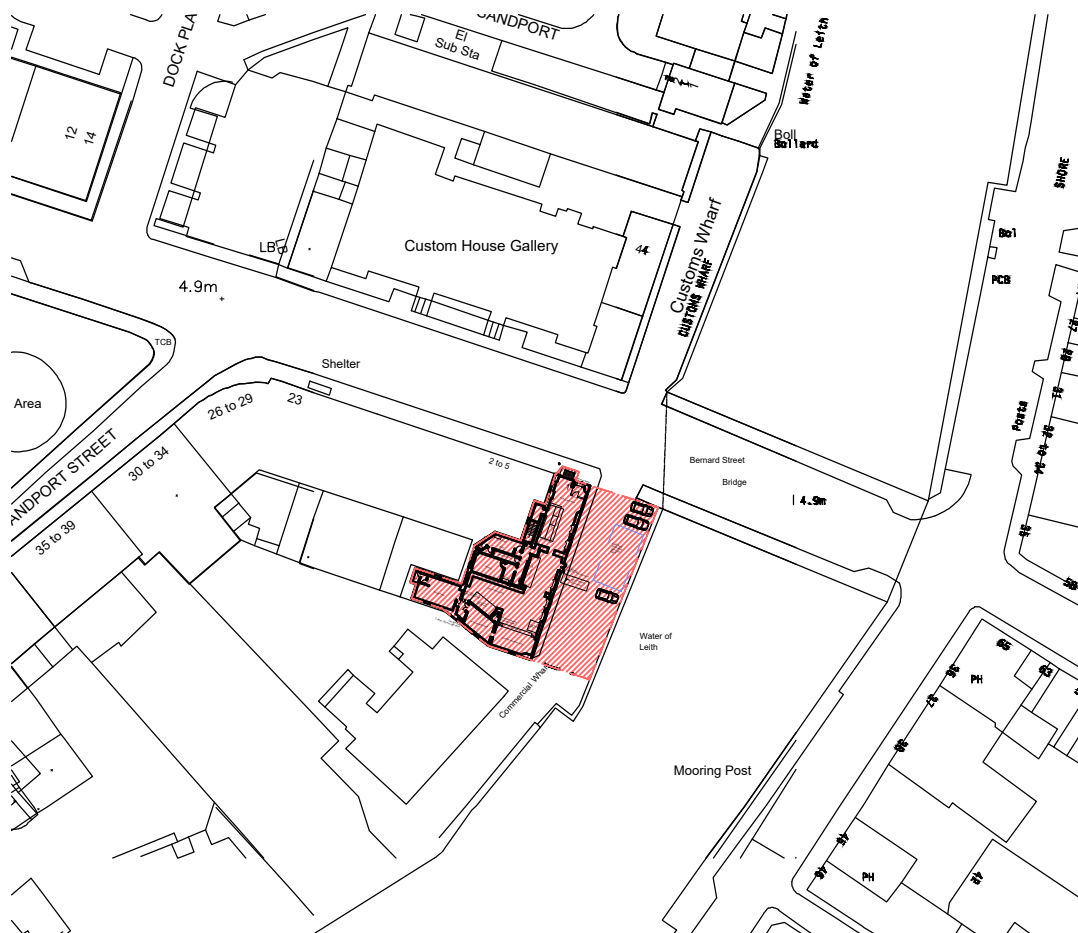
Broad Wynd

Chapel Lane

The Warehouse Sound Services Ltd



SITE PLAN 1/500



SITE PLAN 1/1250

NOTE: All proprietary goods and materials are to be fitted in accordance with manufacturer's instructions, relevant Codes of Practise, and British Standards.
All dimensions to be verified by the Contractor on site.
Do not scale drawings, work to figured dimensions only.

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PROPOSED EXTERNAL SEATING AT 1 COMMERCIAL STREET

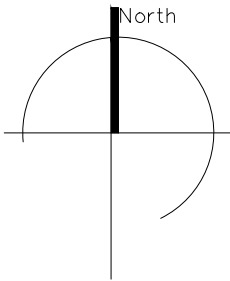


**martin
mcmullen
architect**

METRO INN LTD

LOCATION & SITE PLAN

SCALE 1:500/1250	DATE OCT 19
JOB No. H'WAY -128	DWG No. PL-03
DRAWN BY MMcM	REVISIONS



Bernard Street

Bridge

4.9m

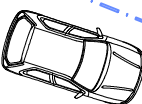
Water of Leith

Commercial Wharf

2 to 5

1
PUBLIC BAR AREA

EXISTING
EXTERNAL
SEATING
AREA



Bar/Service

110 mm high

CW 1260 mm
2 steps 220 mm high each

SIDE ENTRANCE
TO RESTAURANT

access slope

CW 960 mm

CW 960 mm

To Cellar
CW 100 mm

Baby Change

MALE

staff changing room

Private
Door

FEMALE

Baby Change

booth seating area

booth seating area

RESTAURANT AREA

CW 1120 mm
1 step 40 mm high

container with
seating area

KITCHEN PREP AREA

no public access
to servery area

Food Servery

LIVE BAND
AREA

KITCHEN SERVRY AREA

3 steps 190 mm high each

CW 860 mm

STORE AREA

STAFF

Page 151

EXISTING SITE LAYOUT SCALE 1:200

EXISTING EXTERNAL
SEATING ZONE



NOTE: All proprietary goods and materials are to be fitted in accordance with manufacturer's instructions, relevant Codes of Practise, and British Standards.
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PROPOSED EXTERNAL SEATING AT 1 COMMERCIAL STREET



**martin
mcmullen
architect**

METRO INN LTD

DRAWING EXISTING SITE LAYOUT			
SCALE	1:200	DATE	OCT 19
JOB No.	H'WAY -122	DWG No.	PL-01
DRAWN BY	MMcM	REVISIONS	

Niall Young Architecture Ltd.
FAO: Susan Smith
32/12 Hardengreen Business Park
Dalhousie Road
Eskbank
Dalkeith
Scotland
EH22 3NX

Mr Derek Brodie.
79 Durham Square
Edinburgh
United Kingdom
EH15 1PP

Decision date: 13 December 2019

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

Erect dwelling within garden ground
At 79 Durham Square Edinburgh EH15 1PP

Application No: 19/04925/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 16 October 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 policy Des 1 of the Edinburgh Local Development Plan as the modern design and the use timber cladding bears no relation to the traditional building materials used in the area. The introduction of a mono-pitched roof in an area characterised by slate, hipped roofs would also be out of character. The proposal would not respect the character and appearance of the surrounding area.
2. The proposal is contrary to policy Des 4 of the Edinburgh Local Development Plan in that the sub-division of the garden of No. 79 Durham Avenue would result in the formation of two small gardens which would not be characteristic of the area. The

introduction of a mono-pitched roof will be visually prominent given that it will be 50 cm higher than the roofs of surrounding properties and the area is characterised by hipped roofs. The proposal will not contribute positively to the setting of the area.

3. The proposal is contrary to policy Des 5 of the Edinburgh Local Development Plan as it represents overdevelopment of the site and will prevent opportunities for adaptability for the future needs of different occupiers.

4. The proposal is contrary to policy Hou 3 of the Edinburgh Local Development Plan in that the amenity space put forward for the new development does not make adequate provision for green space to meet the needs of future and current residents. In addition, it is contrary to Edinburgh Design Guidance which expects private gardens to be of a reasonable size, adaptable and designed for a range of functions.

5. The proposal is contrary to LDP policy Hou 4 as it disrupts the established character of the area and does not create an attractive residential environment.

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

Drawings 01, 02A, 03A, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The proposal does not comply with policies Hou 1, Hou 3, Hou 4, Des 1, Des 4 and Des 5 of the adopted Local Development Plan and the relevant non statutory guidance. The proposed site is not a suitable location for the erection of a dwelling house and would be damaging to the character and appearance of the surrounding area and wider townscape. There are no material considerations upon which to justify granting planning permission.

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 Leslie

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 19/04925/FUL At 79 Durham Square, Edinburgh, EH15 1PP Erect dwelling within garden ground

Item	Local Delegated Decision
Application number	19/04925/FUL
Wards	B17 - Portobello/Craigmillar

Summary

The proposal does not comply with policies Hou 1, Hou 3, Hou 4, Des 1, Des 4 and Des 5 of the adopted Local Development Plan and the relevant non statutory guidance. The proposed site is not a suitable location for the erection of a dwelling house and would be damaging to the character and appearance of the surrounding area and wider townscape. There are no material considerations upon which to justify granting planning permission.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES01, LDES04, LDES05, LHOU01, LHOU04, NSG, NSGD02,
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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 currently the garden ground of No. 79 Durham Square, a detached bungalow located on a corner plot on the north side of Durham Square where it meets Durham Gardens North. The surrounding area is characterised by traditional bungalows, with hipped roofs.. Access to the proposed property will be via the a new driveway accessed via Durham Gardens North.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application is for planning permission for the erection of a four bedroom, one and half storey, house with a mono pitched roof, in the garden grounds of No. 79 Durham Square. The existing plot would have to be subdivided in order to form two domestic curtilages. The subdivided plot would be 13.8 metres wide and approximately 18.94 metres deep.

The proposed house would be approximately 10 metres deep and approximately 11.3 metres wide.

Parking would be located within the curtilage of the proposed dwelling.

The dwelling would externally finished in timber vertical boarding, black larch and aluminium framed window units.

It is proposed that a 2 metre high timber fence be erected along the new boundary formed between No.79 and the application site. New timber panelling would be added to the existing brick boundary wall to the east of the application site increasing the overall height of the boundary treatment to 2 metres. This would be a continuation of panelling already in place further down the wall.

The proposed increase in the extent of hard surfacing within rear garden is permitted development under class 3C of the Town and Country Planning (General Permitted

Development) (Scotland) Order 1992 (as amended). No further assessment of its merits 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 principle of development at this location is acceptable;
- (b) The proposal is of an appropriate scale, form and design;
- (c) The proposal is acceptable in terms of density and spatial pattern;
- (d) The proposal will result in a satisfactory residential environment;
- (e) The proposed use would result in any loss of amenity;
- (f) Road safety has been addressed; and
- (g) Public comments have been addressed.

a) Principle of Development

Policy Hou1 (Housing Development) of the adopted Edinburgh Local Development Plan (LDP) states that priority will be given to the delivery of the housing land supply and relevant infrastructure on suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The application site is defined as being part of the urban area in the adopted LDP. The principle of housing development at the site is therefore acceptable as long as the proposals are compatible with other policies in the plan. Compliance with other policies in the plan are addressed in further detail in sections 3.3 b, c, d, e and f below.

Overall the site is not compatible with other policies in the plan and therefore the principle of housing development at the site is not acceptable.

b) Scale, Form and Design

LDP policy Des 1 (Design Quality and Context) states that new development should contribute towards a sense of place and design should draw from positive aspects of the surrounding area. LDP Policy Des 4 (Development Design- Impact on Setting) states that planning permission will be granted for development where it is demonstrated that it will have a positive impact upon its surroundings.

In this instance the design of the proposed dwelling does not relate to other buildings in the surrounding area. The area is characterised by detached, mid 20th century bungalows, with slate, hipped roofs and a range of materials which includes render, stone and brick. The height of the detached bungalows is limited to approximately 7 metres. The proposed dwelling does not make use of any of these materials. The design instead is modern and makes use of a range of timber cladding. The proposed dwelling will also have a mono pitched roof which varies in height from 3.5 metres at its lowest, to 7.5 metres at its highest. The proposed design takes no cues from the surrounding area. It will instead stand apart from the other buildings in the area. This will be exacerbated by its visually prominent location, the different design of its roof and its excessive height in comparison to the surrounding properties.

It is also noted that the proposal would result in a substantial loss of greenspace. Of the original 320 square metres of rear garden only 60 square metres would remain as greenspace. This is not characteristic of the area; however it is recognised that permitted development legislation would allow the reconfiguration of hard and soft landscaping in this garden as the site is not located in a conservation area.

Although the position of the proposed dwelling lines up with the established building line of the street set by No. 79 and No. 15 Durham Avenue in line with guidance, the scale of the building means it dominates the plot. The proposed dwelling will be only 1.2 metres from the boundary to the south which it would share with No. 79 Durham Square. It will be only 2.2 metres away from the boundary to the north which it would share with 15 Durham Avenue. The proposed dwelling would also sit within 3 metres of the boundary to the west which it would share with No. 77 Durham Square. The proposed curtilage of the new dwelling would reach a maximum depth of 5.7 metres to the front of the property; whilst the new house itself would be located only 2.2 metres from the neighbouring No. 79 Durham Square to the South. The proposed subdivision of the garden of No. 79 would result in the loss of 78 % of the applicant's rear garden which represents overdevelopment of the plot. The Design Statement provided with the application suggests the proposed development would be similar in arrangement to No. 3 Durham Gardens North, located across the road to the east. However, whilst No. 3 is contemporary with other buildings in the area. It is not a new build property. Although it is located similarly close to the neighbouring boundary to the south, there is still approximately 8.75 metres between the neighbouring properties, well in excess of the distance in this proposal. In addition, the rear curtilage of No. 3 reaches a depth of 13.3 metres. This is well in excess of the curtilage of the application site.

With consideration of the above the proposed 1.5 storey dwelling is incompatible with the surrounding context. It does not respect the character and appearance of the surrounding area and therefore does not comply with policy Des 1 or Policy Des 4.

c) Density and Spatial Pattern

Policy Hou 4 on Housing Density states the Council will seek an appropriate density of development on the site having regard to:

- its characteristics and those of the surrounding area;
- the need to create an attractive residential environment and safeguard living conditions within the development ;

- the accessibility of the site includes access to public transport; and
- the need to encourage and support the provision of local facilities necessary to high quality urban living.

The existing house is part of an established residential area, defined by a strong rhythm of long plots with houses fronting onto the street with generous private rear gardens. There is a clear articulation of private and public spaces. This is a settled townscape with a strong urban grain. The proposed scale, siting and layout of the new dwellinghouse by virtue of subdividing the existing rear garden plot to the main house and positioning one detached houses will adversely disrupt the spatial rhythm of the area and will result in a development which is out of character with the area and the positive characteristics that make it a high amenity residential suburb. The area is very low density and this proposal seeks to alter the density of the site to such a degree it disrupts the established character of the area and does not create an attractive residential environment.

The site is not particularly accessible by public transport and is likely to generate significant car movements which is contrary to the Council's ambition to reduce car usage in the City. No justification has been given in terms of supporting local facilities. The proposal is contrary to policy Hou 4.

d) Residential Environment

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. Policy Des 5 states it should be demonstrated that the design of a proposal will facilitate adaptability in the future to the needs of different occupiers, and in appropriate locations will promote opportunities for mixed uses.

To ensure amenity space is sufficient for the use and enjoyment by occupiers and to ensure there is scope for dwellings to be developed over time to suit the changing needs of occupiers, a minimum depth of 9 metres is recommended for residential gardens. In this case the space to the rear of the application site only reaches a depth of 3 metres; whilst the front curtilage (which would be the main amenity space linked to this property) would only reach a depth of 5.7 metres. The amenity space to the front of the property would be compromised by the introduction of a driveway. This would leave a space of approximately 37 square metres to the front of the property for the amenity of the occupiers. The dimensions of the space do not comply with guidance and would not be in keeping with the rest of the area where larger gardens are characteristic of the area. In addition, the proposed amenity space is largely public and private space is limited: there is no opportunity for this space to be used for a range of activities as suggested in the Edinburgh Design Guidance.

The proposed subdivision of the garden of No. 79 would also detrimentally impact the amenity of the occupiers of the existing property. The depth of the rear curtilage would be reduced to 4.6 metres. This is contrary to guidance. The rear curtilage would have a total area of 71 metres; a loss of almost 78 % of the space. The limited amenity space available to both properties is contrary to Local Development Plan policy Hou 3. The limited space in the new curtilage of the proposed development and the remaining curtilage of No. 79 will not allow opportunity for any further development or useable space and is contrary to policy Des 5.

e) Neighbouring Amenity

Given the height of the proposal and the orientation of the development in relation to neighbouring gardens it is anticipated that the proposal would result in 13 square metres of the garden ground of No. 15 Durham Avenue. Given the large size of the garden of No. 15 and that the affected area is largely covered by a garage, this is considered acceptable. The proposal would not result in overshadowing of the neighbouring ground to the west or the south.

The proposal complies with the 45 degree daylighting criterion outlined in Edinburgh Design Guidance. The proposal would not result in a loss of daylight to neighbouring windows.

The revised scheme has removed a window from the first floor of the north elevation. This window would have overlooked the neighbouring property to the south. The revised scheme has no windows on the side elevations which would look onto neighbouring properties. Windows located on the rear elevation, looking to the west, will be screened by an existing boundary wall and vegetation. The rooflights to the rear of the property are at such a height and angle that they would not offer a view of the neighbouring property. New windows looking onto Durham Gardens North would be approximately 22 metres away from properties on the east side of the road. This is in excess of the 18 metres recommended in guidance.

The proposed development would not result in a loss of neighbouring amenity in terms of daylight, sunlight or privacy.

f) Road Safety and Parking

The Roads Authority was consulted on this application and raised no objection. It was noted that the proposed 2 car parking spaces does not comply with the 2017 parking standards which permits a maximum of 1 car parking space for a development of this size and nature in zone 2. However, the proposed driveway is currently designated as "private access" of which the Council as Roads Authority has no control over, meaning the owner can park as many vehicles on this area as they like.

g) Public Comments

The application received four representations within the notification period, all objecting to the application. The content of these representations is summarised and addressed below:

Material Representations

- Overdevelopment of the site which would result in a lack of amenity space; this is addressed in Section 3.3c.
- The development will exacerbate issues related to traffic and parking; this is addressed in Section 3.3e.
- The application will result in a loss of daylight to neighbouring properties; this is addressed in 3.3d.
- The application will result in loss of sunlight to neighbouring properties; this is addressed in 3.3d.

- The application will result in a loss of neighbouring privacy; this is addressed in 3.3d.
- The height of the property and choice of materials are out of character with the area; this is addressed in 3.3a.
- The proposal will result in a loss of greenspace and increase urban creep; this is addressed in 3.3a.

Non-Material Representations

- The proposal will lead to the removal of a laurel bush and tree; the applicant is within their rights to remove trees and vegetation on their own land. No TPO is in place.
- The proposal will have an impact on the water supply and drainage; this is an issue for Building Standards.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to policy Des 1 of the Edinburgh Local Development Plan as the modern design and the use timber cladding bears no relation to the traditional building materials used in the area. The introduction of a mono-pitched roof in an area characterised by slate, hipped roofs would also be out of character. The proposal would not respect the character and appearance of the surrounding area.
2. The proposal is contrary to policy Des 4 of the Edinburgh Local Development Plan in that the sub-division of the garden of No. 79 Durham Avenue would result in the formation of two small gardens which would not be characteristic of the area. The introduction of a mono-pitched roof will be visually prominent given that it will be 50 cm higher than the roofs of surrounding properties and the area is characterised by hipped roofs. The proposal will not contribute positively to the setting of the area.
3. The proposal is contrary to policy Des 5 of the Edinburgh Local Development Plan as it represents overdevelopment of the site and will prevent opportunities for adaptability for the future needs of different occupiers.
4. The proposal is contrary to policy Hou 3 of the Edinburgh Local Development Plan in that the amenity space put forward for the new development does not make adequate provision for green space to meet the needs of future and current residents. In addition, it is contrary to Edinburgh Design Guidance which expects private gardens to be of a reasonable size, adaptable and designed for a range of functions.
5. The proposal is contrary to LDP policy Hou 4 as it disrupts the established character of the area and does not create an attractive residential environment.

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

The application attracted four letters of representation, all objecting to the planning application.

A full assessment of these representations can be found in the main report in the Assessment section.

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

16 October 2019

**Drawing
numbers/Scheme**

01, 02A, 03A,

Scheme 2

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

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

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Appendix 1

Consultations

TRANSPORTATION

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

1. *Any off-street parking space should comply with the Council's Guidance for Householders dated 2018 (see http://www.edinburgh.gov.uk/info/20069/local_plans_and_guidelines/63/planning_guidelines_including).*
 - a. *Access to any car parking area is to be by dropped kerb (i.e. not bell mouth);*
 - b. *A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road;*
 - c. *Any gate or doors must open inwards onto the property;*
 - d. *Any hard-standing outside should be porous;*
 - e. *The works to form a footway crossing must be carried out under permit and in accordance with the specifications. See Road Occupation Permits http://www.edinburgh.gov.uk/downloads/file/1263/apply_for_permission_to_create_or_alter_a_driveway_or_other_access_point*
2. *Electric vehicle charging outlets should be considered for this development;*
3. *Secure and covered cycle parking should be considered for this development;*

Note:

The proposed 2 car parking spaces does not comply with the 2017 parking standards which permits a maximum of 1 car parking space for a development of this size and nature in zone 2. However, the proposed driveway is currently designated as "private access" of which the Council as Roads Authority has no control over, meaning the owner can park as many vehicles on this area as they like.

END

Comments for Planning Application 19/04925/FUL

Application Summary

Application Number: 19/04925/FUL

Address: 79 Durham Square Edinburgh EH15 1PP

Proposal: Erect dwelling within garden ground

Case Officer: Christopher Sillick

Customer Details

Name: Mr Ross Hunter

Address: 15 Durham Avenue Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: With reference to the above planning application, I can confirm the following. My family and I own and reside within 15 Durham Avenue, which is located directly behind 79 Durham Square, meaning that we share a boundary wall at the bottom of both gardens (north and south respectively). I recently received neighbour notification of this proposal, which prompted me to review the online portal leading to the following concerns.

With reference to the 'Design and Access Statement' I would like to highlight the following.

The new house would face onto Durham Gardens North and would take its access directly via an existing opening in the brick boundary wall. That said in the planning application the applicant has indicated that they are 'proposing a new altered access to or from a public road'? The Design and Access statement also talks about Durham Gardens North being quiet which I would disagree with. Traffic and Parking in the local area is frequently congested by people travelling to attend at the Doctors surgery, two local schools and will be further affected by the new flats being built on Durham Road. It is one of 4 access/egress routes into Durham Square and is already used by several local residents for parking cars on (Traffic & Parking issues). The access gate for this development will be located approximately 1 metre (or less) from our driveway located at the boundary wall on Durham Gardens North. I already experience difficulty on occasion accessing my driveway due to parked cars on Durham Gardens North, which will only get worse with this proposal.

The Design Access Statement talks about the boundary wall to No.79 remaining unaltered, with timber panels installed behind the wall to raise the boundary of the proposed dwelling to 2 metres in height. With reference to the drawings documented on 1795(PA)02A this appears to refer only to the front, rear of the new build property and to the new 2m high timber boundary fence which

will be to No 79's side, nothing to our side of the build!

The side of the new build property will be located on our boundary wall and no consideration has apparently been given to our privacy, sunlight/daylight and shadow, which will be cast from this tall building (Loss of sunlight or daylight, overshadowing, Privacy). Effectively three of the 4 sides appear to have screening consideration but nothing for our side.

In fact, the existing aesthetically pleasing and environmentally friendly laurel bush and tree (not included in drawings), which provides some boundary privacy, is being removed according to the above drawings.

As above, reference is made in the Design and Access Statement to 'respect for privacy of neighbours' and to 'ensure the dwelling will not overshadow existing amenity space'. Once again, this is not factual. Given that this development will be directly on our boundary wall, I fail to see how a two storey property, which according to drawing 1795(PA)01A elevates to approximately 7.5metres in height (7475mm) will not overshadow our garden, which as I'm sure you will appreciate is a focal point in our everyday family life. In reality, this project will significantly overshadow a large portion of our garden, not to mention reducing the amount of light into our main living area of our house.

I also note with great concern that the drawings on 1795(PA)01A illustrate the side of the building (which my family will be looking directly at) to have a window, which in its elevated position will look straight into our back garden, our living room, family bathroom and my daughter's bedroom all of which are located at the rear of our property. The illustration actually shows the silhouette of a person standing in this position looking in the direction of our property. This silhouette, according to drawings 1795(PA)01A would be standing in the living room of the proposed development (1st floor roof height approx. 5 metres), therefore this will be a well-used room, giving us absolutely no privacy whatsoever. Drawing 1795(PA)02A is a miss representation of height. The room the two people are standing in would be the living room on the first floor (looking onto our property to the side). There is reference made to the rear of the property only being single storey, which apparently minimises the impact on daylight levels preventing overshadowing of the garden at 77. This may be acceptable to number 77 but does not assist us in anyway who will be faced with staring at the side (highest point) of an unsightly building with a large shadow cast into our garden and people potentially looking onto our living space throughout the day and night. This is not to mention the increased noise and disturbance this project and subsequent additional residents will bring to the area.

With reference to the 'contemporary modern design' and 'not having a detrimental impact on the area' I would strongly disagree with this also. The area is full of traditionally built bungalows, which are full of character and are very sought after. I fail to see how erecting a contrasting building, which is completely different to what is already there can be seen as a positive. It will look completely random and out of place. On this point, reference is made to a similar completed

project which was built within the garden ground of 38 Mountcastle Drive South. This new build building cannot be described as complementary to the area and with all due respect to the owners appears to have been forced into a very small plot, with virtually no amenity space.

Reference is made in the 'Design and Access Statement' to the property located at number 3 Durham Gardens North as having been built as a result of similar circumstances. Number 3 Durham Gardens North has been built to appear like a traditional bungalow and in my opinion does not look out of place. It is also only single storey high, therefore not having the same privacy issues as this development. In addition, it has not been erected directly on boundary walls.

This project will invariably have an impact on the local water supply, drainage & traffic. Reference is also made in the application suggesting that 'No' arrangements have been made for sustainable drainage of water eg SUDS, which could breach environmental legislation. No documentation has been supplied in respect of this.

As documented by the BBC on 14th October 2019, the size of nine football pitches is being lost each year in Edinburgh to 'Urban Creep'. This study found that Urban Creep causes problems because it reduces the amount of open land which can absorb rain water, putting extra pressure on drains and increasing the risk of localised floods due to excess runoff.

To re-emphasise the point, no reference or consideration has been given whatsoever to our property which will be one of the most affected by this project. I cannot understand how this is deemed acceptable to completely disregard our privacy and garden light in favour of this project.

This will also create a precedent, which could lead to these unsightly developments appearing across the neighbourhood, impacting hugely on quality of life issues. At very least consideration should be given to limiting this proposed development to single storey with no elevated side windows (above boundary wall) looking onto our property. Also moving the new build a reasonable distance away from our boundary wall. Although this would not address all of the issues it would at least reduce the unacceptable level of privacy intrusion and shadow which has been proposed in these plans.

I therefore respectfully request that this objection be carefully considered before any decision is made.

I have previously provided relevant photographs, which hopefully help to put the above into context.

Comments for Planning Application 19/04925/FUL

Application Summary

Application Number: 19/04925/FUL

Address: 79 Durham Square Edinburgh EH15 1PP

Proposal: Erect dwelling within garden ground

Case Officer: Christopher Sillick

Customer Details

Name: Mrs Christine MARR

Address: 3 Durham Gardens North EDINBURGH

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I am objecting to this new building on several points mostly raised from reading the Access Statement. This building will give the area a cramped feel. The design, looking like an office straight from a Business Park, is totally out of place with the traditional existing bungalows from the 1930s, I cannot understand the architect bragging that the building will "contrast" with the old, for contrast, read "stick out like a sore thumb". It would certainly have a detrimental impact on the area which would be diluted.

The extra windows to the front at roof height are what could be described externally as a second floor. If they were deleted and an adjustment made to the roof it would be slightly better. Better still if it has to be built, is for the design to blend in with the existing buildings.

The building would also seem to be unnecessarily large with four double bedrooms. A new modern building shoehorned into ONE rear garden cannot complement the area. My house, opposite, (3 Durham Gardens North), is built on what could be mistaken for the rear garden of another house, it is however in what could have been TWO gardens and was BUILT AT THE SAME TIME as the two houses in question therefore not really setting a precedent.

The distance of 22 metres between my house and this proposed building is a magical distance for privacy, I can see more than 22 metres so I assume that people on the first floor of the new house would be able to look directly into my bedroom and front room. I would have to make my own privacy arrangements.

The "new" dreadful building at the rear of 38 Mountcastle Drive South has only received negative comments in my experience, even years after it was built, people ask "how did they get away with that".

The garden at 1 Durham Square mentioned had a larger garden but chose to build a large extension thereby leaving a much smaller garden. I objected to that at the time however was unsuccessful. People all around have chosen to live in the area as it was, it is questionable if they would still choose to purchase if this building goes ahead.

To rewrite the last paragraph correctly, "In summary the proposal for a dwelling would NOT sit well within the ALREADY TIGHT density of bungalows and detached dwellings in the existing area. The proposal WOULD BE DETRIMENTAL to the character of the area".

Comments for Planning Application 19/04925/FUL

Application Summary

Application Number: 19/04925/FUL

Address: 79 Durham Square Edinburgh EH15 1PP

Proposal: Erect dwelling within garden ground

Case Officer: Christopher Sillick

Customer Details

Name: Mr Stuart Hope

Address: 16 Durham Ave Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: The proposed development is out of character with property in the surrounding area the style of proposed dwelling should be of traditional design and of single storey only as in existing area

Comments for Planning Application 19/04925/FUL

Application Summary

Application Number: 19/04925/FUL

Address: 79 Durham Square Edinburgh EH15 1PP

Proposal: Erect dwelling within garden ground

Case Officer: Christopher Sillick

Customer Details

Name: Mr Gavin Weir

Address: 6 Durham Square Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Blatant over-development of a space far too small to contain another house.

There would be a severe lack of amenity space around the property.

From: Stuart Hope
Sent: Sat, 22 Feb 2020 09:21:56 +0000
To: Local Review Body
Subject: Re: Notice of Local Review No 19/04925/FUL

my observations are the same as on the original application

1. the proposed development is out of character with the property,s in the area.
2. the style and materials to be used are do not match existing property,s
- 3 the density of the proposed building is out of character with the other buildings in the area i.e two buildings in the space originally allocated for one building when the other property,s in the area are evenly divided

thank you

S M Hope

On Tuesday, 18 February 2020, 10:46:16 GMT, <localreviewbody@edinburgh.gov.uk> wrote:

Please See Attached This email is to inform you that a local review has been received for a planning application that you commented on .

This email and files transmitted with it are confidential and are intended for the sole use of the individual or organisation to whom they are addressed.

If you have received this eMail in error please notify the sender immediately and delete it without using, copying, storing, forwarding or disclosing its contents to any other person.

The Council has endeavoured to scan this eMail message and attachments for computer viruses and will not be liable for any losses incurred by the recipient.



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 100189289-003

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: Niall Young Architecture Ltd.

Ref. Number:

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

First Name: *

Susan

Building Name:

32/12 Hardengreen Business Park

Last Name: *

Smith

Building Number:

Telephone Number: *

Address 1
(Street): *

Dalhousie Road

Extension Number:

Address 2:

Eskbank

Mobile Number:

Town/City: *

Dalkeith

Fax Number:

Country: *

Scotland

Postcode: *

EH22 3NX

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="Derek"/>	Building Number: <input type="text" value="79"/>
Last Name: *	<input type="text" value="Brodie"/>	Address 1 (Street): * <input type="text" value="Durham Square"/>
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="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH15 1PP"/>
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="79 DURHAM SQUARE"/>
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="EH15 1PP"/>

Please identify/describe the location of the site or sites

Northings	<input type="text" value="673136"/>	Easting	<input type="text" value="330003"/>
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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)

The proposal is to build a single dwelling within the North area of the garden ground of no. 79 Durham Square.

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.

We believe that the proposed new dwelling is not detrimental to the character of the area. It is a high quality, well designed contemporary building, its position respects the building line and it does not impact on the privacy of neighbours. While it is acknowledged the amenity space of the proposed new dwelling is less than that of other properties in the area, it is similar to precedents such as 38 Mountcastle Drive South. With this in mind, we hope that you consider our appeal favourably.

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)

(1) Planning Appeal Statement (2) Architects Drawings (3) Architects Drawings 2 (4) Decision Notice (5) Original Application

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/04925/FUL

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

14/10/2019

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

13/12/2019

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: Dr Susan Smith

Declaration Date: 17/02/2020

Planning Appeal Statement

This report provides the grounds of Appeal against the decision to refuse Planning Permission for the proposed two-storey dwelling at 79 Durham Square, Edinburgh, EH15 1PP – Application no. 19/04925/FUL.

The reasons for the Council's decision to refuse the application were stated as follows:

'The proposal does not comply with policies Hou 1, Hou 3, Hou 4, Des 1, Des 4 and Des 5 of the adopted Local Development Plan and the relevant non statutory guidance. The proposed site is not a suitable location for the erection of a dwelling house and would be damaging to the character and appearance of the surrounding area and wider townscape. There are no material considerations upon which to justify granting planning permission.'

We will address each of the specific reasons in turn.

Reason for refusal 1: *'The proposal is contrary to policy Des 1 of the Edinburgh Local Development Plan as the modern design and the use timber cladding bears no relation to the traditional building materials used in the area. The introduction of a mono-pitched roof in an area characterised by slate, hipped roofs would also be out of character. The proposal would not respect the character and appearance of the surrounding area.'*

Response: It is acknowledged that the proposed dwelling is of contemporary modern design, however, it would be finished in high quality materials and would contrast with the surrounding bungalows in a positive, not detrimental, way. There are examples of this type of intervention and a precedent already set for introducing new dwellings into the existing order in the immediate vicinity e.g. the new dwelling within the garden ground of 38 Mountcastle Drive South.

Reason for refusal 2: *'The proposal is contrary to policy Des 4 of the Edinburgh Local Development Plan in that the sub-division of the garden of No. 79 Durham Avenue would result in the formation of two small gardens which would not be characteristic of the area. The introduction of a mono-pitched roof will be visually prominent given that it will be 50 cm higher than the roofs of surrounding properties and the area is characterised by hipped roofs. The proposal will not contribute positively to the setting of the area.'*

Response: The original dwelling on this site at 79 Durham Square has a brick wall to 1500mm high and mature shrubbery affording privacy to the East garden area. The existing garage/workshop would be removed as part of this proposal. The amenity space of the original dwelling at 79 Durham Square, following implementation of the proposal, would therefore be comparable to the garden amenity space at 1 Durham Square and larger than that at 3 Durham Square. Similar again to the example at 38 Mountcastle Drive South, the proposed new dwelling at 79 Durham Square has private amenity ground at the front of the property. Following the steer towards increased amenity space, the proposed grassed area has now been increased by a further approx. 12m² which still allows sufficient car parking space. The width of the space along the North side of the proposed dwelling has also increased by 1m (with an equivalent reduction in footprint of the dwelling). The existing boundary wall and proposed timber fencing ensure the garden ground is private space. Windows that were proposed in the side elevations have been removed since the initial proposal was made.

The proposed new dwelling has been designed to respect the privacy of neighbours and to ensure the dwelling will not over-shadow existing amenity space. The building is only single storey to the rear to minimise impact and to maintain daylight levels and prevent overshadowing of the garden ground of 77 Durham Square.

Again, it is acknowledged that the proposed dwelling is of contemporary modern design, however, it would be finished in high quality materials and would contrast with the surrounding bungalows in a positive, not detrimental, way. There are examples of this type of intervention and a precedent already set for introducing new dwellings into the existing order in the immediate vicinity e.g. the new dwelling within the garden ground of 38 Mountcastle Drive South.

Reason for refusal 3: *'The proposal is contrary to policy Des 5 of the Edinburgh Local Development Plan as it represents overdevelopment of the site and will prevent opportunities for adaptability for the future needs of different occupiers.'*

Response: In terms of the provision of amenity space and privacy aspects of 'over-development', this is addressed in our other responses within the statement. In addition, whilst the proposal may prevent opportunities for adaptability for the future needs of different occupiers, it may instead better meet their needs, as it does the current occupier/applicant.

Reason for refusal 4: *'The proposal is contrary to policy Hou 3 of the Edinburgh Local Development Plan in that the amenity space put forward for the new development does not make adequate provision for green space to meet the needs of future and current residents. In addition, it is contrary to Edinburgh Design Guidance which expects private gardens to be of a reasonable size, adaptable and designed for a range of functions.'*

Response: As previously stated, the original dwelling on this site at 79 Durham Square has a brick wall to 1500mm high and mature shrubbery affording privacy to the East garden area. The existing garage/workshop would be removed as part of this proposal. The amenity space of the original dwelling at 79 Durham Square, following implementation of the proposal, would therefore be comparable to the garden amenity space at 1 Durham Square and larger than that at 3 Durham Square. Similar again to the example at 38 Mountcastle Drive South, the proposed new dwelling at 79 Durham Square has private amenity ground at the front of the property. Following the steer towards increased amenity space, the proposed grassed area has now been increased by a further approx. 12m² which still allows sufficient car parking space. The existing boundary wall and proposed timber fencing ensure the garden ground is private space.

Reason for refusal 5: *'The proposal is contrary to LDP policy Hou 4 as it disrupts the established character of the area and does not create an attractive residential environment.'*

Response: Once again, it is acknowledged that the proposed dwelling is of contemporary modern design, however, it would be finished in high quality materials and would contrast with the surrounding bungalows in a positive, not detrimental, way. There are examples of this type of intervention and a precedent already set for introducing new dwellings into the existing order in the immediate vicinity e.g. the new dwelling within the garden ground of 38 Mountcastle Drive South.

To conclude, we believe that the proposed new dwelling is not detrimental to the character of the area, that its position respects the building line and that it has minimal, if any, impact on the privacy of neighbours. While it is acknowledged the amenity space of the proposed new dwelling is less than that of the majority of other properties in the area, it is similar to that of precedents such as 38 Mountcastle Drive South. With this in mind, we hope that you consider our appeal favourably.



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 100189289-001

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)

The proposal is to build a single dwelling within the North area of the garden ground of no.79 Durham Square.

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☐ Yes ☒ No

(Answer 'No' if there is no change of use.) *

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:	Niall Young Architecture Ltd.		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Susan	Building Name:	32/12 Hardengreen Business Park
Last Name: *	Smith	Building Number:	
Telephone Number: *		Address 1 (Street): *	Dalhousie Road
Extension Number:		Address 2:	Eskbank
Mobile Number:		Town/City: *	Dalkeith
Fax Number:		Country: *	Scotland
		Postcode: *	EH22 3NX
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> 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: *	Derek	Building Number:	79
Last Name: *	Brodie	Address 1 (Street): *	Durham Square
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH15 1PP
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:

79 DURHAM SQUARE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH15 1PP

Please identify/describe the location of the site or sites

Northing

673136

Easting

330003

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

710.00

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)

Dwelling.

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.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p>	
<p>How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?</p>	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;">1</div>
<p>How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *</p>	<div style="border: 1px solid black; width: 100px; height: 20px; margin: 0 auto;">2</div>
<p>Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).</p>	
<h2 style="margin: 0;">Water Supply and Drainage Arrangements</h2>	
<p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input checked="" type="checkbox"/> Yes – connecting to public drainage network</p> <p><input type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>	
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>	
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>	
<h2 style="margin: 0;">Assessment of Flood Risk</h2>	
<p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>	
<h2 style="margin: 0;">Trees</h2>	
<p>Are there any trees on or adjacent to the application site? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>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.</p>	
<h2 style="margin: 0;">Waste Storage and Collection</h2>	
<p>Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>	

If Yes or No, please provide further details: * (Max 500 characters)

Proposed bin storage area shown on drawing 1795(PA)02A.

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

☒ Yes ☐ No

How many units do you propose in total? *

1

Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.

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

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

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

Signed: Susan Smith

On behalf of: Mr Derek Brodie

Date: 14/10/2019

☒ 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. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Design Statement or Design and Access Statement. * | <input checked="" type="checkbox"/> Yes <input type="checkbox"/> N/A |
| A Flood Risk Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Drainage/SUDS layout. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Transport Assessment or Travel Plan | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Contaminated Land Assessment. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| Habitat Survey. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> N/A |
| A Processing Agreement. * | <input type="checkbox"/> Yes <input checked="" type="checkbox"/> 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: Dr Susan Smith

Declaration Date: 14/10/2019

Payment Details

Pay Direct

Created: 14/10/2019 14:07

Proposal Details

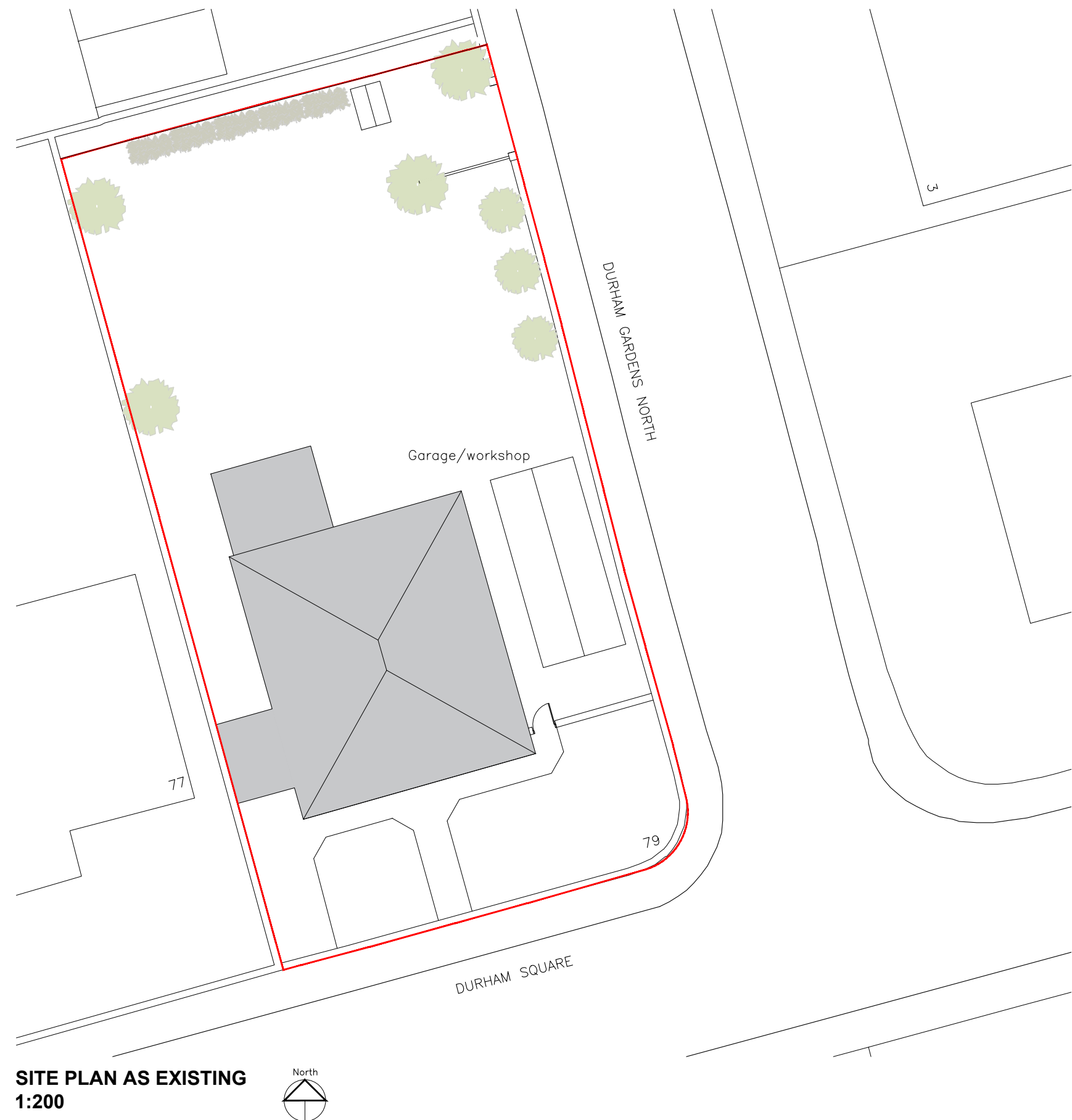
Proposal Name	100189289
Proposal Description	To build a single dwelling within the North area of the garden ground of no. 79.
Address	79 DURHAM SQUARE, EDINBURGH, EH15 1PP
Local Authority	City of Edinburgh Council
Application Online Reference	100189289-003

Application Status

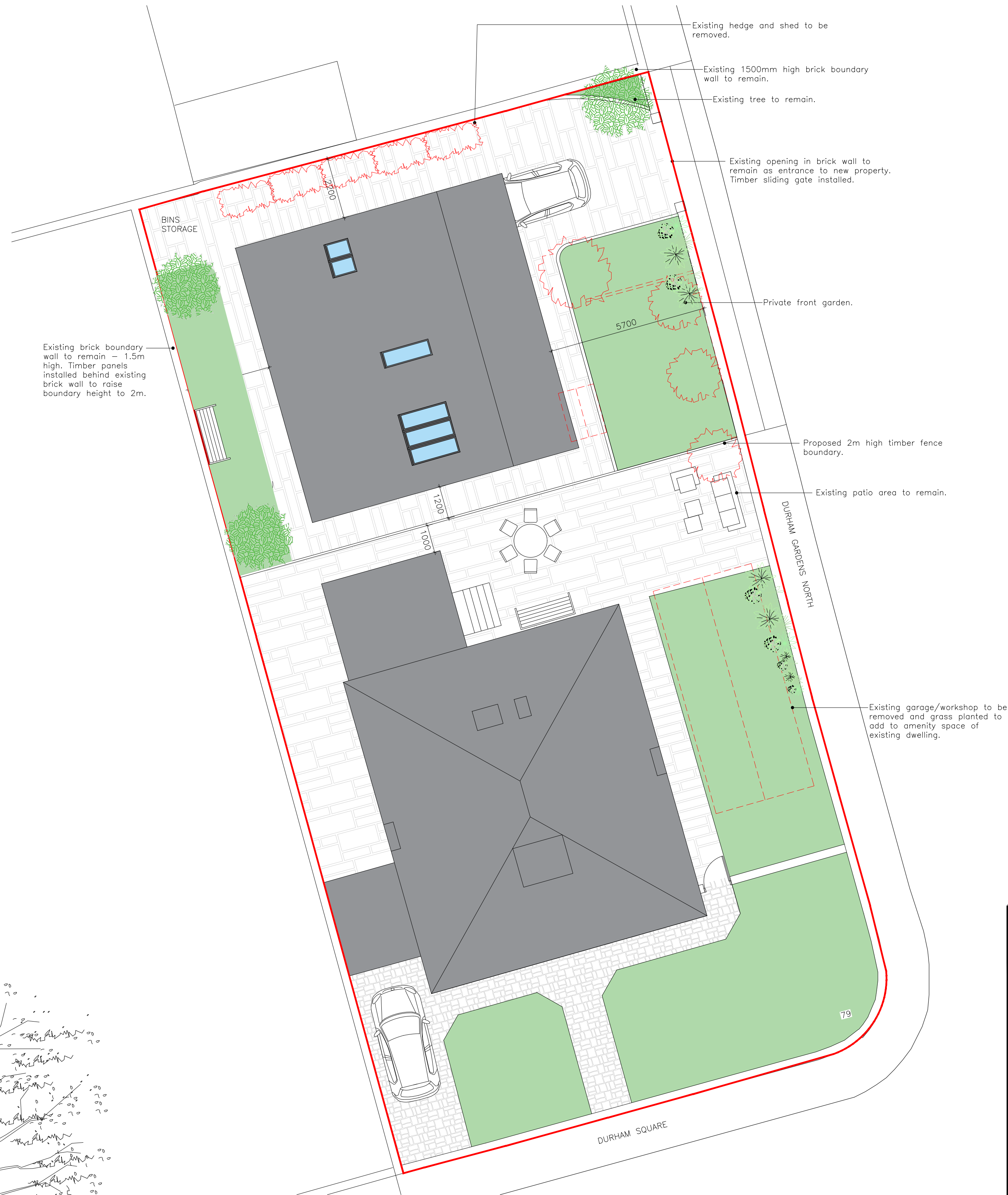
Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Planning Appeal Statement	Attached	A4
Architect drawings	Attached	A1
Architect drawings 2	Attached	A1
Decision notice	Attached	A4
Original Application	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-003.xml	Attached	A0

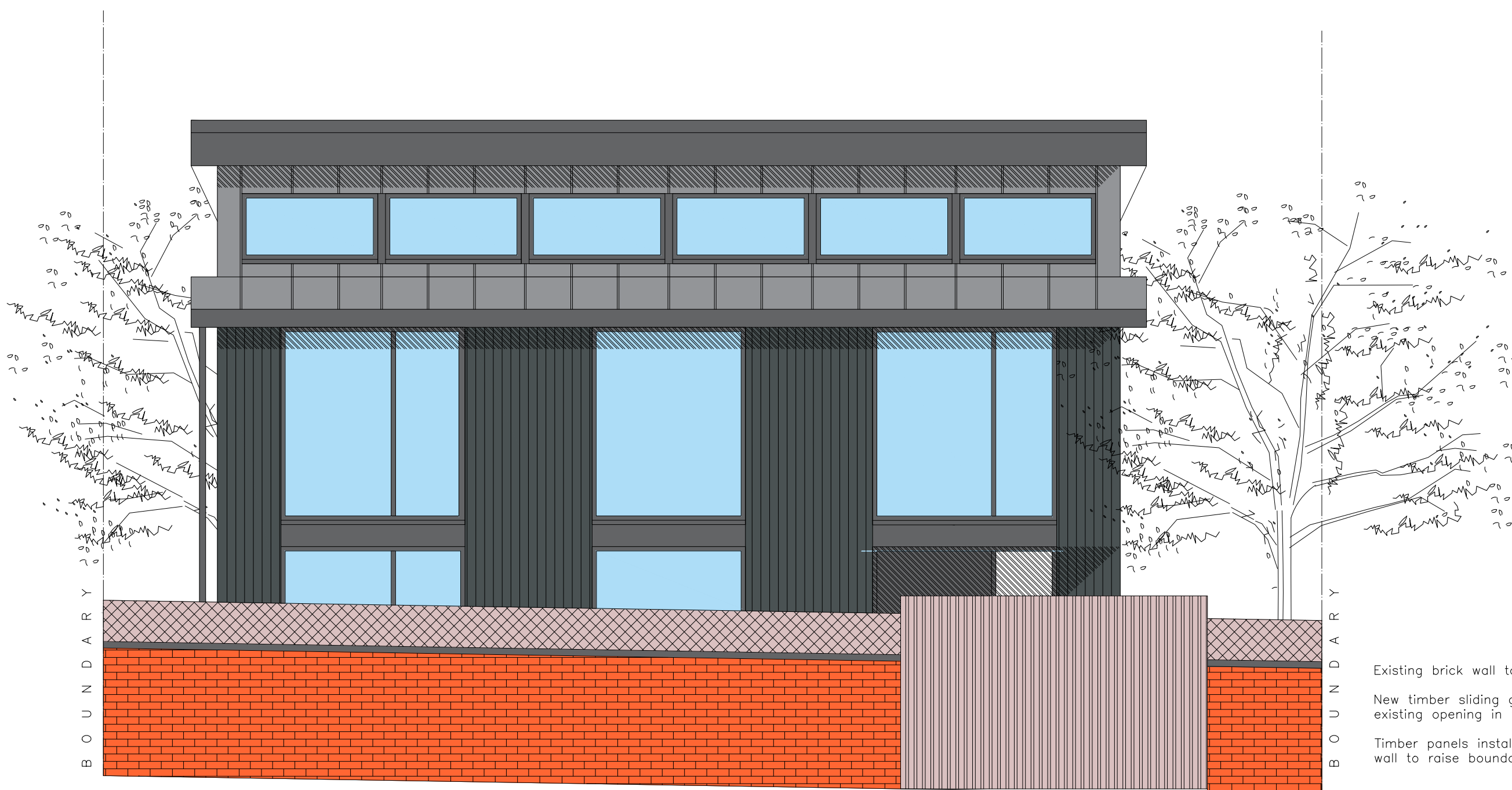
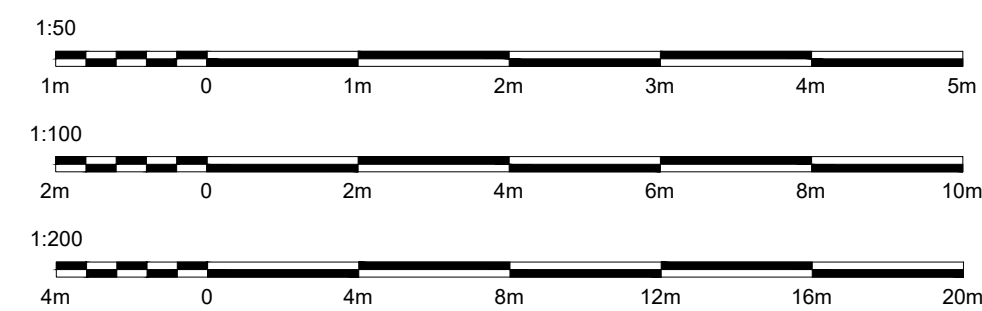


SITE PLAN AS EXISTING
1:200



SITE PLAN AS PROPOSED
1:100

Existing brick wall to remain.
New timber sliding gate to be installed at existing opening in wall.
Timber panels installed behind existing brick wall to raise boundary height to 2m.
FGL - Varies



CONTEXTUAL FRONT ELEVATION AS PROPOSED - VIEWED FROM DURHAM GARDENS NORTH
1:50

SCHEDULE OF MATERIALS
WINDOWS: Triple glazed; black aluminium frame.
ELEVATIONS: Timber vertical boarding, black larch.
ROOF: Sheet metal, zinc standing seam.
RAINWATER GOODS: Metal.

NOTE: THIS DRAWING IS TO READ IN CONJUNCTION WITH DRAWING 1795(PA)01B AND ALL OTHER RELEVANT INFORMATION.

B	Dimensions and distance from boundary amended.	FN	04/12/19
	Grassed area at front of proposed house extended.	SVS	10/12/19
	Position of windows altered.		
A	External wall finish changed from brick to black larch timber vertical boarding on elevation.	SVS	12/09/19
REV	DETAILS	BY	DATE

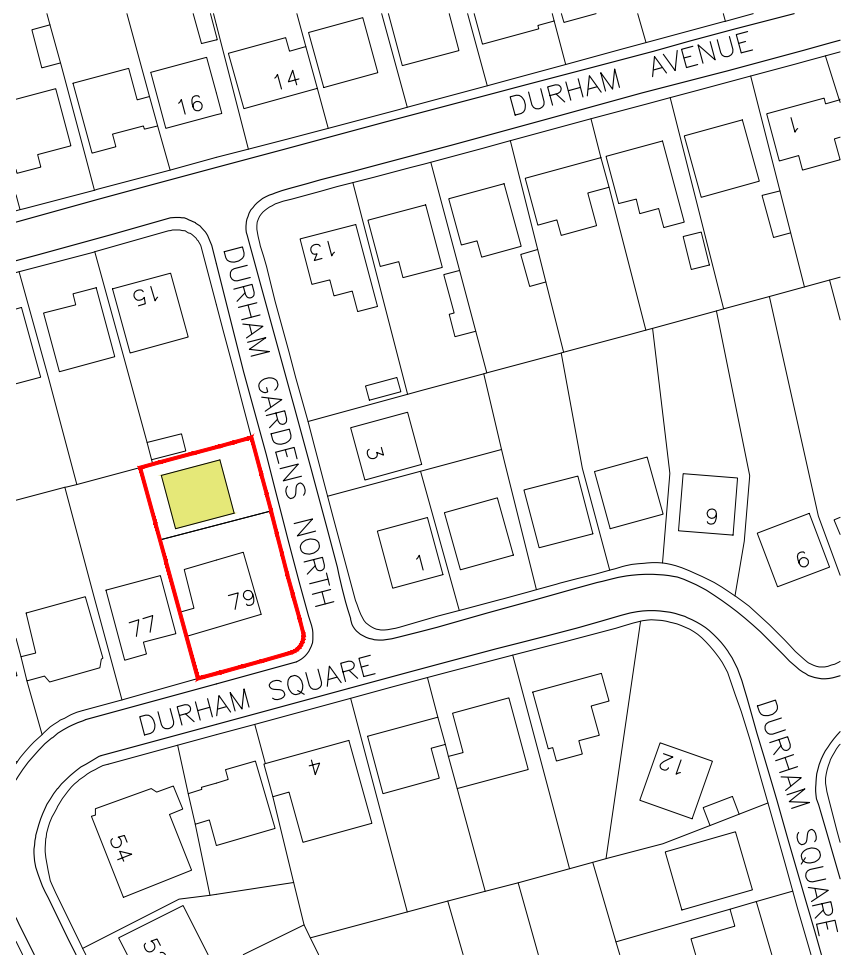
Niall Young ARCHITECTURE LTD.
32/12 Hardengreen Business Park, Dalhousie Road, Eskbank, EH22 3NX
T. 0131 660 6599 E. info@nyarchitecture.co.uk F. 0131 663 8771

PROJECT:
MR & MRS BRODIE
79 DURHAM SQUARE
EDINBURGH
EH15 1PP

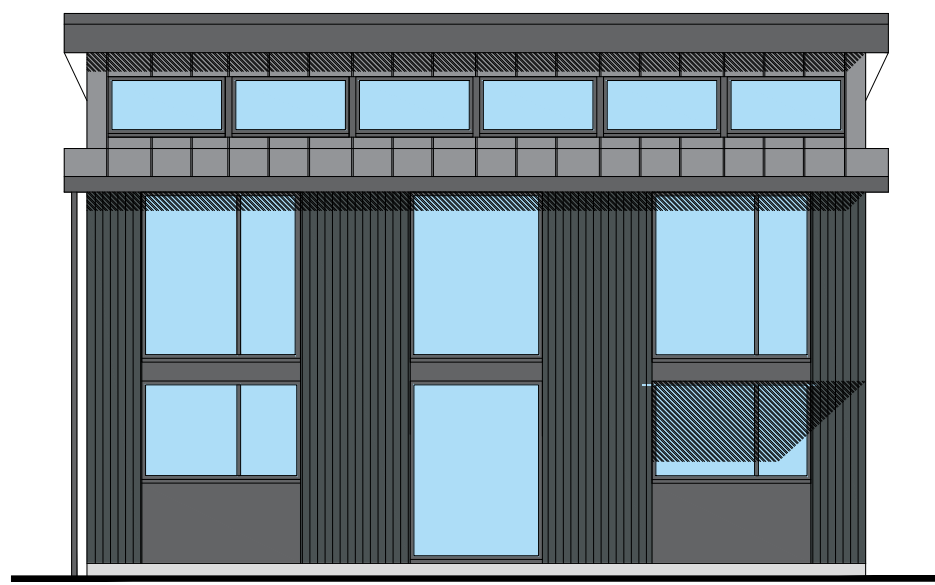
DRAWING TITLE:
SITE PLAN - AS EXISTING/PROPOSED
CONTEXTUAL ELEVATION

Scale	VARIES@A1		Issue status	PA
Drawn	KS	Checked	NSY	Date 10/12/19

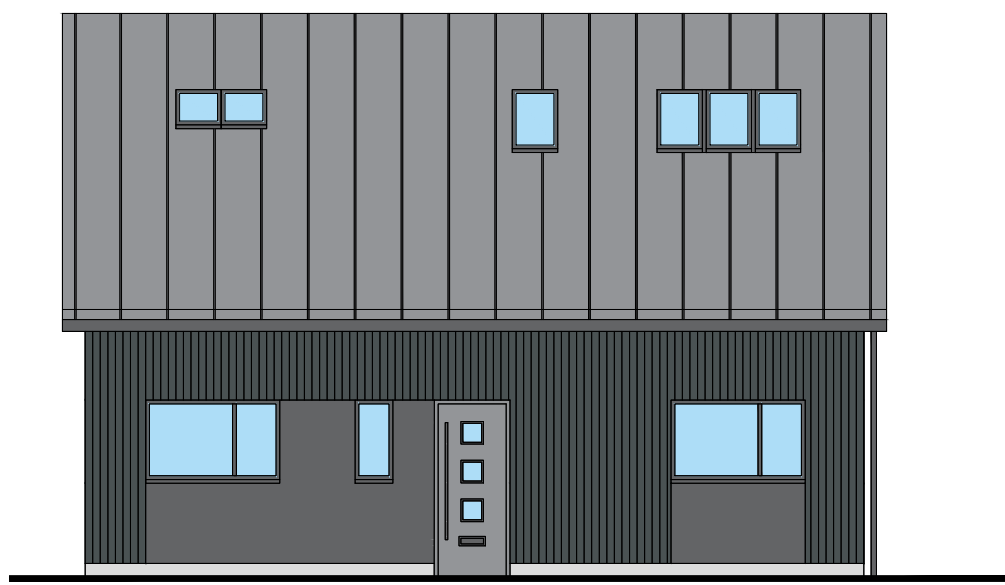
1795(PA)02B



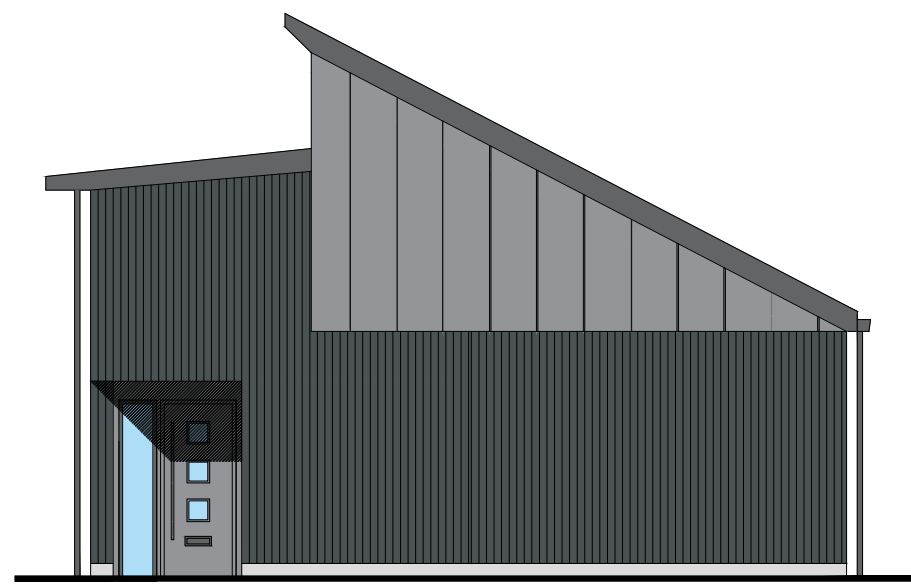
LOCATION PLAN
1:1250



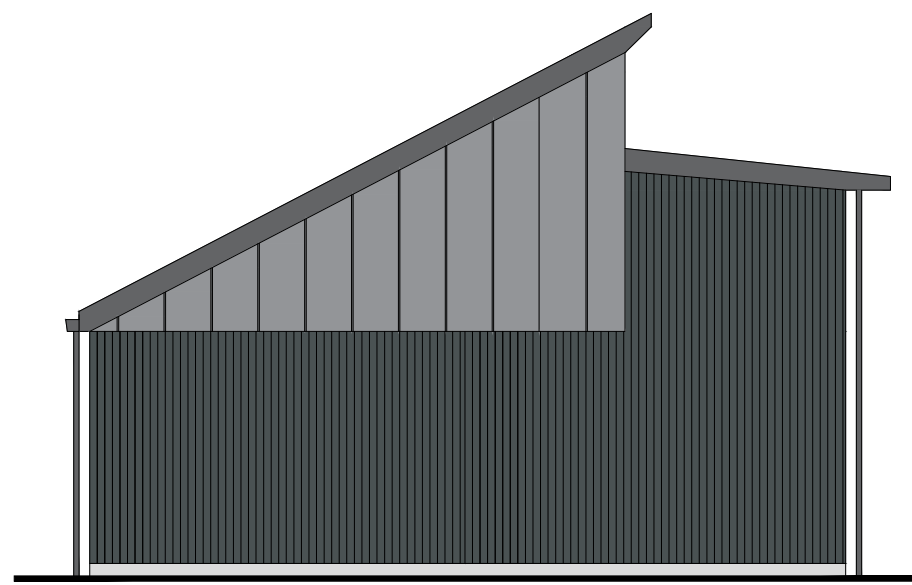
FRONT ELEVATION AS PROPOSED
1:100



REAR ELEVATION AS PROPOSED
1:100



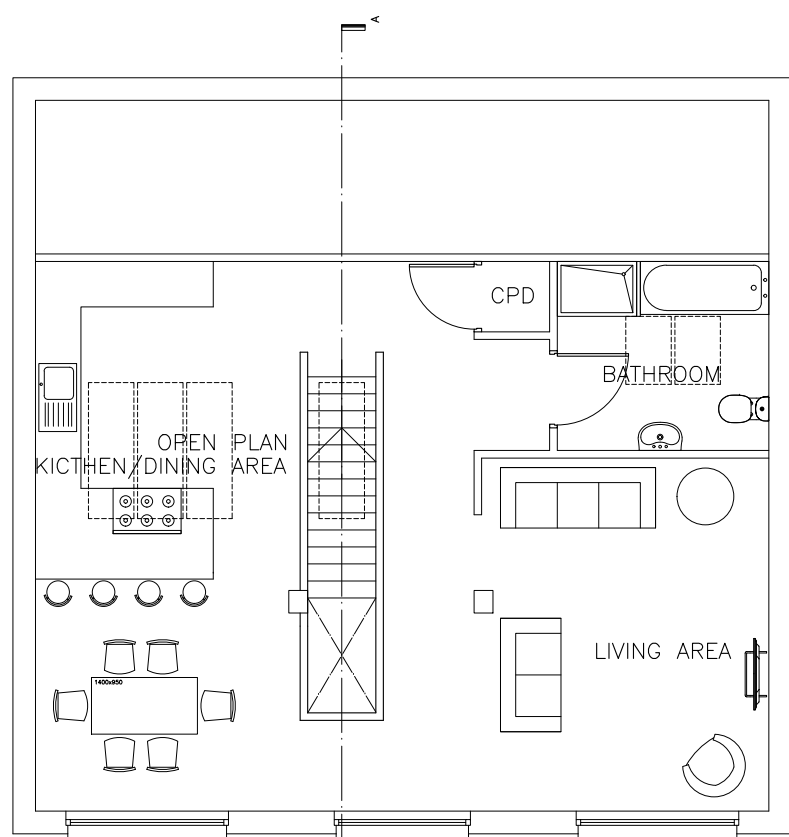
SIDE ELEVATION AS PROPOSED
1:100



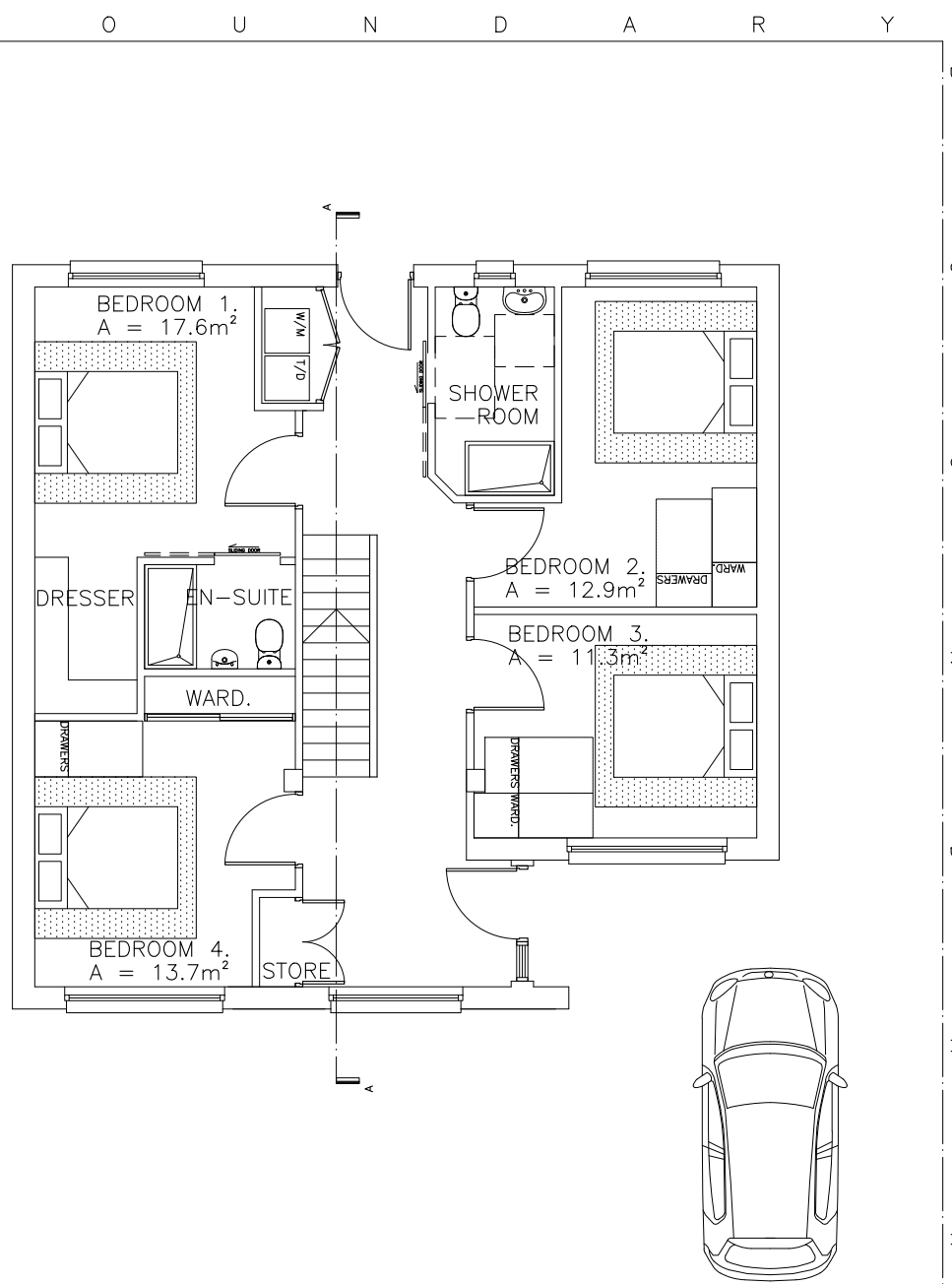
SIDE ELEVATION AS PROPOSED
1:100



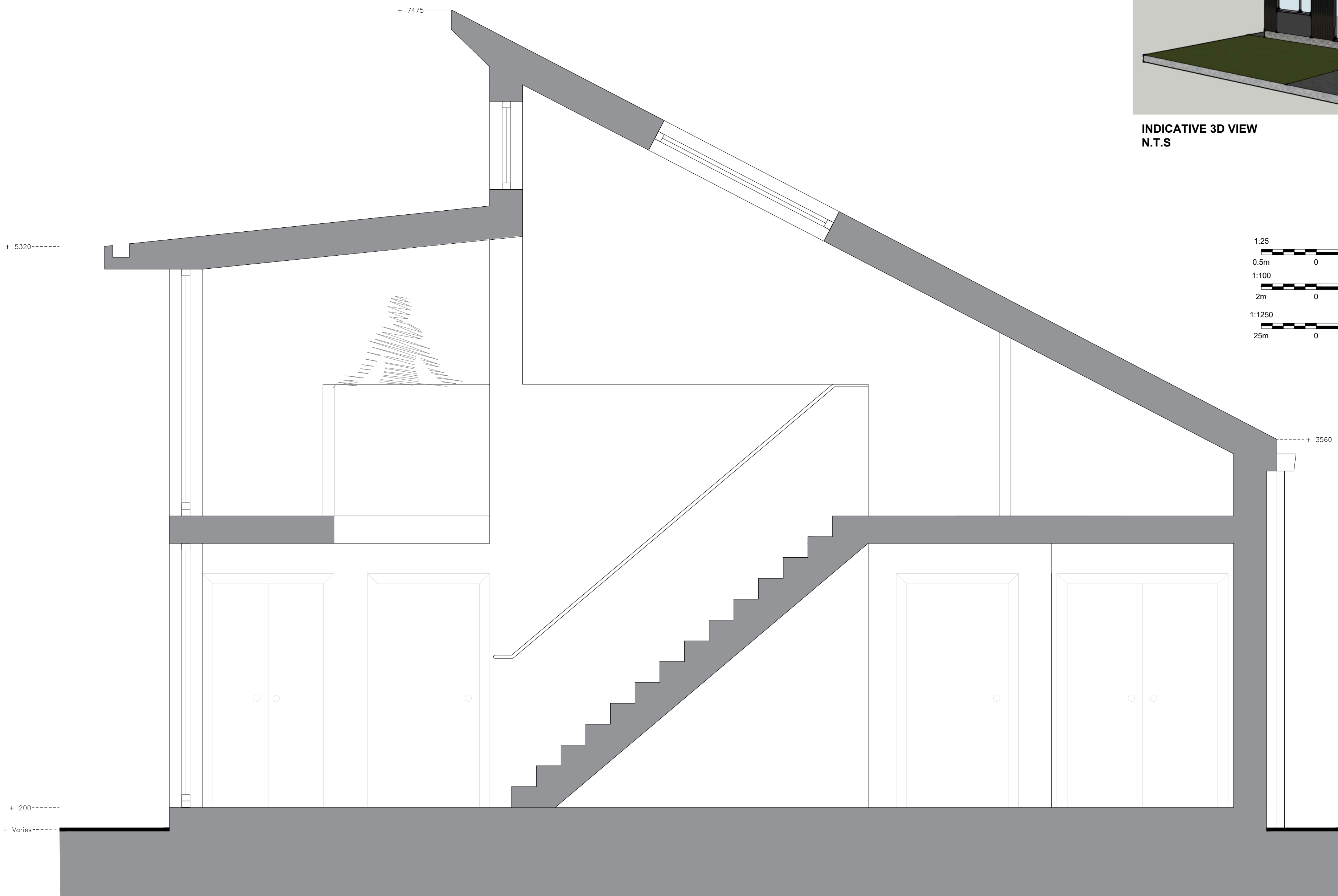
INDICATIVE 3D VIEW
N.T.S



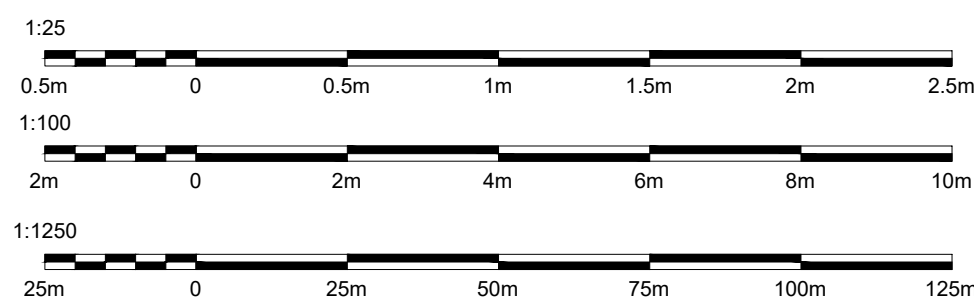
FIRST FLOOR PLAN AS PROPOSED
1:100



GROUND FLOOR PLAN AS PROPOSED
1:100



SECTION AS PROPOSED
1:25



SCHEDULE OF MATERIALS

WINDOWS: Triple glazed; black aluminium frame.
ELEVATIONS: Timber vertical boarding, black larch.
ROOF: Sheet metal.

NOTE: THIS DRAWING IS TO READ IN
CONJUNCTION WITH DRAWING 1795(PA)02B
AND ALL OTHER RELEVANT INFORMATION.

B	Dimensions and layout amended... Option B Windows removed from side elevations. Positions of windows altered.	FN	SVS	04/12/19
A	External wall finish changed from brick and render to black larch timber vertical boarding.		SVS	12/09/19
REV	DETAILS	BY	DATE	

Niall Young **ARCHITECTURE LTD.**

32/12 Hardengreen Business Park, Dalhousie Road, Eskbank, EH22 3NX
T. 0131 660 6599 E. info@nyarchitecture.co.uk F. 0131 663 8771

PROJECT:
MR & MRS BRODIE
79 DURHAM SQUARE
EDINBURGH
EH15 1PP

DRAWING TITLE:
PLAN, ELEVATIONS AND SECTIONS
AS PROPOSED

Scale	VARIES@A1	Issue status	PA
Drawn	KS	Checked	NSY
		Date	10/12/19

1795(PA)01B

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Sorrell Associates.
FAO: Jim Sorrell
The Green House
41 St Bernard's Crescent
Edinburgh
Scotland
EH4 1NR

Mr Iain Gilchrist.
24 Priestfield Avenue
Edinburgh
Scotland
EH16 5JL

**Decision date: 22 November
2019**

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

Construction of a building to replace previous in-situ structures and for its use for Class 11 (leisure) purposes.
At 25 Pepper Bank Edinburgh EH16 4AW

Application No: 19/04874/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 11 October 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 and Enforced** 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:-

1. The proposal is contrary to Policy Ret 8 (Entertainment and Leisure Developments - Other Locations).
2. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context.

3. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas.

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

Drawings 01-03, 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 two-storey building and change of use to class 11 assembly and leisure is contrary to the Edinburgh Local Development Plan in terms of use, design and amenity. There are no material considerations which outweigh this conclusion.

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

Should you have a specific enquiry regarding this decision please contact Lynne McMenemy directly on 0131 529 2485.

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 19/04874/FUL
At 25 Peffer Bank, Edinburgh, EH16 4AW
Construction of a building to replace previous in-situ
structures and for its use for Class 11 (leisure) purposes.**

Item	Local Delegated Decision
Application number	19/04874/FUL
Wards	B17 - Portobello/Craigmillar

Summary

The proposed two-storey building and change of use to class 11 assembly and leisure is contrary to the Edinburgh Local Development Plan in terms of use, design and amenity. There are no material considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LRET07, LRET08, LEMP09, LDES01, LDES05, LHOU07, LTRA02, LTRA03, NSG, NSGD02,
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Report of handling

Recommendations

1.1 It is recommended that this application be Refused and Enforced subject to the details below.

Background

2.1 Site description

The application site is a two storey building within the yard of an established glazing business occupying a site between a four-storey tenemental building and modern flatted residential development on Peffer Bank. The category B listed Craigmillar Brewery building adjoins the yard to the north.

The yard contains a metal framed building housing the main glazing business at equivalent to three storeys in height, a single storey building with a corrugated roof, a small storage and loading area and the two-storey building which is subject to the application. The site is fronted by a combination of brick wall and high steel roller shutters.

The site is within the urban area defined in the Local Development Plan.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application seeks retrospective planning permission for the two-storey structure within the yard of a glazing business and change of use from class 4 business to class 11 assembly and leisure.

The two-storey building is rectangular in shape with a flat roof and is a timber framed construction with steel cladding. The ground floor comprises 33 square metres of studio space with 43 square metres of studio space to the upper floor.

The building adjoins the boundary wall of the tenements and is accessed directly from the street. A window to the upper level overlooks the street with remaining windows and a secondary access on the perimeter with the glazing yard.

The building is currently used by a martial arts instructor on weekdays, evenings and at weekends.

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 principle of development is acceptable;
- b) The design, scale and appearance are acceptable;
- c) The proposal would impact on neighbouring amenity;
- d) The proposal raises issues for parking and road safety; and
- e) Matters raised in representations are addressed

a) Principle

Policy Ret 7 sets out that the preferred location for entertainment and leisure developments is within the city centre, Leith and Granton waterfronts and in town centres.

Policy Ret 8 sets out that permission will be granted for entertainment and leisure developments in other locations provided that all other city and town centre sites have been assessed and discounted; the site is easily accessible by a choice of means of transport; the proposal can be integrated satisfactorily into its surroundings with attractive frontages and high quality design that safeguards existing character; the proposal is compatible with surrounding uses; and will not lead to a significant increase in noise, disturbance and on street activity at unsocial hours to detriment of nearby residents.

The site is within the urban area around 300 metres from Craigmillar Local Centre and does not fall within any of the preferred locations for its use set by policy Ret 7. The applicant has submitted a planning statement stating that there is a lack of accommodation for small scale leisure businesses, with restrictions to retail use in city and town centre locations along with high rents and rates.

The site was formerly part of the gaming business and in class 4 business use and was rented out for class 11 use when it became surplus to requirements. It is unclear therefore whether the current occupier has sought other premises in the preferred locations.

The site has medium public transport access and is served by one bus route running every 30 minutes with additional more frequent service accessible from Craigmillar Mains Road. The site provides no cycle parking.

The two-storey building is industrial in character with a single door access directly from the street and a small window to the upper floor. The majority of the ground frontage is directly behind a high brick wall. When not in use the doorway is covered by high metal roller shutters. The design, though in keeping with the existing main industrial style structure for the glazing business, does not provide an attractive frontage of a high quality design.

The proposal is therefore contrary to policies Ret 07 and Ret 08.

Policy Emp 9 sets out criteria for redevelopment of employment sites or premises in the urban area for uses other than business, industry or storage.

The change of use of part of the glazing yard is not considered to introduce a use which would inhibit the continued operation of the wider site for business use and complies with criteria a) of the policy. However, criteria b) requires the proposal to contribute to regeneration and improvement of the wider area. Whilst the site is small in scale it would fail to bring improvement to the wider area in terms of design.

b) Design

Policy Des 1 sets general criteria for assessing design quality and applies to all developments.

As indicated in a) above the proposal does not provide an attractive frontage to Peffer Bank and nor is the building of a high quality design. Its position behind the grey painted brick wall with little street level presence, fails to add activity or improve the quality of the street. The building's steel cladding and roof give the appearance of a temporary industrial structure and fails to draw upon positive characteristics of the surrounding area or contribute to a sense of place.

The proposal is considered contrary to policy Des 1.

c) Amenity

Policy Des 5 sets criteria for assessing amenity and policy Hou 7 seeks to protect residential areas from inappropriate uses.

The existing class 4 use is defined as being a use which can be carried on in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit.

The application site currently adjoins the wall of the residential tenement building on Peffer Bank and introduces a leisure use which would operate outside of the normal business hours associated with the existing class 4 business use. In addition, access to the development is directly from the street. Whilst the scale of the use is small, the development's location and operation mean that the proposal will have a detrimental impact on living conditions of the neighbouring property. A noise impact assessment

has not been requested a class 11 use is generally not a compatible use in residential areas.

The proposal is contrary to Hou 7.

d) Parking and road safety

Policy Tra 2 requires parking provision to comply with levels in guidance and sets criteria for assessing lower provision. The Edinburgh Design Guidance provides a levels of parking relating to different use classes. For Class 11 it lists a number of larger scale developments but gives no levels for small scale development as proposed.

The proposal does not include any dedicated cycle or vehicle parking. The site is in an area of medium public transport access and within 5 minutes walk of a number of bus routes on Niddrie Mains Road. No information has been given as to how customers are expected to travel to the premises or likely numbers, however the size of the premises mean that the development is unlikely to generate a significant amount of additional vehicular traffic.

e) Representations

Five letters have been submitted in support of the application raising the following non-material issues:

- No noise has been evident from the current use as a martial arts studio
- Users arrive by bike or public transport
- Use of the open space opposite the site generates more disruption
- Lack of affordable units to operate premises from in east Edinburgh
- Martial arts business offers services to the community
- Existing glazing business is supported and operated without disturbance

Conclusion

The proposed two-storey building and change of use to class 11 assembly and leisure is contrary to the Edinburgh Local Development Plan in terms of use, design and amenity. There are no material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to Policy Ret 8 (Entertainment and Leisure Developments - Other Locations).
2. The proposal is contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context.

3. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas.

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

Five letters have been submitted in support of the application.

Background reading / external references

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

**Statutory Development
Plan Provision**

Date registered 11 October 2019

**Drawing
numbers/Scheme** 01-03,

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

Contact: Lynne McMenemy, Senior Planning Officer
E-mail:lynne.mcmenemy@edinburgh.gov.uk Tel:0131 529 2485

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Ret 7 (Entertainment and Leisure Developments - Preferred Locations) identifies the City Centre, at Leith and Granton Waterfront and town centres as the preferred locations for entertainment and leisure developments.

LDP Policy Ret 8 (Entertainment and Leisure Developments - Other Locations) sets out the circumstances in which entertainment and leisure developments will be permitted outwith the identified preferred locations.

LDP Policy Emp 9 (Employment Sites and Premises) sets out criteria for development proposals affecting business and industrial sites and premises.

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

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

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.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings, parking, streets and landscape, in Edinburgh.

Appendix 1

Consultations

No Consultations received.

END

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. Lynne McMenemy

From John A Lawson
Archaeology Officer

Your ref 19/04874/FUL

Date 5th November 2019

Our ref 19/04874/FUL

Dear Lynne,

25 Peffer Bank

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the construction of a building to replace previous in situ structures and for its use for class 11 (leisure) purposes.

The site occupies the SW corner of the former Drybrough Brewery constructed on the site at the end of the 19th century and as such it occurs within an area of 'industrial' archaeological interest. Historic maps however do not show any original buildings in this area. Therefore, given this and the likely significant scale of modern disturbance caused by 20th century buildings on the site, it has been concluded that it is unlikely that this development will have an archaeological impact.

Please contact me if you require any further information.

Yours faithfully

John A Lawson

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

Planning department
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

Ref: IG-1111/19

Date: 11th November 2019

To whom it may concern,

Re: 19/04874/FUL 25 PefferBank Edinburgh Mr. Gilchrist

It has come to our noticed (local community) that the workshop at 25 Pefferbank may have to be closed, this has surprised us all, as it is used by many local people for fitness, martial arts and self-defence classes.

It caters for teenagers, woman and adults, sometimes these people come along to gain self-confidence/self-esteem in an crime fuelled area, or just want to keep fit and loose a few pounds, even at my age I love the self-confidence the martial arts give me. My wife after a recent heart-attack uses this facility for keep fit, we have met some nice people mostly from the Niddrie, Peffermill, prestonfield and Duddingston area.

We do believe that closing this community facility down would be yet another blow to the area, I know we would miss it greatly and without travelling miles there is nothing similar around here.

The unit is safe well maintained clean and tidy, it has strict opening & closing time and we are always thoughtful and considerate when arriving or leaving the premises, as it's only a small number of people we normally car share, for the ones who aren't close enough to walk there to keep noise and pollution down to a minimum.

I hope you can reconsider keeping this community unit open as it benefits the area in so many positive ways.

Regards


Kenneth Ross Mistr

8 Kings Meadow
EH165JW

Building Standards
11 NOV 2019
Planning &

19/04874/FUL 3

Priestfield gardens

Edinburgh

EH 16 5 JN.

Planning

11 NOV 2019

Building Standards

Planning Section

City of Edinburgh Council
Waverley Court

4 East Market Street
Edinburgh

25 Pepper Bank Edinburgh - online ref 100085783-001

Dear Sir / Madam

I am writing in support of the application, in retrospect, for the construction of a building replacing the previous in-situ structures and its use for class II (leisure) purposes.

I have known Mr Gilchrist on a professional and personal basis for over twenty five years. He, through his business, has installed new double glazing in three properties I have owned. This work has been done on a very satisfactory manner.

Mr Gilchrist has run his business for over twenty five years at Pepper Bank retaining employment and investment in the area. I am not aware of any nuisance caused to neighbours by his operation, and I firmly believe he displays the traits of being both a good employer and neighbour.

This application if consent is given, will return a well-run and maintained property in the area. Due to his main operation being subject to intense competition he no longer requires all the space and, in this respect, it helps to continue the viability of the site as a commercial

1
satisfaction of making the proposed changes in the site.
I do hope the Council will be able to
accede to this application and grant
consent.

Yours faithfully

A large black rectangular box redacting the signature of the sender.

19/04/874/FUL

LMc

Carla Deponio
3 (3F2) Pepper
Place
EDINBURGH
EH16 4BB

Head of Planning
The City of Edinburgh Council
Council HQ
Waverley Court
4 East Market Street
EDINBURGH

3 November 2019

Building Standards
11 Nov 2019
Planning &

Dear Sir

EBS Glass- 25 Pepper Bank Edinburgh EH16 4AW

As a near neighbour of these premises, I have been informed that due to an oversight the proprietors did not make a planning application for improvements they carried out within the building for the required consent and are now in the process of making a retrospective application.

I am writing to request that the Council are sympathetic to the error and I am writing to confirm:-

EBS Glass is long established local firm

It is an employer which provides income to the local economy

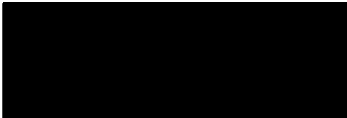
The firm is environmentally aware and clears up business waste appropriately and has also uplifted and disposed of rubbish casually dumped in Pepper Bank.

I am not aware of any nuisance caused by this company to local residents.

This might not be relevant but when I moved into my flat one of my window handles was broken and Ian (I don't know his surname) came along to my flat and supplied and fitted a new handle without charge saying he was being neighbourly.

I support this business and hope it continues to prosper.

Yours faithfully

A solid black rectangular box used to redact the signature of the sender.

C L Deponio

19/04/874/FUL .

Planning &
11 NOV 2019
Building Standards

Ben Fletcher
35/20 Pepperbank
Edinburgh
EH16 4FE
07908482165
fletcher_ben@outlook.com

To whom it may concern,

My name is Ben Fletcher, and I am the owner of CVA Jiu-Jitsu, which currently operates out of the unit at 25 Pepperbank, Edinburgh. We offer martial arts and wellness classes, such as Brazilian Jiu-Jitsu and Yoga, for kids and adults.

We are proud to bring people from all over the city together (as well as visitors from all over the world), to encourage them to make positive changes in their lifestyles with regards to physical and mental health. Due to this, we hope that we are considered an asset to the city.

Long term, we hope to be able to offer these services (and more) in a larger facility, where we can service a broader cross-section of the city, as well as becoming a job creating enterprise.

In order for this to happen, access to a unit like the one we currently operate in, is imperative. As a business, we have encountered difficulty securing units in the East Edinburgh area which are affordable at our current size. Our current unit offers an affordable option which will allow us to expand over the coming months/year, giving us a great opportunity to grow, and begin to achieve the goals we have set.

If there are any further questions regarding what we do, or the importance of the unit to us, please contact me at fletcher_ben@outlook.com.

Kind regards,

Ben Fletcher.

H.A. WEST
MEDICAL Ltd

H. A. West Medical Ltd
25 Pepper Bank
Edinburgh
EH16 4AW

Pn. 0131 656 9424
Fx. 0131 656 9485

06-11-2019

To Whom it may Concern.

Ref: 19/04874/Ful. 25 Pepper Bank. Mr. I Gilchrist.

LMCM/
Locals 2

To Whom it may Concern.

At H A West Medical, we have to provide a 24/7 call out service to hospitals and care homes. As a result of this I am quite often on site at Pepper Bank out with normal office hours. These hours can coincide with those of the Marshall arts and karate clubs. In the years that we have had premises on site At no time can I ever remember being made aware of their presence by noise either verbal or music, while on site or arriving or leaving afterwards. Most attendees that I have talked to have arrived by bicycle or bus, and on occasions I have allowed them access to store their bicycles in the dry in our workshop.

Where I have been inconvenienced and annoyed is when the footballers are in the park opposite, the kids are fine, but the street is jammed by inconsiderate parking on all sides. I have had to ask that the children do not use the roller shutter doors as goals, but as of yet have not managed to curb the disgusting habit of throwing their partially eaten food and drinks out of their parents car windows prior to leaving.

It is ourselves and other work colleagues that are left to sweep the street the next morning in an effort to prevent foot fall on our office and workshop flooring.

We like many businesses are struggling to keep our heads above water, were it not for the likes of Mr. Gilchrist Offering affordable premises to small businesses we would certainly have had to close by now.

If I had ever heard any noise or commotion I would be the first to complain, but I simply have not.

Yours Sincerely

Andrew Thomson

Andrew Thomson.

Director H.A. Medical Ltd.

Planning &
12 NOV 2019
Building Standards



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 100235747-001

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:

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="Iain"/>	Building Number: <input type="text" value="24"/>
Last Name: *	<input type="text" value="Gilchrist"/>	Address 1 (Street): * <input type="text" value="Priestfield Avenue"/>
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="EH16 5JL"/>
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="25 PEFFER BANK"/>
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="EH16 4AW"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="671781"/>	Easting	<input type="text" value="328714"/>
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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)

Construction of a building to replace previous in-situ structures and for its use for Class 11 (leisure) purposes

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 Planning Appeal Statement

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)

Location Plan; Site Plan & Elevation Drawing; Floor Plans & Elevations Drawing; Photo of previous buildings; Planning Application Statement; Report of Handling; Decision Notice; Planning Appeal Statement; Letter from Building Occupier; Relevant Planning Policies

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

19/04874/FUL

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

10/10/2019

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

22/11/2019

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)

As this is a retrospective application a site inspection will enable LRB panel members to see the building first hand. This will enable them to appreciate the setting of the building within an industrial site, its small scale relative to the principal industrial building on site and the adjacent tenement; its complementary design relative to the principal industrial building; its relative seclusion behind the boundary wall; and the low key nature of the leisure use being carried on.

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 Jim Sorrell

Declaration Date: 21/02/2020

Proposal Details

Proposal Name	100235747
Proposal Description	Construction of a building and its use for Class 11 leisure purposes
Address	25 PEFFER BANK, EDINBURGH, EH16 4AW
Local Authority	City of Edinburgh Council
Application Online Reference	100235747-001

Application Status

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

Attachment Details

Notice of Review	System	A4
Drawing 1 Site Plan and Street Elevation	Attached	A3
Drawing 2 Floor Plans and Elevations	Attached	A3
Planning Application Statement	Attached	Not Applicable
Council Officers Report of Handling	Attached	Not Applicable
Decision Notice 22 November 2019	Attached	Not Applicable
Planning Appeal Statement	Posted	Not Applicable
Relevant Development Plan Policy	Attached	Not Applicable
Statement by occupier of the building	Attached	Not Applicable
Screenshot of previous building on site	Attached	Not Applicable
Site Plan	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

Ben Fletcher
35/20 Pefferbank
Edinburgh
EH16 4FE
fletcher_ben@outlook.com

To whom it may concern,

My name is Ben Fletcher, and I am the owner of CVA Jiu-Jitsu, which currently operates out of the unit at 25 Pefferbank, Edinburgh. We offer martial arts and wellness classes, such as Brazilian Jiu-Jitsu and Yoga, for kids and adults.

We are proud to bring people from all over the city together (as well as visitors from all over the world), to encourage them to make positive changes in their lifestyles with regards to physical and mental health. Due to this, we hope that we are considered an asset to the city.

Long term, we hope to be able to offer these services (and more) to a broader cross-section of the city, as well as becoming a job creating enterprise.

In order for this to happen, access to a unit like the one we currently operate in, is imperative. As a business, we have encountered difficulty securing units in the East Edinburgh area which are affordable at our current size. Our current unit offers an affordable option which will allow us to expand over the coming months/year, giving us a great opportunity to grow, and begin to achieve the goals we have set.

Our classes do not involve loud music, or use heavy equipment, and due to the limited space, efforts are always made to keep class numbers relatively small. Therefore, we do not feel as though we cause much of (if any) a disturbance to neighbouring residencies.

If there are any further questions regarding what we do, or the importance of the unit to us, please contact me at [REDACTED]

Kind regards,

Ben Fletcher.

**25 PEFFER BANK
EDINBURGH EH16 4AW**

**Statement in Support of a Planning
Application, in retrospect**

**Construction of a building replacing
previous in-situ structures and its
use for Class 11 (leisure) purposes**

On behalf of:

Mr Iain Gilchrist

10th October 2019

Sorrell Associates
planning | development | consultancy

The Green House
41 St Bernard's Crescent
Edinburgh EH4 1NR
Tel: 0131 343 3643
www.sorrellassociates.co.uk

INTRODUCTION

1. This Statement is in support of a planning application by Mr Iain Gilchrist seeking planning permission in retrospect for the construction of an existing building at 25 Pepper Bank, Craigmillar and for its use for leisure purposes (Class 11).
2. The building is located within the yard space associated with the adjacent large industrial premises at 27 Pepper Bank from which Mr Gilchrist has operated a longstanding and successful glazing business, trading as EBS Glass & Glazing, since he acquired the holding in 1991. The extent of ownership is shown by the red and blue lines on the submitted location plan and site plan.
3. The building subject of this application is of two storey timber-framed construction whose walls and roof are clad with profiled steel sheeting. It is coloured black with white window frames and the cladding has a corrugated appearance similar to that of the larger building at no27.
4. It is positioned on the east side of the yard adjacent to the gable-end wall of the adjacent four-storey tenement block and it extends to the same depth. The building is structurally separate and freestanding from the gable with the exception of the cladding which touches the tenement wall.
5. The building was constructed in June 2015 and replaced a double-height portacabin that had been positioned in the same part of the yard since 1994.
6. It stands on the same brick base which was constructed for the portacabins to achieve a level foundation across the sloping yard. It also has the same water and drainage connections to the public supply previously established for the portacabin.



Fig 1 - View from the street. The top of the building is visible above the wall

7. Mr Gilchrist had presumed that as the new building was of similar footprint, scale and massing as the portacabins that it would not need planning permission.
8. The building is set behind a high brick wall along part of the street frontage and boundary security has been enhanced by installing steel roller shutters of similar height to the wall across the remaining frontage to ensure security to the building's entry door and to the yard (see Fig 1).
9. The portacabins had been used for office and storage space associated with the adjacent industrial business and this was the initial purpose of the current building. However it became surplus to the requirements of the business and, in order to achieve a continuing useful purpose for the building, it was made available for alternative use with scope for two separate occupiers on ground and first floor studios.
10. Under this arrangement the building now operates independently from the adjacent industrial business. Entry to the building is by a doorway direct from the street and its occupants have no use or access to the yard. This is reflected by the red-line application boundary comprising only the building footprint. The only continuing relationship is a waste management arrangement shared with the glazing business.
11. In June 2019 occupation of the two units was commenced by a martial arts instructor and a dance tutor. These are sole practitioners who run classes for small numbers of clients and who have a particular requirement for small premises such as at Pepper Bank.
12. In August 2019 the Council's planning enforcement team issued correspondence declaring that unauthorised development had taken place and required resolution.
13. Mr Gilchrist had not previously appreciated the situation regarding unauthorised development and he wishes to regularise the situation with the Council. In that regard he appointed Sorrell Associates to represent him.
14. Correspondence has been exchanged with Mr Peter Martin of the Council enforcement team by which it was agreed that a retrospective planning application would be submitted and with any enforcement action held in abeyance in the meantime.
15. The current planning application therefore seeks approval for:
 - Construction of the building, and
 - Use for Class 11 leisure purposes
16. The proposed building is as described above and illustrated on the following drawings submitted with the application, prepared by REM Associates:
 - Location Plan
 - Site Plan / Street Elevation (ref 90.01)
 - Plans / Sections / Elevations (ref 100.01)

17. Regarding the proposed Class 11 use, the dance tutor has now ceased occupation of the premises and it is proposed that the martial arts instructor will take occupation of the whole building should planning permission be granted. This is explained further below at paras 51-52.
18. Despite development having taken place without prior approval, we consider that planning permission is merited in retrospect in the context of Council planning policy and guidance as detailed below.

COMPLIANCE WITH LOCAL DEVELOPMENT PLAN AND COUNCIL GUIDANCE

19. Section 25 of the Town and Country Planning (Scotland) Act 1997, as amended 2006, requires that planning decisions are made in accordance with the development plan unless material considerations indicate otherwise.
20. The development plan consists of the Edinburgh Local Development Plan (LDP), which was adopted in November 2016 and relevant guidance is provided in the Council's Design Guidance (Oct 2017).
21. We consider that planning permission is justified by consideration of four principle matters addressed by planning policy, as follows.

1. Compatibility with Industrial Businesses

22. ***Policy Emp9 'Employment Sites and Premises'*** states that a proposal to redevelop existing employment sites or premises for uses other than business, industry or storage will be permitted provided it will not prejudice or inhibit the activities of any nearby employment use.
23. In this case the building is located within the yard which is used by EBS Glass in the adjacent premises at no27 Pepper Bank and the associated storage / garage premises at the rear of the yard. Before the building was constructed in 2015 there had been a double-level portacabin in the same part of the yard since 1994. A photo of the portacabin, downloaded from Google Street View, is submitted with the application to illustrate its appearance (see submitted photo).
24. The portacabin was of similar footprint, height, scale and massing as the current building which is of similar appearance, if slightly larger. The existence of the portacabin since 1994 means there has been a longstanding presence of a building in this part of the yard which became an established part of the site's character and relationship with surrounding buildings. These aspects are now continued with the current building.
25. The building and the portacabins were previously used for storage and office space in association with EBS Glass. However the building became surplus to the requirements of the business and the introduction of the alternative leisure uses was therefore a direct

consequence of changes in the operational requirements of the glazing business. , which is directly managed by the applicant.

26. Regarding the yard space required by the glazing business, the presence of a building here has been established for 25 years during which time the available space in the yard has proved ample for its continuing efficient operation. Now the building is in separate occupation, its occupants do not use the yard for access or servicing which ensures there is no conflict between the respective businesses.



Fig 2 - View of building from rear of yard

27. The applicant's principle interest in the site has been as owner and manager of EBS Glass and the building subject of this application is wholly ancillary to the glazing business. It was his decision that the building was no longer required for the glazing business and to release it for alternative use.
28. Accordingly there can be no question that its use for class 11 purposes in any way inhibits or causes prejudice to the successful continuation of the adjacent glazing business. This position is ensured as he retains ownership of the building and controls its use and occupation as landlord. Policy Emp9 is therefore satisfied.

2. Appropriate Location for Class 11 Leisure Use - Sequential Test

29. ***Policies Ret7 and Ret8 'Entertainment and Leisure Developments'*** confirm that the Council's preferred location for leisure uses is either within the city centre or at the various town centres across the city. Policy also requires that a 'sequential test' should be carried out to demonstrate there are no suitable and available premises within the identified centres before an out-of-centre location is considered.
30. However this requirement is qualified at para 253 of the LDP which states that the sequential approach should apply to '*leisure uses such as cinemas, theatres, restaurants, night clubs, ten pin bowling, bingo halls and soft play centres*'. In our view it is notable that all these types of leisure uses are of significant commercial scale requiring buildings

offering a large amount of floorspace and with facilities to accommodate the generation of high customer flows with associated traffic, parking, etc.

31. By contrast, the size of the building and the scale of leisure operator at Peffer Bank is much smaller than those addressed by policies Ret7 and Ret8. The submitted drawings show that the building provides two small studios of 33sqm and 43sqm which would only be appropriate for individual instructors or tutors with a small number of clients.
32. This is borne out by the occupiers who took residence in June 2019 which were a martial arts instructor and a dance tutor. Both were sole practitioner businesses who run small classes although the dance tutor is no longer present and the sole occupant will now be the martial arts instructor (see paras 51-52).
33. We understand there is a significant under-supply of premises in Edinburgh suitable for small scale leisure businesses of this nature, particularly for start-up businesses. Units in town centres are generally targeted at retail shops and often have planning restrictions on their use. Rents and rates are also too high for individual or small-scale sports and leisure instructors. Such practitioners therefore often need to search out vacant office, business or industrial premises.
34. We consider that the sequential test and town-centre-first approach is not always compatible with small leisure operators of this nature and that encouragement should instead be given to provide buildings in alternative locations which can offer a smaller scale of accommodation required with affordable rents. The building at Peffer Bank is ideal in this regard.

3. Transport and Amenity Considerations

35. Policy Ret8 sets three further criteria for leisure uses to be considered acceptable in out-of-centre locations.

Ret8 b) - 'the site is easily accessible by a choice of means of transport and will not lead to an unacceptable increase in traffic locally'

36. Bus routes - The premises at 25 Peffer Bank is accessible by a number of bus routes. The nearest bus stop is on Duddingston Road West within 100m of the site with further stops on Peffermill Road less than 200m away. These are served by nos 2, 14, 30, 42 and N30 bus routes.
37. Parking - The site is located within the urban area and is easily accessible by car. There is no off-site parking provided at the site but on-street parking on Peffer Bank is unrestricted and freely available.
38. Given the small scale of the building it is anticipated that the leisure occupiers will have relatively few clients in any tuition session such that traffic and parking will only increase

marginally. This is borne-out by the experience from the initial occupiers since June 2019.

39. The martial arts instructor advertises classes during afternoons (including weekends) and midweek evenings. Availability of on-street parking may vary according to time of day as the street has a mix of residential properties and industrial / business premises. For instance during the working day when the glazing factory is active there will be commercial vehicles parked on-street. However these will not be present during evenings and weekends, freeing up parking space for other users, including residents and any clients of the subject premises. Also local residents who drive to work will free up on-street parking spaces during the day and will return during evenings.
40. It is pertinent that Peffer Bank is a cul-de-sac and so has a relatively traffic-calmed environment with no through-traffic. On-street parking is complemented by a number of parking spaces provided within the recent residential development at the west end of the road. Additional on-street parking is also available within short walking distance in the streets to the east of Duddington Road West.
41. It is notable that the grassed recreation ground immediately in front of the site is used for junior football matches which can attract a significant number of participants and spectators, generating a large number of cars and other vehicles, particularly during the summer. This results in large numbers of vehicles being parked in Peffer Bank and surrounding streets. By contrast the use of the subject building would generate a negligible number of vehicle movements.
42. Cycling - the premises are easily accessible by bicycle. There is no designated cycle parking or storage but a small number of bikes could be accommodated within the building by arrangement with the operators, or parked on-street.

Ret c) - 'the proposal can be integrated satisfactorily into its surroundings with attractive frontages to a high quality of design that safeguards existing character'

43. The site has an industrial character having been used in association with the adjacent glazing business for nearly 30 years and previously as a recycling depot. The setting of the proposed building is particularly influenced by the glazing factory at no27 which is of substantial height and massing, prominent blue colour steel cladding with a corrugated effect, and prominent corporate advertising.
44. The subject building also has the character of an industrial building and complements the glazing factory with its steel cladding which also has a corrugated effect. It is not of high architectural standard but is a functional building suitable for an industrial site, and which also complements its wider setting.
45. The four storey tenement to the east also influences the setting, being of considerably greater height than the subject building. To the rear of the site is a disused brewery

building which is also of substantial height and bulk, and is currently subject of proposals for flatted redevelopment.

46. The subject building is of two storeys and is subservient to all immediately neighbouring buildings. Its depth from front to back is the same dimension as the adjacent tenement, and continues the same building line, in conformity with the Council's Design Guidance regarding the positioning of buildings within a site (p45).
47. Its location in-between tall buildings on three sides results in limited visibility of the building being possible. It can only be seen from the front and this view is also constrained due to the brick wall and security shutters along the street frontage. The shutters across the front of the yard are generally kept closed which results in only the top section of the building being visible. The heavy tree presence directly opposite the site within the recreation ground also screens the site in views from Peffermill Road.



Fig 3 - View of Building from the front, located between the glazing business and tenement and set behind security shutters

48. For all the above reasons we consider the building has an appearance suitable for its setting and in the context of neighbouring premises. This also satisfies the Council's policies regarding design principles (see section 4 below).

Ret d) - 'the proposal is compatible with surrounding uses and will not lead to a significant increase in noise, disturbance, and on-street activity at unsocial hours to the detriment of living conditions for nearby residents'

49. The provision of a leisure activity within a mixed use residential area will increase and diversify the range of facilities available to local residents, and we consider this should be regarded as a benefit in favour of granting consent. However the applicant also acknowledges that this should not be at the expense of the peaceful residential amenity of neighbours.

50. Mr Gilchrist has owned the site and operated the glazing business here for nearly 30 years. He consequently knows the area intimately and is very mindful of the desire for neighbourliness, particularly for residents of the tenement flats adjacent to the subject building. He consequently does not wish to allow any party to operate from the premises which might cause undue disturbance or concern.
51. Proposed leisure operators - The recent enforcement letter received from the council refers to a complaint having been made. It does not specify the subject of the complaint, but Mr Gilchrist has consequently reflected on the nature of the two practitioners who have been in occupation since June 2019. He realises that the dance tutor may be likely to play music as part of her classes, some of which are during evenings, and that this may cause concern to neighbours.
52. He has therefore taken a pragmatic decision to discontinue the dance tutor's occupation. The signage for her business has also been removed. The martial arts instructor has expressed interest in occupying the whole building and it has now been agreed that he will use both studios on ground and upper floors, should planning permission be granted.
53. Noise restriction - The applicant is also willing to accept a planning condition that any music or other audible sound should be restricted to a level appropriate to ensure residential amenity outwith normal working hours, say from 7pm in the evening. Such a restriction would be appropriate for the martial arts instructor and we trust this can be regarded positively in consideration of this planning application.
54. Opening hours - It is intended that use of the building should continue until 9pm on midweek evenings to facilitate the martial arts instructor's classes. As already mentioned, it is not anticipated that his classes will generate significant numbers of clients nor that activity outside the building would be generated that might be regarded as anti-social.
55. We trust that allowance for these operating hours can be specified by a planning condition. However if the Council disagrees with this situation, the applicant would not wish this matter to prevent planning permission being granted if all other matters are acceptable. We would therefore welcome a dialogue with the appointed planning case officer so that appropriate opening hours can be agreed.
56. Bad neighbour use - Given the nature of the intended occupier of the building we have indicated on the application form that the proposed use does not constitute notification under Section 3 of the Development Management Procedure Regulations.

4. Design Principles

57. Section 2 of the LDP requires proposals to be of an appropriate standard of design and detailing to respect the character and quality of the local environment. These matters

have been covered in the commentary provided above from which we consider the proposal particularly satisfies the following policies :

- 58. ***Policy Des 1 'Design Quality and Context'*** - the proposal will complement the site and its immediate surrounding area and contribute to a sense of place
- 59. ***Policy Des 4 'Impact on Setting'*** - the proposal has appropriate regard to its setting by way of the building's height, form, scale and proportion in that it is subservient to neighbouring buildings; the position of the building within the site respects the building line of the tenement ; and the use of materials and detailing complement the glazing factory building
- 60. ***Policy Des 5 'Amenity'*** - the amenity of neighbours is respected and can be ensured by appropriate planning conditions regarding noise and opening hours (as above).
- 61. Regarding the disposal of waste, only a minimal amount of waste or recycling is generated by the occupier of the premises. Any waste is initially retained within the building and arrangement for its regular disposal is made with the landlord (the applicant) in association with his adjacent industrial (glazing) business.

CONCLUSION

- 62. For all the above reasons we consider that the construction of the building at 25 Pepper Bank and its use for the stated Class 11 leisure purposes is in conformity with the development plan, and we respectfully request that planning permission is granted.
- 63. We would be glad to discuss with the appointed planning case officer any of the matters addressed in this planning statement and particularly should the Council consider any aspects of the proposal are unacceptable and require resolution. We are sending a copy of this statement to Mr Martin of the Council's enforcement team for information.

EDINBURGH LOCAL DEVELOPMENT PLAN (2016)
RELEVANT POLICIES AND SUPPORTING TEXT, INCLUDING THOSE REFERENCED IN THE REASONS FOR REFUSAL

Chapter 2 Design Principles for New Development

150 The Council encourages innovation and well designed developments that relate sensitively to the existing quality and character of the local and wider environment, generate distinctiveness and a sense of place, and help build stronger communities. Policies Des 1–Des 13 will be used to assess planning applications to meet the following objectives. More detailed advice on how to interpret and apply these policies can be found in Council guidance including in the Edinburgh Design Guidance document.

Objectives

- a) To ensure that new development is of the highest design quality and respects, safeguards and enhances the special character of the city
- b) To ensure that the city develops in an integrated and sustainable manner
- c) To create new and distinctive places which support and enhance the special character of the city and meet the needs of residents and other users

Policy Des 1 - Design Quality and Context

Planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.

151 This policy applies to all new development, including alterations and extensions. The Council expects new development to be of a high standard of design. The Council's policies and guidelines are not be used as a template for minimum standards. The purpose of the policy is to encourage innovation in the design and layout of new buildings, streets and spaces, provided that the existing quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness is generated.

Chapter 4 Employment and Economic Development

Policy Emp 9 - Employment Sites and Premises

Proposals to redevelop employment sites or premises in the urban area for uses other than business, industry or storage will be permitted provided:

- a) the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use;**
- b) the proposal will contribute to the comprehensive regeneration and improvement of the wider area;**

c) and, if the site is larger than one hectare, the proposal includes floorspace designed to provide for a range of business users.

Planning permission will be granted for the development for employment purposes of business and industrial sites or premises in the urban area.

217 This policy applies to sites or premises in the urban area currently or last in use for employment purposes not covered by Policies Emp 2 - Emp 8. It provides support for such sites to remain in employment use but recognises the potential benefits of redevelopment for other uses.

218 The policy aims to help meet the needs of small businesses by ensuring that if where large (i.e. greater than one hectare) business or industry sites are to be redeveloped for other uses, proposals must include some new small industrial/business units. The justification for this criteria lies in the Edinburgh Small Business Study, updated in 2011, which identified that businesses with fewer than 10 employees, account for around 14% of the city's employees and that the current supply of suitable premises is insufficient to meet market demand.

219 Redevelopment proposals on all employment sites, regardless of size, need to take account of impact on the activities of neighbouring businesses and any regeneration proposals for the wider area.

Chapter 5 Housing and Community Facilities

Policy Hou 7 - Inappropriate Uses in Residential Areas

Developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

234 The intention of the policy is firstly, to preclude the introduction or intensification of non-residential uses incompatible with predominantly residential areas and secondly, to prevent any further deterioration in living conditions in more mixed use areas which nevertheless have important residential functions. This policy will be used to assess proposals for the conversion of a house or flat to a House in Multiple Occupation (i.e. for five or more people). Further advice is set out in Council Guidance

Chapter 6 Shopping and Leisure

Entertainment and Leisure Uses

253 Policies Ret 7 and Ret 8 apply a sequential approach to the location of entertainment and leisure uses such as cinemas, theatres, restaurants, night clubs, ten pin bowling, bingo halls and soft play centres. These policies will also be applied to proposals for visitor attractions supporting Edinburgh's role as a major tourist destination and cultural centre of international importance.

254 The preferred locations for entertainment and leisure development are the City Centre (as shown on the Proposals Map), the eight nine town centres and as part of mixed use regeneration proposals at Leith Waterfront and Granton Waterfront.

Policy Ret 7 - Entertainment and Leisure Developments - Preferred Location

Planning permission will be granted for high quality, well designed arts, leisure and entertainment facilities and visitor attractions in the City Centre, at Leith and Granton Waterfront and in a town centre, provided:

a) the proposal can be integrated satisfactorily into its surroundings with attractive frontages to a high quality of design that safeguards existing character

b) the proposal is compatible with surrounding uses and will not lead to a significant increase in noise, disturbance and on-street activity at unsocial hours to the detriment of living conditions for nearby residents

c) the development will be easily accessible by public transport, foot and cycle.

255 The purpose of this policy is to identify the preferred locations for entertainment and leisure development and to ensure that such proposals make a positive contribution in terms of the type of use and quality of design, are in accessible locations and do not introduce unacceptable noise and late night disturbance.

256 The City Centre has a mixed use character and provides a wide range of leisure uses, arts and cultural establishments and pubs and restaurants. Whilst recognising the importance of such uses to the local and national economy, the policy takes account of potential impact on the environment and local residents.

257 Entertainment and leisure uses will be a key component of the major regeneration proposals at Leith Waterfront and Granton Waterfront and are also appropriate in town centres, contributing to the diversity and vitality.

Policy Ret 8 - Entertainment and Leisure Developments - Other Locations

Planning permission will be granted for entertainment and leisure developments in other locations provided:

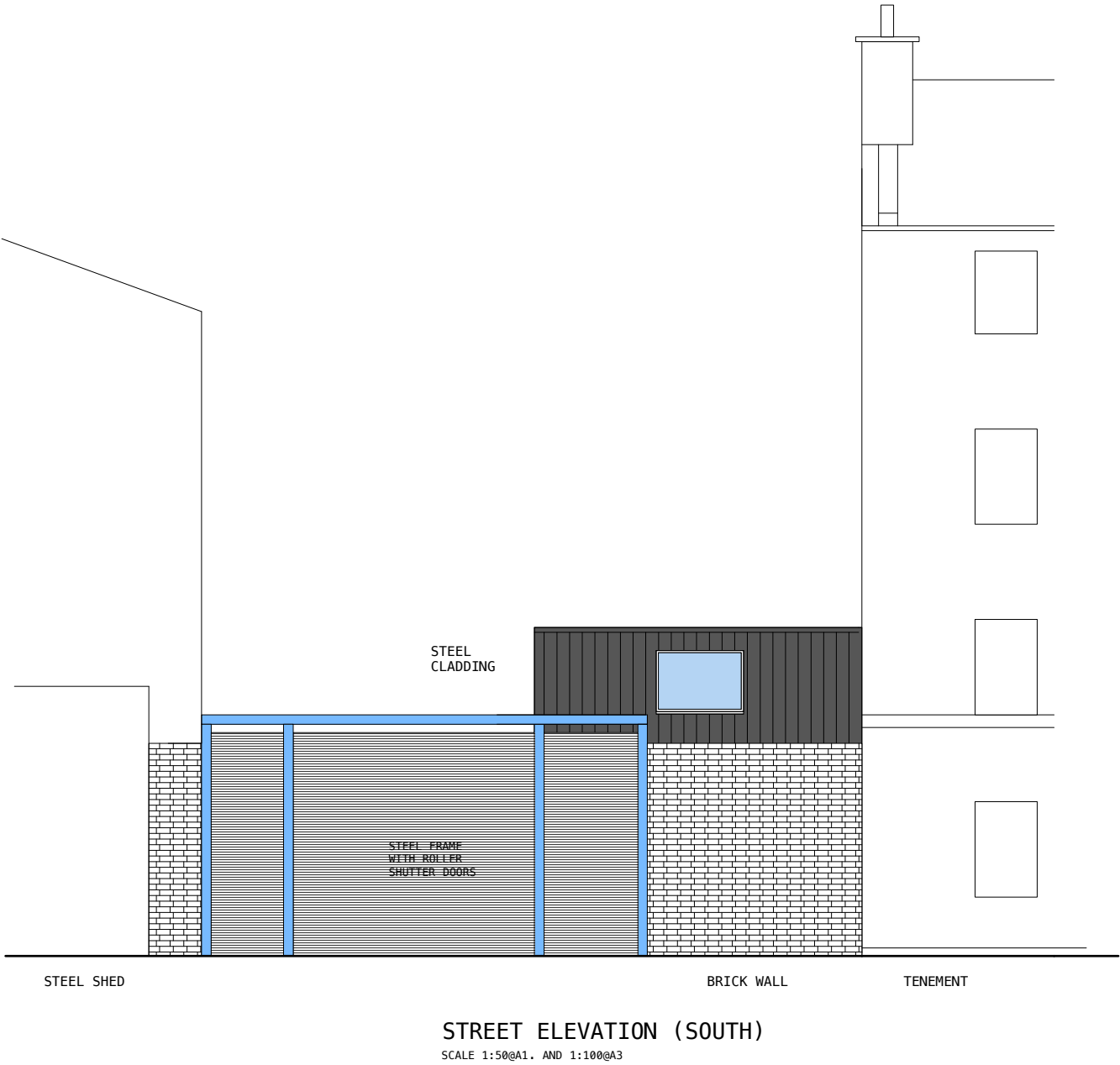
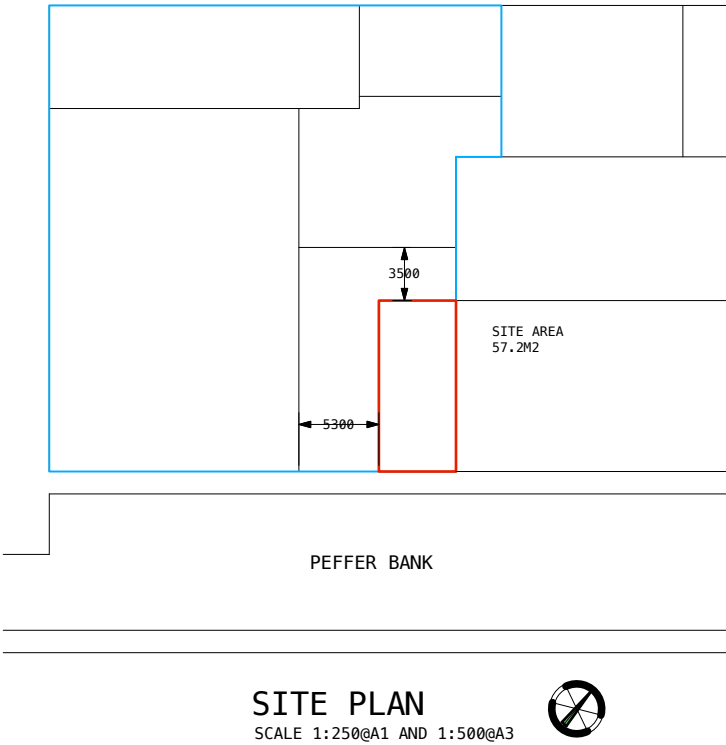
a) all potential City Centre, or town centre options have been thoroughly assessed and can be discounted as unsuitable or unavailable


b) the site is or will be made easily accessible by a choice of means of transport and not lead to an unacceptable increase in traffic locally

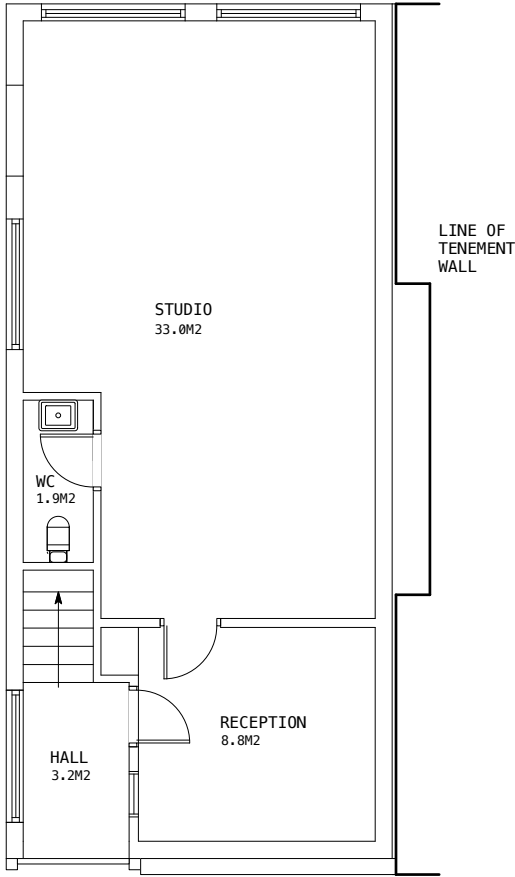
c) the proposal can be integrated satisfactorily into its surroundings with attractive frontages to a high quality of design that safeguards existing character

d) the proposal is compatible with surrounding uses and will not lead to a significant increase in noise, disturbance and on-street activity at unsocial hours to the detriment of living conditions for nearby residents.

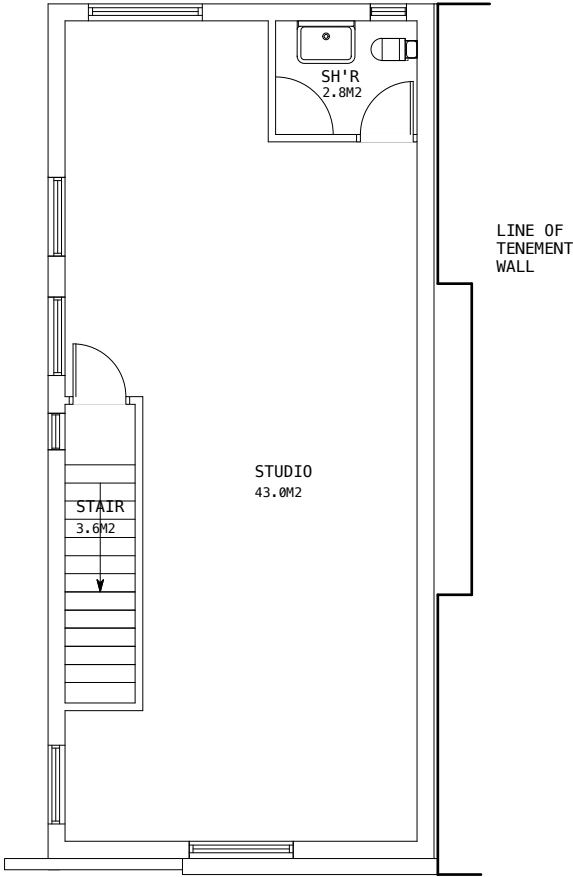
258 This policy sets out criteria for assessing proposals for entertainment and leisure developments in other locations, such as commercial centres, local centres and elsewhere in the urban area. Key considerations include accessibility by public transport, design quality and impact on the character of the area and local residents.



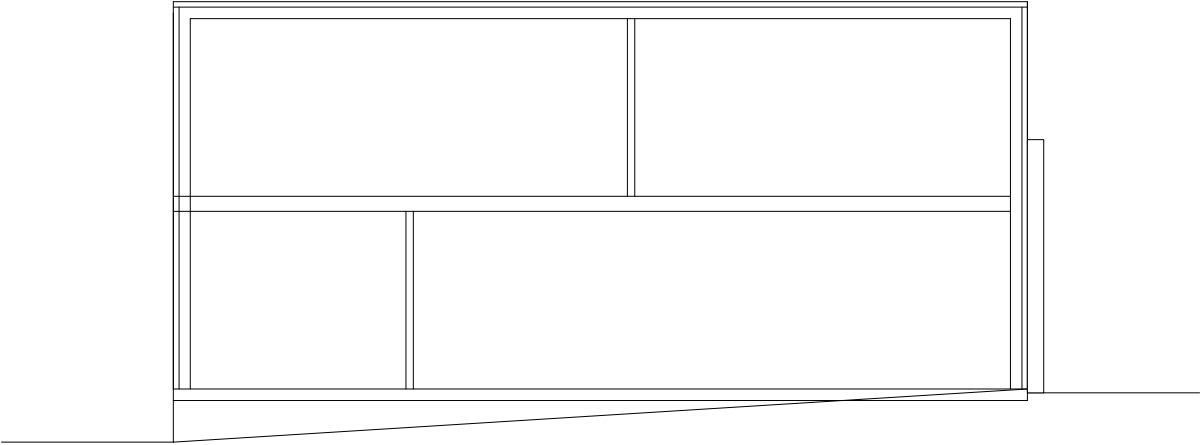
REVISIONS			<p>NOTE:</p> <p>All proprietary goods and materials are to be fitted in accordance with manufacturers' instructions and current Codes of Practice and British Standards.</p> <p>All dimensions to be verified by the Contractor on site.</p> <p>Do not Scale: Work to figured dimensions only.</p> <p>This drawing remains the Copyright of REM Associates and may not be reproduced, stored, or used in any way without prior written permission.</p>	DATE	SEPT 19		 <p>21 YOUNG STREET, EDINBURGH, EH2 4HU tel : 0131 285 3818 enquiries@rem-associates.co.uk www.rem-associates.co.uk</p>			
No.	DESCRIPTION	DATE		DRAWING NO	90.01					
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				JOB NO	REM9-326					
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						CLIENT	MR I GILCHRIST	DRAWING	SITE PLAN/STEET ELEV	
						JOB	RETROSPECTIVE PLANNING 25 PEFFER BANK, EDINBURGH			



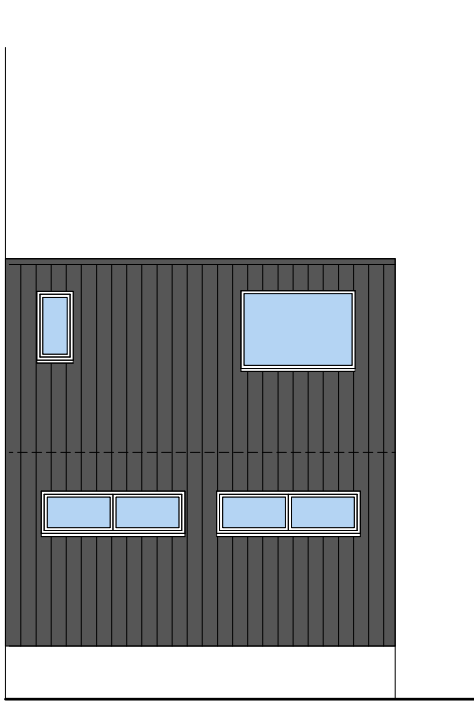
GROUND FLOOR PLAN



UPPER FLOOR PLAN



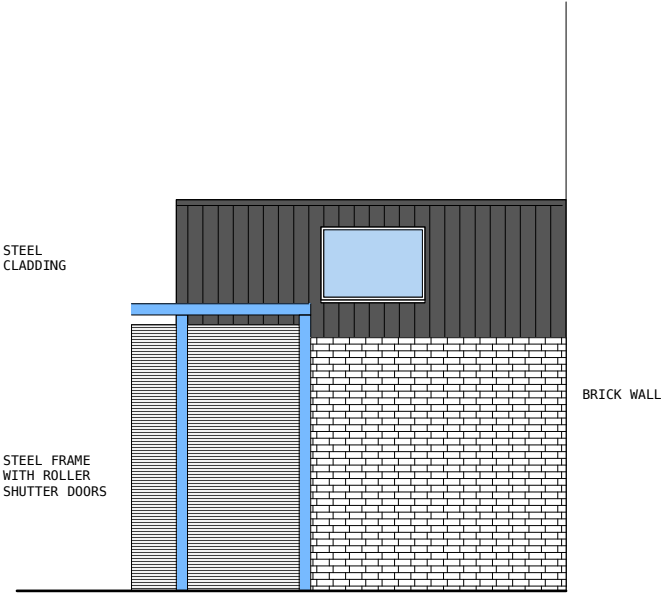
SECTION



NORTH ELEVATION



WEST ELEVATION




SOUTH ELEVATION

REVISIONS		
No.	DESCRIPTION	DATE


EXTERNAL FINISHES
ROOF - STEEL CLADDING
WALLS - STEEL CLADDING
WINDOWS - UPVC, DOUBLE GLAZED, WHITE

NOTE:
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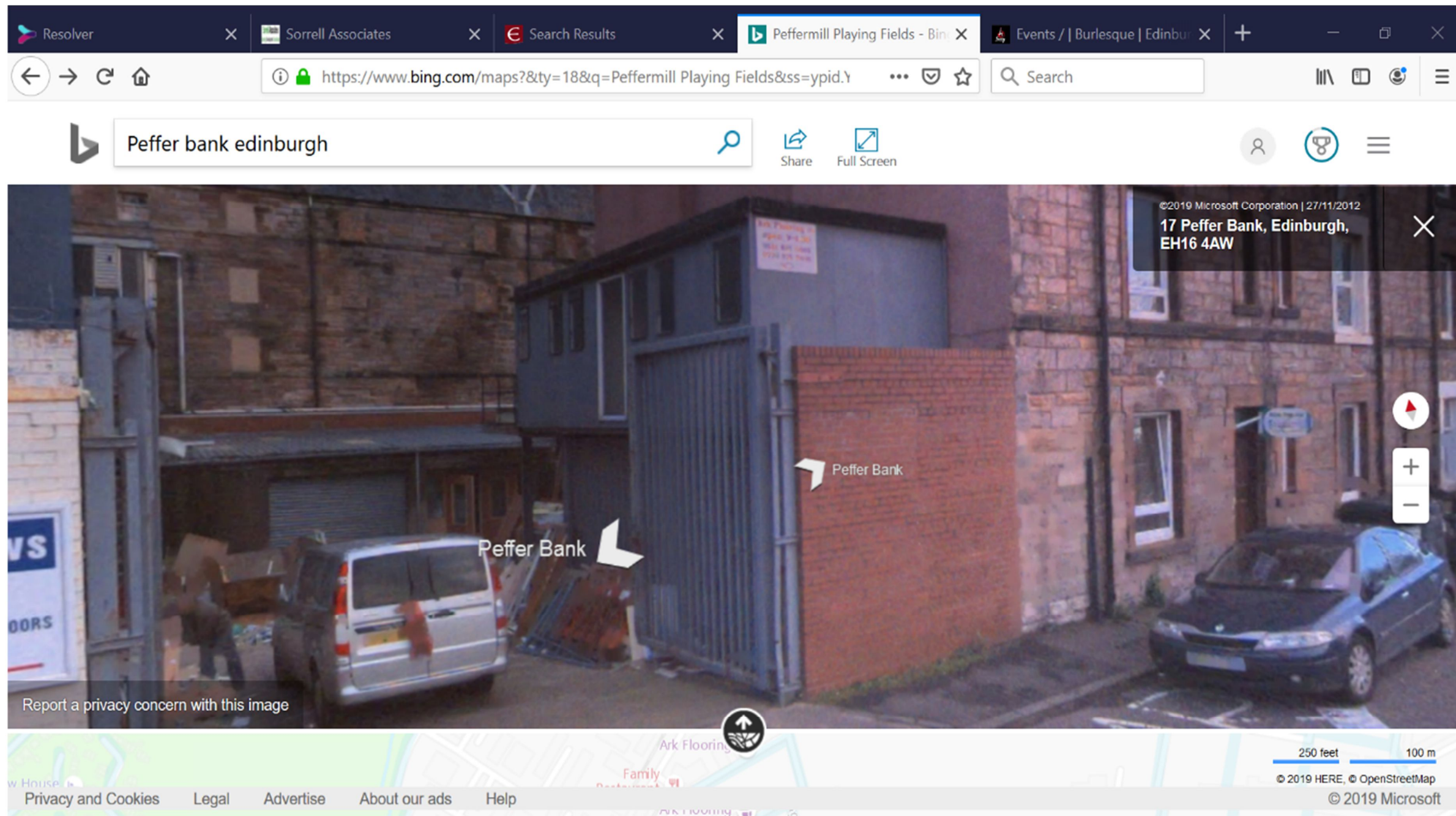
21 YOUNG STREET,
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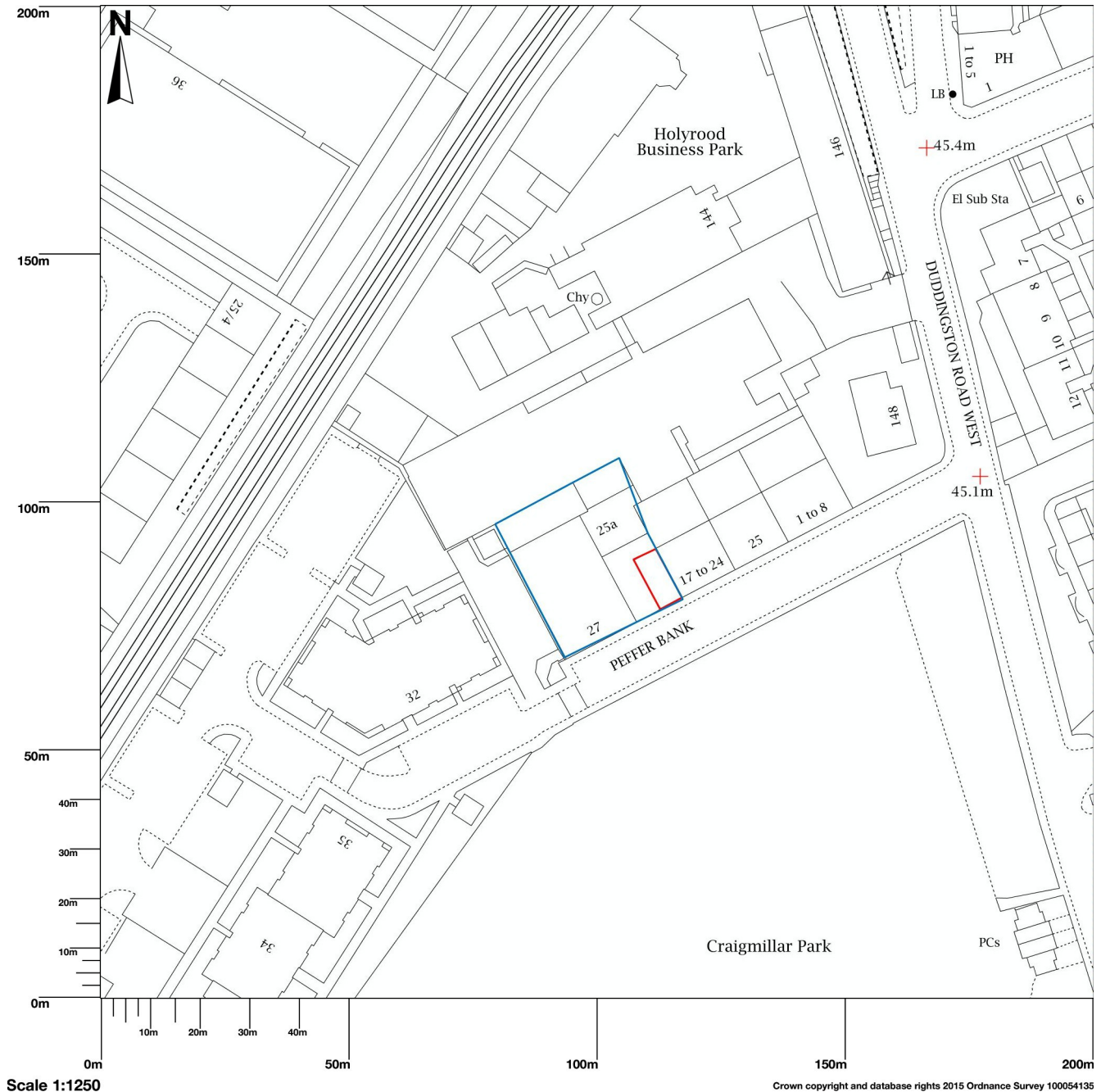
CLTENT
MR I GILCHRIST

DRAWING
PLANS/SECT/ELEVS

JOB
**RETROSPECTIVE PLANNING
25 PEPPER BANK, EDINBURGH**



E B S Glass Ltd, 25 Peffer Bank, Edinburgh, EH16 4AW



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MAArchitects.
FAO: Ms Agnieszka Seroczynska
Castle Mills Studio 1
2 Gilmore Park
Edinburgh
United Kingdom
EH3 9FP

Decision date: 5 November 2019

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

Planning permission in principle for the erection of a single dwelling house including car parking space.

At Land 24 Metres West Of 358 South Gyle Road Edinburgh

Application No: 19/04343/PPP

DECISION NOTICE

With reference to your application for Planning Permission in Principle registered on 11 September 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:-

Reason for Refusal:-

1. The proposal is contrary to policies Hou 1, Hou 4, Des 1, Des 4 Env 12 and Env 21 of the adopted Edinburgh Local Development Plan as it would have an adverse impact on the character and appearance of the surrounding area, would result in the loss of trees and landscaping worthy of retention, would not create a satisfactory

residential environment and raises issues in respect of road maintenance and flood prevention.

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

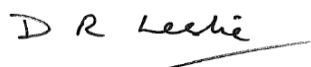
Drawings 01-02, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The proposal is not acceptable as it would result in the introduction of an incongruous development into an established landscaping strip and would have an adverse impact on the character and appearance of the surrounding area. The proposal would result in the loss of trees and landscaping worthy of retention, would not result in the creation of a satisfactory residential environment and raises issues in respect of road maintenance. In addition, it has not been satisfactorily demonstrated that the proposal will not be at risk of flooding or will not increase the flood risk to the surrounding area. The proposal is contrary to policies Hou 1, Hou 4, Des 1, Des 4, Des 5, Env 12 and Env 21 of the adopted Edinburgh Local Development Plan.

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

Should you have a specific enquiry regarding this decision please contact Conor MacGreevy directly on 0131 469 3743.



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 19/04343/PPP

**At Land 24 Metres West Of 358, South Gyle Road, Edinburgh
Planning permission in principle for the erection of a single
dwelling house including car parking space.**

Item	Local Delegated Decision
Application number	19/04343/PPP
Wards	B03 - Drum Brae/Gyle

Summary

The proposal is not acceptable as it would result in the introduction of an incongruous development into an established landscaping strip and would have an adverse impact on the character and appearance of the surrounding area. The proposal would result in the loss of trees and landscaping worthy of retention, would not result in the creation of a satisfactory residential environment and raises issues in respect of road maintenance. In addition, it has not been satisfactorily demonstrated that the proposal will not be at risk of flooding or will not increase the flood risk to the surrounding area. The proposal is contrary to policies Hou 1, Hou 4, Des 1, Des 4, Des 5, Env 12 and Env 21 of the adopted Edinburgh Local Development Plan.

Links

<u>Policies and guidance for this application</u>	LDPP, LHOU01, LHOU04, LDES01, LDEL04, LDES05, LEN21, LTRA02, NSG, LEN12,
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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 consists of a landscaping strip covering an area of 0.0992 hectares (ha), located on the north eastern side of the South Gyle Broadway/Gogarloch Road/South Gyle Crescent Roundabout. The northern section of the strip extends along the eastern side of Gogarloch Road. The surrounding area has a mixed residential/commercial character. The area directly to the north, east and west is characterised by modern style residential development. The area to the south is characterised by offices and modern commercial buildings.

2.2 Site History

02.07.2018 - Application refused for; Redevelopment of area of landscaping into small residential development comprising detached houses - (18/00618/PPP).

Main report

3.1 Description Of The Proposal

The proposal is for the erection of a single dwelling house within the northern section of the application 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 can be considered acceptable in principle;
- b) The proposal would have a detrimental impact on the character and appearance of the surrounding area;
- c) The proposal will result in the creation of a satisfactory residential environment;
- d) The proposal would have a detrimental impact on the amenity of neighbouring residents;
- e) The proposal raises any issues in respect of parking, road safety and maintenance;
- f) The proposal raises any issues in respect of flood prevention;
- g) The proposal raises any issues in respect of the removal of trees and vegetation worthy of retention;
- h) The proposal raises any issues in respect of equalities and human rights.
- i) Any issues raised in representations have been addressed, and;

a) Principle of the Proposal

Policy Hou 1 of the adopted Edinburgh Local Development (LDP) states that with respect to housing development, priority will be given to the delivery of the housing land supply on suitable sites in the urban area, provided proposals are compatible with other policies in the plan.

The site is identified as being within the urban area in the LDP. The proposal therefore could be considered acceptable in principle provided it is compatible with other policies in the plan.

b) Character and Appearance of the Surrounding Area

LDP Policy Des 1 states that planning permission will not be granted for poor quality or inappropriate design or for proposals which would 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 townscape and landscape and impact on existing views.

The application site forms an established and defined landscape strip which provides a clear visual separation between the roundabout and the residential properties located directly to the north east. The site combines with the other established landscape strips surrounding the roundabout which also provide a clear degree of separation between the road and residential/commercial buildings. The planned separation between the busy thoroughfare of South Gyle Broadway and the buildings which surround it is an important characteristic of the area and is important in terms of visual amenity.

The proposal would result in a notable intrusion into the landscape strip in the form of a new house. The proposed house would weaken the sense of separation which exists between the South Gyle Broadway and the surrounding buildings, resulting in a visually incongruous and highly prominent development which would have a detrimental impact on the character and appearance of the surrounding area.

The proposal would be damaging to the character and appearance of the surrounding area and the wider townscape and landscape. The proposal is contrary to LDP policies Des 1 and Des 4.

c) Creation of a Satisfactory Residential Environment

LDP policy Des 5 states that planning permission will be granted for development where it is demonstrated that future occupiers will have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

The western elevation of the respective house is located less than 6 metres from Gogarloch Road. This would result in the windows of any habitable rooms at the side of the house being sited in very close proximity to a significant source of traffic noise to the detriment of the amenity of prospective residents.

The proposed layout will necessitate the majority of any private garden space to be provided at the side of the proposed house instead of the rear. This would result in the formation of private garden space which would not benefit from the levels of privacy afforded to other residents in the surrounding area, again to the detriment of prospective resident's future amenity.

The proposal would not result in the creation of a satisfactory living environment and is contrary to LDP policy Des 5.

d) Impact of the amenity of Neighbouring Residents

The final dimensions of the proposed house is not detailed on the submitted documents for this application and as such it is not possible to fully and accurately assess the impact of the proposal on the amenity of neighbouring residents in respect of overshadowing or loss of daylight in the context of this application. Detailed design matters and the scale and form of the house would be assessed through any subsequent application for approval of matters specified in the conditions of any planning permission in principle granted.

e) Parking, Road Safety and Maintenance

LDP policy Tra 2 states that planning permission will be granted for development where proposed car parking provision complies with the levels set out in Council guidance.

The proposed parking area within the southern boundary of the application site is acceptable in terms of size, form and design. Two parking bays lie to the north of this element of the proposal and therefore would be congruous to this characteristic. This element of the proposal would not have a detrimental impact upon the application site or the surrounding area.

Transport was consulted on the proposal and raised an objection due to the fact that the proposal involves development on a section of land which is adopted for maintenance purposes by the Council as a public road under the Roads (Scotland) Act 1984. The proposal therefore has the potential to impede the ability of the Roads Authority to undertake its statutory requirements as outlined under the Roads (Scotland) Act 1984.

The proposal does not raise any identifiable issues at this stage in respect of parking and road safety and therefore complies with Tra 2. However, the proposal does raises issues in respect of road maintenance.

f) Flood Prevention

LDP policy Env 21 states that planning permission will not be granted for development which would increase a flood risk or be at risk of flooding itself.

The Flood Prevention team was consulted on the proposal and raised an objection due to the fact that the proposal would be at risk from fluvial flooding and that a Flood Risk Assessment would be required. In addition, a Surface Water Management Plan should be also be provided.

The proposal raises issues in respect of flood prevention.

g) Removal of Trees

LDP Policy Env 12 states that development will not be permitted if likely to have a damaging impact on a tree or woodland worthy of retention unless necessary for good arboricultural reasons.

The proposal would result in the removal of several mature trees which are important in contributing to the character and amenity of the surrounding area. There is no arboricultural reason which would justify the removal of these trees and the proposal is contrary to policy Env 12.

h) Equalities and Human Rights

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

i) Nine comments were received from members of the public:

Material Representations -

Air pollution concerns; the proposal would not have an unacceptable impact in relation to air pollution by virtue of the nature of the proposal.

Drainage concerns; the proposal is for planning permission in principle, a drainage scheme would be provided within a full application.

Views will be impacted upon; The direct views from existing residential dwellings would not be adversely impacted upon by virtue of the

Flood concerns; a Flood Risk Assessment was not provided and therefore could not be assessed. In addition, the Flood Prevention Team provided consultation; This is addressed in section f).

Traffic concerns; this is addressed in section e); Transport raised no concerns in terms of traffic.

Parking concerns; this is addressed in section e); Transport raised no concerns in terms of parking.

The proposal will disrupt the character and appearance of the surrounding area; this is addressed in section a).

Privacy concerns; this is addressed in section d).

Loss of trees and green space; this is addressed in section g).

Non-Material Representation -

Property values; this is not a material consideration.

Application site is too small for the proposal; this is not a material consideration.

Concerns during construction stage; this is not a material consideration in this instance.

Anti-social behaviour; this is not a material consideration in this instance; anticipated development and/or happenings cannot be assessed by Planning.

Shrubs being destroyed; this is not a material consideration.

Future maintenance concerns; this is not a material consideration.

Safety in relation to fencing/ability to climb over fences; this is not a material consideration.

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 Hou 1, Hou 4, Des 1, Des 4 Env 12 and Env 21 of the adopted Edinburgh Local Development Plan as it would have an adverse impact on the character and appearance of the surrounding area, would result in the loss of trees and landscaping worthy of retention, would not create a satisfactory residential environment and raises issues in respect of road maintenance and flood prevention.

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

Nine comments were received from members of the public.

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

11 September 2019

**Drawing
numbers/Scheme**01-02,

Scheme 1

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

Contact: Conor MacGreevy, Planning Officer
E-mail:conor.macgreevy@edinburgh.gov.uk Tel:0131 469 3743

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 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 Del 4 (Edinburgh Park/South Gyle) sets criteria for assessing developments within the boundary of Edinburgh Park/South Gyle.

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

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

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

Relevant Non-Statutory Guidelines

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

Appendix 1

Consultations

Flood Assessment -

1. The online indicative SEPA flood maps show that the site is at risk of fluvial flooding, as acknowledged in the Planning Statement Report. A Flood Risk Assessment should therefore be provided, in line with the self-certification scheme - details of which can be found at the link in my signature below.
2. There are no drainage proposals for me to review. A Surface Water Management Plan should be provided in line with the self-certification scheme, details of which can be found at the link in my signature below.

Roads Authority Assessment -

The application should be refused.

Reasons:

1. The application proposing to use a substantial section of adopted road (verge) as garden/building land for the development;

Note:

- I. The section of verge involved is adopted for maintenance purposes by the Council as "Public Road" as defined in the Roads (Scotland) Act 1984. The ownership of the land underneath is therefore irrelevant;
- II. It should be noted that if planning permission is granted then a Stopping Up Order will need to be progressed;

END

Comments for Planning Application 19/04343/PPP

Application Summary

Application Number: 19/04343/PPP

Address: Land 24 Metres West Of 358 South Gyle Road Edinburgh

Proposal: Planning permission in principle for the erection of a single dwelling house including car parking space.

Case Officer: Conor MacGreevy

Customer Details

Name: Mr Scott Watson

Address: 358 South Gyle Road Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This application is causing anger amongst residents in our quiet cul-de-sac.

This is not the first application for this piece of land and quite frankly it is unsuitable for development.

1. when the development was built, more homes would have been utilised on the land by the builder if they saw fit.
2. noise pollution will increase
3. Air pollution will increase
4. trees will be destroyed - environmental issues
5. views from my property and others will be drastically altered - if I wished to look out to a town house I would have moved to a new development around the corner with Barratt homes.
6. my property value will decrease due to this horrendous application along with other residents
7. this is flood grounds
8. access is unsuitable for lorries or additional traffic
9. children play in this area and have done for many years
10. owners do not wish to look out to a busy roundabout due to a development that is unfit to happen
11. the land space is too small

Comments for Planning Application 19/04343/PPP

Application Summary

Application Number: 19/04343/PPP

Address: Land 24 Metres West Of 358 South Gyle Road Edinburgh

Proposal: Planning permission in principle for the erection of a single dwelling house including car parking space.

Case Officer: Conor MacGreevy

Customer Details

Name: Mrs Eva Borland

Address: 368 South Gyle Road, Edinburgh EH12 9DU

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I'm distressed that this landscaped area is now a windfall site. This site is fully developed & should not be disrupted to meet housing development targets. Please consider the original design which I bought my house based on. Please also see Decision Notice 18/00618/PPP for full details of my previous objections relating to Hou 1 & 4, Des 1 & 5, Env 1 & 21; these are all still relevant and convey my concerns. The proposed development will make a negligible contribution to the 15 year housing target and will materially impact on residents, community and the environment. This dev't will require a large amount of 20 year old tree/shrub clearance which is not good. This area looks great, acts as a noise and security buffer plus benefits the environment and brings social and health benefits. Visibility of the proposed house from Gogarloch Road will be an eyesore. Currently there are no houses that back or front on this area. To disturb this would be distasteful, unnecessary and there is no precedence for this. This site is so narrow that its highly likely it will encroach beyond the available space e.g., road, railings, pavement and lamp post. Planning statement suggests the current state of the area may offer a hiding zone for individuals involved in anti social behaviour or criminal activities and therefore an additional house significantly improves security. This suggestion is ludicrous. City of Edinburgh Council, please buy this land from the owner in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997. This landscaped area is maintained by residents and the Gogarloch Community Park Association contrary to the planning documents. Bin store area is not in line with existing area. Access to the area for vehicles is limited to one way in and one way out measuring 3m70 - large construction vehicles would hinder residential access and prevent routine rubbish, garden, recycle waste collections. The public road area outside my house is used as a turning zone for vehicles and a play area for my grandson and the local children which would be obstructed/removed. This will impact access to my garage and my general front garden area. This is a very stressful situation having lived here for 21 years.

Comments for Planning Application 19/04343/PPP

Application Summary

Application Number: 19/04343/PPP

Address: Land 24 Metres West Of 358 South Gyle Road Edinburgh

Proposal: Planning permission in principle for the erection of a single dwelling house including car parking space.

Case Officer: Conor MacGreevy

Customer Details

Name: Ms Lorna Walker

Address: 364 South Gyle Road Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Very disappointed to go down this road again regarding building house and parking. I have been here 21 years and was led to believe that nothing would ever be built on this small plot of land with trees and shrubs. This would take away security and make us very open to roundabout. As the trees have been there 21 years I feel the drainage and mono block would be badly damaged and no mention of street light being kept. The area is maintained by residents and Gogarloch Park Association

My concern is destroying the shrubs as they are good for nature (bees butterflies and insects and have also seen a hedgehog)

Comments for Planning Application 19/04343/PPP

Application Summary

Application Number: 19/04343/PPP

Address: Land 24 Metres West Of 358 South Gyle Road Edinburgh

Proposal: Planning permission in principle for the erection of a single dwelling house including car parking space.

Case Officer: Conor MacGreevy

Customer Details

Name: Mr Andrew Lamont

Address: 356 South Gyle Road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:I strongly object to this application.Such a building would fundamentally alter the character of the area.This house would irrevocably change this and result in a permanent loss of greenbelt.There would be considerable disruption caused by construction traffic on what is a narrow road.In addition construction noise ,construction waste , damage to the existing paved road way would result.There would also be loss of parking spaces for the current residents and an increase in traffic volume.There would also be an environmental impact both during and after construction.

Comments for Planning Application 19/04343/PPP

Application Summary

Application Number: 19/04343/PPP

Address: Land 24 Metres West Of 358 South Gyle Road Edinburgh

Proposal: Planning permission in principle for the erection of a single dwelling house including car parking space.

Case Officer: Conor MacGreevy

Customer Details

Name: Ms Elaine Nagle

Address: 362 South Gyle Road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I strongly object to this planning application. Building in this area would have a significant impact on my enjoyment of my property. The privacy of my property would be disrupted, allowing access straight through from the main road which significantly changes my enjoyment of my property and its safety in my view. Building in this area would also take away the lovely green area within our cul de sac which again will stop my enjoyment of the front aspect of my home. It would also remove well used parking bays which are needed. I also object to the disruption of the building process which would cause a lot of noise, dirt and could impact access to my home.

Comments for Planning Application 19/04343/PPP

Application Summary

Application Number: 19/04343/PPP

Address: Land 24 Metres West Of 358 South Gyle Road Edinburgh

Proposal: Planning permission in principle for the erection of a single dwelling house including car parking space.

Case Officer: Conor MacGreevy

Customer Details

Name: Mrs Mary Kerr

Address: 366 South Gyle Road Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: My first observation was that the 'Neighbour Notification' letter indicated a construction across from No 358 South Gyle Road whereas the application is for a dwelling about 10 metres from No 368.

I object to the planning application and my reasons are detailed below.

This part of South Gyle Road was constructed as a show village for Wimpey with gates at each end, which have now been taken away, but the brick stanchions remain. Landscaping across from the housing and the mono block road are features of this and add to the aesthetic nature of the area. Although the residences in the street are all different, they are examples of the housing you will find in this part of South Gyle and Gogarloch. Anything not on these lines would stand out. Has account been taken of the streetlight positioned at the widest part of the land earmarked for the development? It is not shown on the application but is a metre in from the verge. This light is much needed as this is a dark area at night. The streetlight on Gogarloch Road does not penetrate as far as the end of the cul de sac and will still not if a dwelling is built.

The proposal indicates that trees will need to be removed and new trees will be planted where possible. As there are trees all the way up the street it is unlikely that new planting will be possible. At present evergreen bushes provide screening from the road and this is supplemented by the trees and the beech hedging to a degree as the beech is now degrading and much of the protection which is offered is now lost. Removal of these bushes and trees for car parking will open up the area to admit noise from the roundabout and Broadway as well as making this area visible from both sides of the area which it is not at present. Residents will see the Broadway and people on the Broadway will see our street which is currently hidden. There is more and more traffic at this roundabout due to the increased building work in the nearby area already - new housing and hotels on the Broadway.

Siting of the proposed off-road parking looks like it will be accessed from the current parking area

and so would reduce the available parking for visitors and residents which can accommodate 3 cars although the drawing on the application shows only 2 cars. As the proposed dwelling is likely to have 3 bedrooms, one parking space is unlikely to be sufficient. The current residencies have off road parking for one or two cars depending on the size of dwelling with 3 bedrooms having space for 2 cars.

The conifers which are to remain are beside this parking area. Currently the trees cover the whole area from fencing to grass verge with overhang often over the road. In effect this will reduce any garden space for the dwelling and because of height of the trees will give a lot of shade to the proposed dwelling and garden area outside it. The trees are so well established, having been there for 22 years, that the roots are starting to uplift the mono blocking of the current parking area. Will the owner of the land be responsible for undoing this damage if it gets worse?

The application states that this proposed dwelling will enhance the supply of housing in the area but as hundreds of homes have just been built nearby by Persimmon and Barrett with some of similar size to this proposal is this a valid point?

There is a turning area at the bottom of the cul de sac. A concern is that the road and stanchions could be damaged during construction of any dwelling and that vehicles would have difficulty turning during construction. Removal of trees is not a quick and easy task either. The road is only just over 3 metres wide at entry increasing to about 6 metres wide. Current maintenance of the landscaping i.e. trimming of hedging and cutting of grass verge has been done by the community so that public pathways are fully usable, and the nice appearance of the area is kept. I am one of the people who cuts the grass here.

The offer of gifting the remaining land is kind but could be problematic.

Comments for Planning Application 19/04343/PPP

Application Summary

Application Number: 19/04343/PPP

Address: Land 24 Metres West Of 358 South Gyle Road Edinburgh

Proposal: Planning permission in principle for the erection of a single dwelling house including car parking space.

Case Officer: Conor MacGreevy

Customer Details

Name: Mrs Raheela Javaid

Address: 58 Gogarloch Road Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I would like to object to the following plan of building new houses in on the strip of greenland in the area.

Comments for Planning Application 19/04343/PPP

Application Summary

Application Number: 19/04343/PPP

Address: Land 24 Metres West Of 358 South Gyle Road Edinburgh

Proposal: Planning permission in principle for the erection of a single dwelling house including car parking space.

Case Officer: Conor MacGreevy

Customer Details

Name: Mr Jeff Swan

Address: 354 South Gyle Road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:Reasons for objection

1. Design not consistent with area - building up to very edge of road

There are no pavements in cul de sac and due to extreme narrowness of the plot the house would have to be built right up to the edge of the road. There is nowhere locally where this design feature exists. Whilst some residences are built to the edge of pavement (e.g. close to South Gyle station), the pavement still provides a buffer between the building and the road. All houses in the street have a reasonable garden buffer between the road and house dwelling.

2. Safety - maneuvering vehicles in street (bucket lorries, delivery trucks)

If a home is built right up to the edge of the road then there is risk of cars or lorries hitting it. I've seen a few lorries turn round with their wheels at the kerb and the back of vehicle overhanging the kerb into the front garden. Larger bucket lorries and delivery trucks rely on the space at the end of the cul de sac for turning. We also use the end of the cul de sac for turning, particularly my son who is currently learning to drive. For any driver touching the kerb with tyres can happen reasonably frequently so a buffer between kerb and dwelling is important.

3. Safety - new resident would be practically opening their front doors onto street

This feels inherently risky for drivers as well as potential home dwellers, where a resident could potentially open their door and be directly on the road. Would they need to look out their window to check there was no car passing? Acknowledge one of the designs suggests a small front step

area, but there are no measurements on this diagram and given the space is extremely narrow space for a front step seems optimistic.

4. Safety - current railing between vegetation and main road

Its not clear from the proposal what is happening with the current railing. I can only assume this would have to be removed to lay foundations. I'm concerned that it will be become easier to access the street via hedges or gardens than it is now. I note the designer proposes there is currently a risk that intruders use the bushes for cover, but I believe the current railings provide mitigation against this and that the new design may weaken this protection.

MEMORANDUM

PLACE

To: Conor MacGreevy

Our Ref: T/TP/DC/41778/CB

Your Ref: 19/04343/PPP

Date: 9th October 2019

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

PLANNING APPLICATION No: 19/04343/PPP

FOR: PLANNING PERMISSION IN PRINCIPLE FOR THE ERECTION OF A SINGLE DWELLING HOUSE INCLUDING CAR PARKING SPACE.

AT: LAND 24 METRES WEST OF 358, SOUTH GYLE ROAD, EDINBURGH

ROADS AUTHORITY ISSUES

The application should be refused.

Reasons:

1. The application proposing to use a substantial section of adopted road (verge) as garden/building land for the development;

Note:

- I. The section of verge involved is adopted for maintenance purposes by the Council as “Public Road” as defined in the Roads (Scotland) Act 1984. The ownership of the land underneath is therefore irrelevant;
- II. It should be noted that if planning permission is granted then a Stopping Up Order will need to be progressed;

Cameron Baillie

Tel: 2-3562

Ack 10/10
AL

C Macg

Dane Arnold and Laura Benson; Owners of 360, South Gyle Road, Edinburgh, EH12 9DU

In regards to application number 19/04343/PPP

Dear Sir/ Madddam,

We are writing to provide feedback to the above application.

We were both first time buyers in April 2019 after finally finding our forever home, we are wishing to start a family and felt that this neighbourhood would provide the safe, secure and private setting to raise a family in.

We are both very concerned after receiving the application request. If the application to build was accepted this would impact our decision to remain here and feel that this would also impact the value of our property.

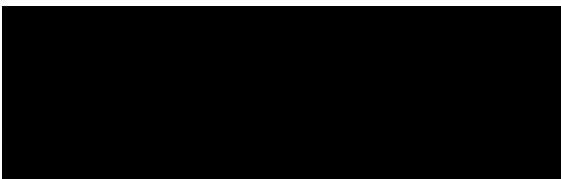
After viewing the proposed plan, it would appear that the majority of the greenery and trees surrounding the neighbourhood would be cut down. This in turn creates a lot of environmental concerns due to disturbing nature and its habitat. It would also need to be taken into consideration that flooding would become an issue for residents and drivers whom use the main road.

Furthermore, we would no longer benefit from any privacy from the busy main road, that we are currently provided with, and we would most defiantly be exposed to the noise from the main road, as the greenery and trees help block the noise out.

We are both of the view that if this request was accepted this would destroy a lovely, quiet, safe and private neighbourhood all of which we feel in love with and contributed to us buying our first home.

As highlighted above we are not in agreement with the application request and would like you to consider our feedback carefully. If you require any further information or wish to speak to us direct, please do not hesitate.

Yours Sincerely,



Dane Arnold and Laura Benson

Building Standards
08 OCT 2019
Planning &



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 100230464-001

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: Gain Planning Services

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

First Name: * Peter Building Name:

Last Name: * MacLeod Building Number: 122

Telephone Number: * Address 1 (Street): * Scott Street

Extension Number: Address 2:

Mobile Number: Town/City: * Galashiels

Fax Number: Country: * United Kingdom

Postcode: * TD1 1DX

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="Miss"/>	You must enter a Building Name or Number, or both: *
Other Title:	<input type="text"/>	Building Name: <input type="text" value="Studio One"/>
First Name: *	<input type="text" value="Agnieszka"/>	Building Number: <input type="text" value="2"/>
Last Name: *	<input type="text" value="Seroczynska1"/>	Address 1 (Street): * <input type="text" value="Gilmore Park"/>
Company/Organisation	<input type="text" value="c/o MAA Architects"/>	Address 2: <input type="text" value="Castle Mills"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Edinburgh"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH3 9FP"/>
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"/>
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"/>
Post Code:	<input type="text"/>

Please identify/describe the location of the site or sites

Northings	<input type="text" value="672156"/>	Easting	<input type="text" value="318473"/>
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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)

Planning permission in principle for the erection of a single dwelling house including car parking space.

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.

The applicant is of the view that the development was acceptable and should have been approved. Full details are provided within the appeal statement submitted.

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)

The appeal statement, the previous planning submission including form, drawings and planning statement, the report of handling and the decision notice.

Application Details

Please provide details of the application and decision.

What is the application reference number? *

19/04343/PPP

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

11/09/2019

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

05/11/2019

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)

It is important to understand the setting and how the proposal will sit comfortably in the existing urban layout within the cul-de-sac in particular, but the Gogarloch estate in general. Also the relationship to South Gyle Broadway, and how important landscaping will be retained.

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 Peter MacLeod

Declaration Date: 03/02/2020



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 100179815-001

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)

Planning permission in principle for the erection of a single dwellinghouse including car parking space

Is this a temporary permission? *

☐ Yes ☒ No

If a change of use is to be included in the proposal has it already taken place?

☐ Yes ☒ No

(Answer 'No' if there is no change of use.) *

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:	Gain Planning Services		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Peter	Building Name:	
Last Name: *	MacLeod	Building Number:	122
Telephone Number: *		Address 1 (Street): *	Scott Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Galashiels
Fax Number:		Country: *	United Kingdom
		Postcode: *	TD1 1DX
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Ms	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	Castle Mills Studio 1
First Name: *	Agnieszka	Building Number:	
Last Name: *	Seroczynska	Address 1 (Street): *	2 Gilmore Park
Company/Organisation	c/o MAArchitects	Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH3 9FP
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:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Northing

672155

Easting

318471

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

450.00

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)

No use. It is an overgrown landscaped area.

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.

<p>Are you proposing any change to public paths, public rights of way or affecting any public right of access? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p> <p>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.</p>
<p>Water Supply and Drainage Arrangements</p> <p>Will your proposal require new or altered water supply or drainage arrangements? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p>
<p>Are you proposing to connect to the public drainage network (eg. to an existing sewer)? *</p> <p><input checked="" type="checkbox"/> Yes – connecting to public drainage network</p> <p><input type="checkbox"/> No – proposing to make private drainage arrangements</p> <p><input type="checkbox"/> Not Applicable – only arrangements for water supply required</p>
<p>Do your proposals make provision for sustainable drainage of surface water?? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No (e.g. SUDS arrangements) *</p> <p>Note:-</p> <p>Please include details of SUDS arrangements on your plans</p> <p>Selecting 'No' to the above question means that you could be in breach of Environmental legislation.</p>
<p>Are you proposing to connect to the public water supply network? *</p> <p><input checked="" type="checkbox"/> Yes</p> <p><input type="checkbox"/> No, using a private water supply</p> <p><input type="checkbox"/> No connection required</p> <p>If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).</p>
<p>Assessment of Flood Risk</p> <p>Is the site within an area of known risk of flooding? * <input type="checkbox"/> Yes <input type="checkbox"/> No <input checked="" type="checkbox"/> Don't Know</p> <p>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.</p> <p>Do you think your proposal may increase the flood risk elsewhere? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> Don't Know</p>
<p>Trees</p> <p>Are there any trees on or adjacent to the application site? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No</p> <p>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.</p>
<p>All Types of Non Housing Development – Proposed New Floorspace</p> <p>Does your proposal alter or create non-residential floorspace? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No</p>

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

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) 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.

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

Signed: Peter MacLeod

On behalf of: Ms Agnieszka Seroczynska

Date: 11/09/2019

☒ 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)

Supporting planning statement

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 Peter MacLeod

Declaration Date: 11/09/2019

Payment Details

Online payment: 4715681993864640

Payment date: 11/09/2019 11:56:00

Created: 11/09/2019 11:56

Proposal Details

Proposal Name	100230464
Proposal Description	Appeal statement to local review body for refusal of planning permission in principle, 19/04343/PPP, for The erection of a single dwelling house including car parking space
Address	
Local Authority	City of Edinburgh Council
Application Online Reference	100230464-001

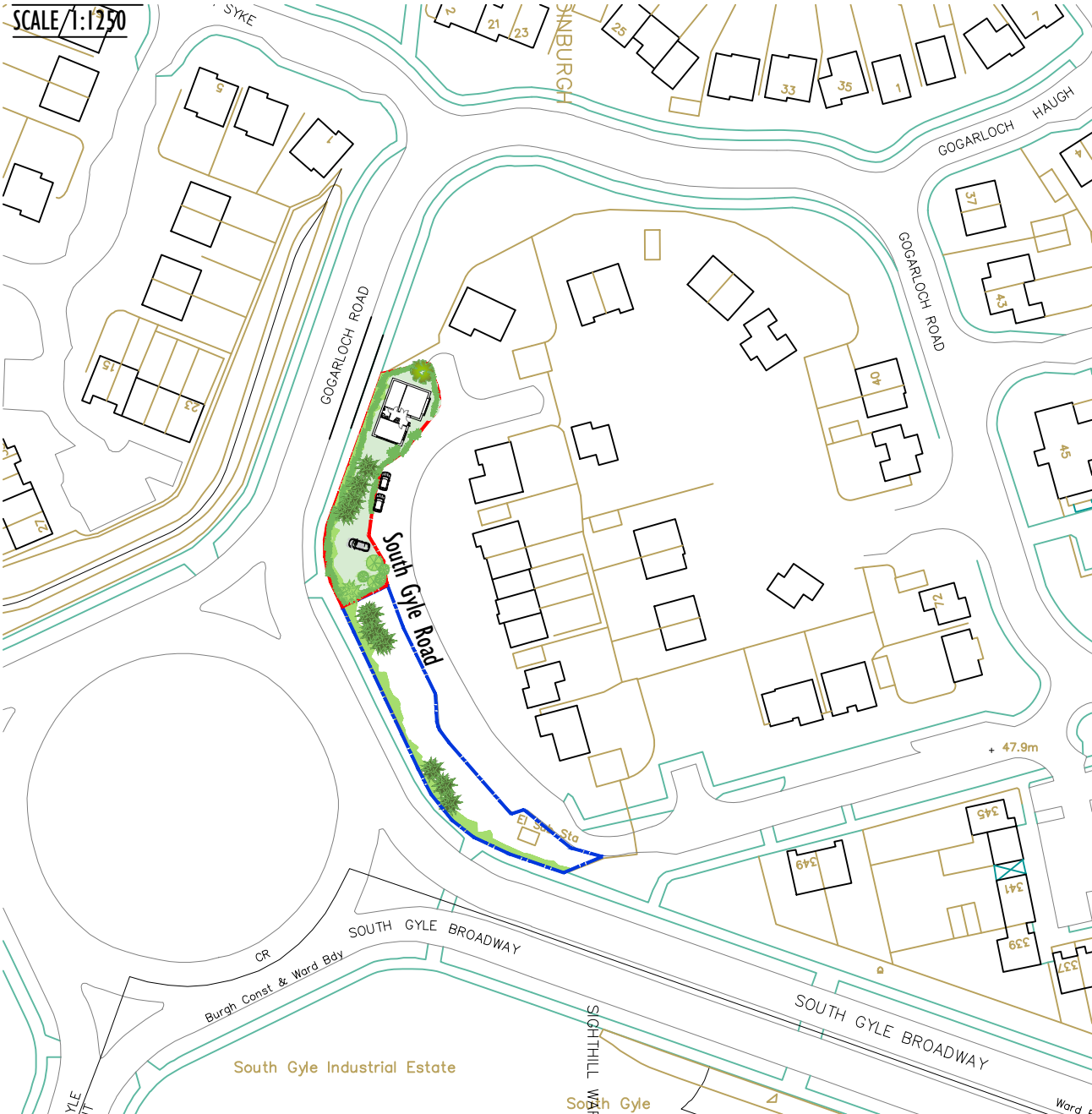
Application Status

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

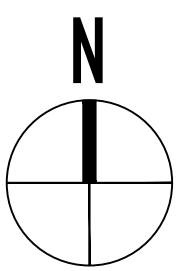
Attachment Details

Notice of Review	System	A4
Gogarloch Road LRB appeal statement	Attached	A4
19_04343_PPP-APPLICATION_FORM	Attached	A4
95-OPA-01-Location Plan	Attached	A4
95-OPA-02-Proposed indicative layout	Attached	A2
Supporting planning statement 11 Sept	Attached	A4
19_04343_PPP-HANDLING_REPORT	Attached	A4
19_04343_PPP-DECISION_NOTICE	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0


LOCATION PLAN
SCALE 1:1250



SITE PLAN
SCALE 1:500



LEGEND:

-  SITE BOUNDARY
-  COMMUNAL GARDEN BOUNDARY
-  EXISTING TREES
-  PROPOSED TREES

MAA	
Agent:	MAArchitects Studio 1, Castle Mills 2 Gilmore Park Edinburgh EH3 9FP www.maarchitects.co.uk
Project:	LAND BETWEEN GOGARLOCH ROAD AND SOUTH GYLE ROAD EDINBURGH
Client:	AGNIESZKA SEROCZYNSKA
Drawing Title:	Location and site plan
scale: as indicated @ A3	dwg nr: 95-OPA-01
August 2019	
Outline Planning Application	

SITE PLAN
SCALE 1:200

GOGARLOCH R

368

private garage

bin store

public adopted road

South Gyle Road

pavement

patio - permeable paving

entrance

New hedge to match the existing

Existing conifer trees to remain

parking bays to remain

South Gyle Road

Existing hedge to remain and to be supplemented with new where needed to create natural screen

driveway - access to do not abstract existing parking bays

Private garden to be enclosed by new landscaping - existing greenery to be retained where possible

pavement

Garden around roundabout to remain as a communal space - subject to planning permission

South Gyle Road

proposed house






368

366

South Gyle Road

sketch nts

LEGEND:

-  SITE BOUNDARY
-  COMMUNAL GARDEN BOUNDARY
-  EXISTING TREES
-  PROPOSED TREES
-  PERMEABLE PAVING

MAA

Agent:

MAArchitects
Studio 1, Castle Mills
2 Gilmore Park
Edinburgh
EH3 9FP
www.maarchitects.co.uk

Project: LAND BETWEEN GOGARLOCH ROAD AND SOUTH GYLE ROAD EDINBURGH

Client: AGNIESZKA SEROCZYNSKA

Drawing Title: Proposed indicative site layout

Scale: as indicated @ A3

dwg nr: 95-OPA-02

August 2019

Outline Planning Application

APPEAL STATEMENT TO LOCAL REVIEW BODY FOR REFUSAL OF
PLANNING PERMISSION IN PRINCIPLE, 19/04343/PPP,
FOR
THE ERECTION OF A SINGLE DWELLING HOUSE INCLUDING CAR
PARKING SPACE
AT
LAND 24 METRES WEST OF 358 SOUTH GYLE ROAD EDINBURGH



03 FEBRUARY 2020

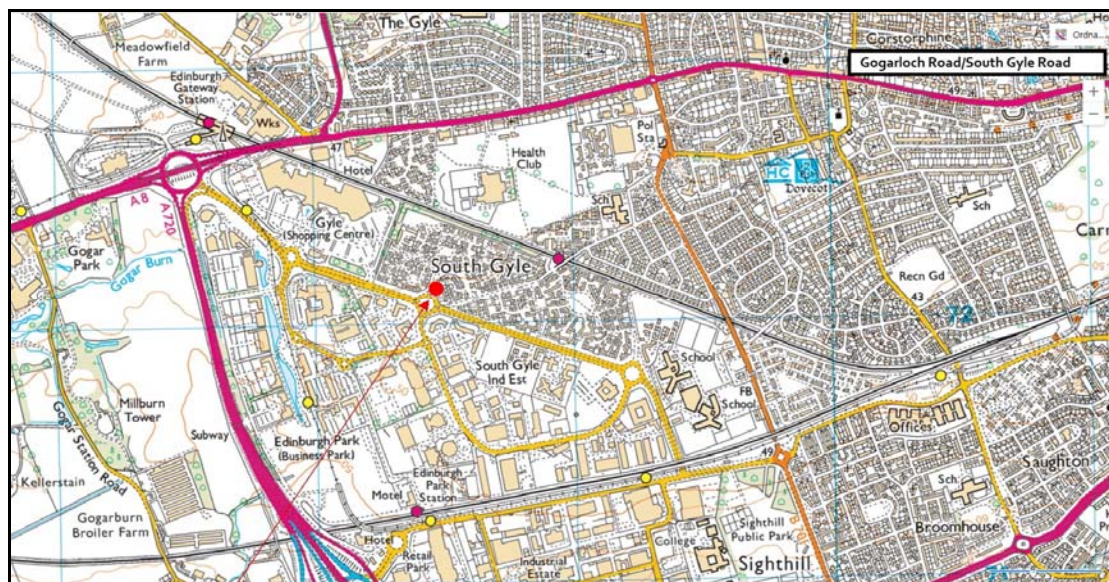
Prepared for
Agnieszka Seroczynska

by

Peter MacLeod, BSc. MSc. MRTPI
122 Scott Street
Galashiels
Selkirkshire
TD1 1DX

Introduction

The site is a narrow plot of land located between Gogarloch Road and South Gyle Road. The site is vegetated with trees, a beech hedge, shrubs and grass. The site area extends 450 square metres. The applicant also owns the southern area (around 575 square metres). It sits within the South Gyle Residential estate, bordered by the Edinburgh to Fife railway line to its north and by South Gyle Broadway to the south. To the west is The Gyle shopping centre and to the east is the campus of Forrester and St Augustine's RC High Schools. To the south of the Broadway is the South Gyle Industrial Estate.



OS map to identify the site location



A bird's eye view of the site viewed from the east

The site is bounded to the west by a public footpath, associated with Gogarloch Road, and is enclosed on this side by an iron railing and a hedge. There is presently no maintenance agreement for the upkeep of this ground. There are detached and terraced houses located immediately to the east of the site (352 to 366 South Gyle Road), and the north (368).

The width of the site varies from 6.5 metres to 12 metres. Access is available from South Gyle Road which is an adopted road. No access from Gogarloch Road would be permitted, or needed.



The location plan (ownership in blue)

The Refusal

The application, for a single dwellinghouse in outline, was refused on 5 November 2019 for the following reason:-

“The proposal is contrary to policies Hou 1, Hou 4, Des 1, Des 4 Env 12 and Env 21 of the adopted Edinburgh Local Development Plan as it would have an adverse impact on the character and appearance of the surrounding area, would result in the loss of trees and landscaping worthy of retention, would not create a satisfactory residential environment and raises issues in respect of road maintenance and flood prevention”.

This was supplemented with the following summary statement:-

“The proposal is not acceptable as it would result in the introduction of an incongruous development into an established landscaping strip and would have an adverse impact on the character and appearance of the surrounding area. The proposal would result in the loss of trees and landscaping worthy of retention, would not result in the creation of a satisfactory residential environment and raises issues in respect of road maintenance. In addition, it has not been satisfactorily demonstrated that the proposal will not be at risk of flooding or will not increase the flood risk to the surrounding area. The proposal is contrary to policies Hou 1, Hou 4, Des 1, Des 4, Des 5, Env 12 and Env 21 of the adopted Edinburgh Local Development Plan”.

Case in Support of Approval

The main issues to consider are;-

- A. the relative importance of the existing landscaped area and to its future role in providing a buffer to the nearby houses;
- B. the likely impact of a single dwellinghouse upon the character of the area and the amenity of neighbouring residents; and
- C. the amenity of future residents.

A. The status of the existing landscaped area

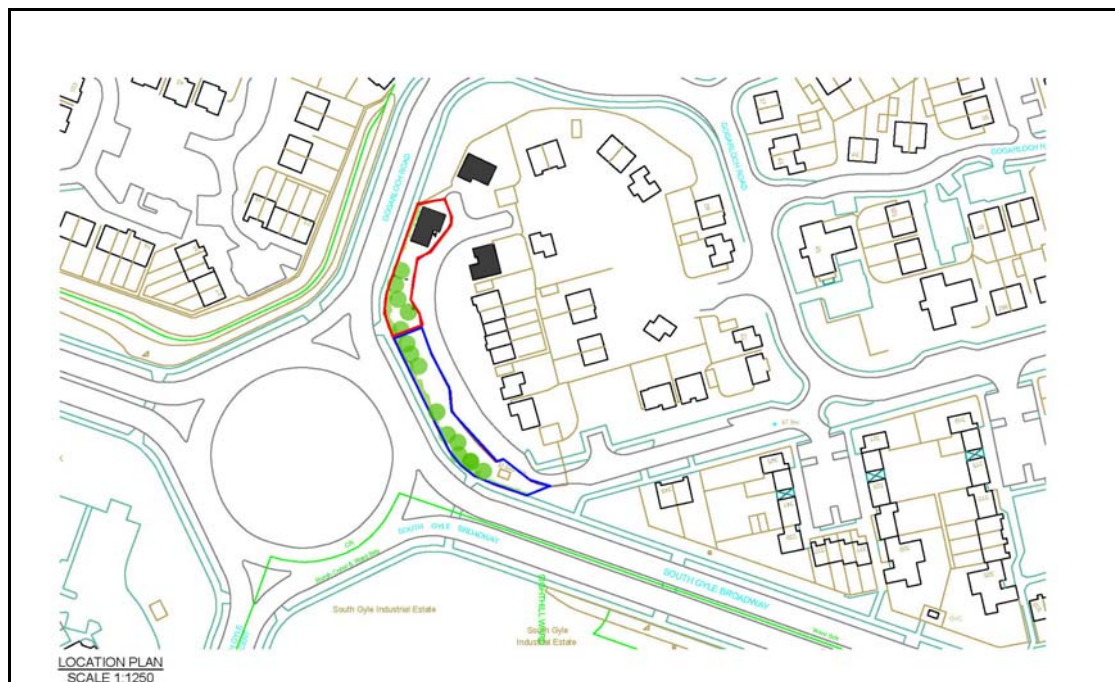
It is possible that this area of ground formed the landscaping to one of the applications A/03128/90 or A/01583/92 by Wimpey Homes Holdings Ltd, however Edinburgh Council's Historic Planning Records has been unable to provide this information (a request was submitted on 4th December 2019).

In any case, the proposal should be assessed on its own merits. Had this dwelling been included by Wimpey in 1992, it is most likely that it would not have resulted in a refusal.

The critical element of the landscaping is that which separates the housing estate from South Gyle Broadway and the industrial land opposite. This part of the applicant's ownership (blue line) has now been excluded from the development and the applicant is willing to hand this area over for future protection.

B. The impact upon existing amenity and character

The dwelling house would be in keeping with nearby houses and it would form a coherent relationship with them (see following figure). There will be no unacceptable impacts upon privacy, daylighting, sunlight or outlook. The form and materials would be complimentary.



The proposed house and houses at 366 and 368 shaded to highlight relationship

With regards ELDP policy **Hou4**, it is an appropriate density of development which respects the site's characteristics and those of the surrounding area, and it will create an attractive residential environment, safeguarding the living conditions within the cul-de-sac.

There will be some loss of landscaping, but this is not unusual for new development, and it is not considered that this landscaping is so critical as to warrant refusal. There will be significant landscaping retained, and the southern area can be further landscaped and maintained indefinitely. Only the north section is actually wide enough to successfully accommodate a dwelling of traditional proportions matching local house types. The proposal will contribute towards a sense of place, and the design concept draws upon positive characteristics of the surrounding area.

C. The Amenity of Future Occupiers

Any future occupiers will be provided with good amenity. There will be no main windows to the west elevation. Gogarloch Road does not carry the same amenity issues as South Gyle Broadway. It is a housing estate road and levels and type of traffic are not such that it should give any cause for concern. Other houses abut and front onto this road to the north and west of the site.

Windows will not overlook or be overlooked by other private properties and the garden space is more than adequate within the red line boundary.

D. Other Matters

With regards to parking, the dwelling and its curtilage can readily accommodate a single off street parking space and secure cycle parking. In terms of access, this will be via South Gyle Road, which according to the list of "Public Roads in Edinburgh" is an adopted road. It is unclear as to how issues of road maintenance should prevent development as this could be resolved through subsequent detailed planning procedures.

With regards to flooding, the site is at the extreme edge of an area of medium risk. It is in the midst of a housing estate of over 200 dwellings, all of which are at similar or greater risk. It would be very simple to ensure that finished floor levels are set at an appropriate level, and again this could be resolved through subsequent detailed planning procedures. There would be no increase to the risk of flooding elsewhere by this development.

5. Conclusions

In principle it is evident that this development could be carried out in such a manner that it would have no adverse impact upon the amenity of the neighbouring residents in respect of policies **Des 1 & 4**.

The future occupiers of the dwellinghouse would be afforded good standards of accommodation and private garden space with adequate levels of daylight, amenity and privacy. Noise from Gogarloch Road would not be an issue.

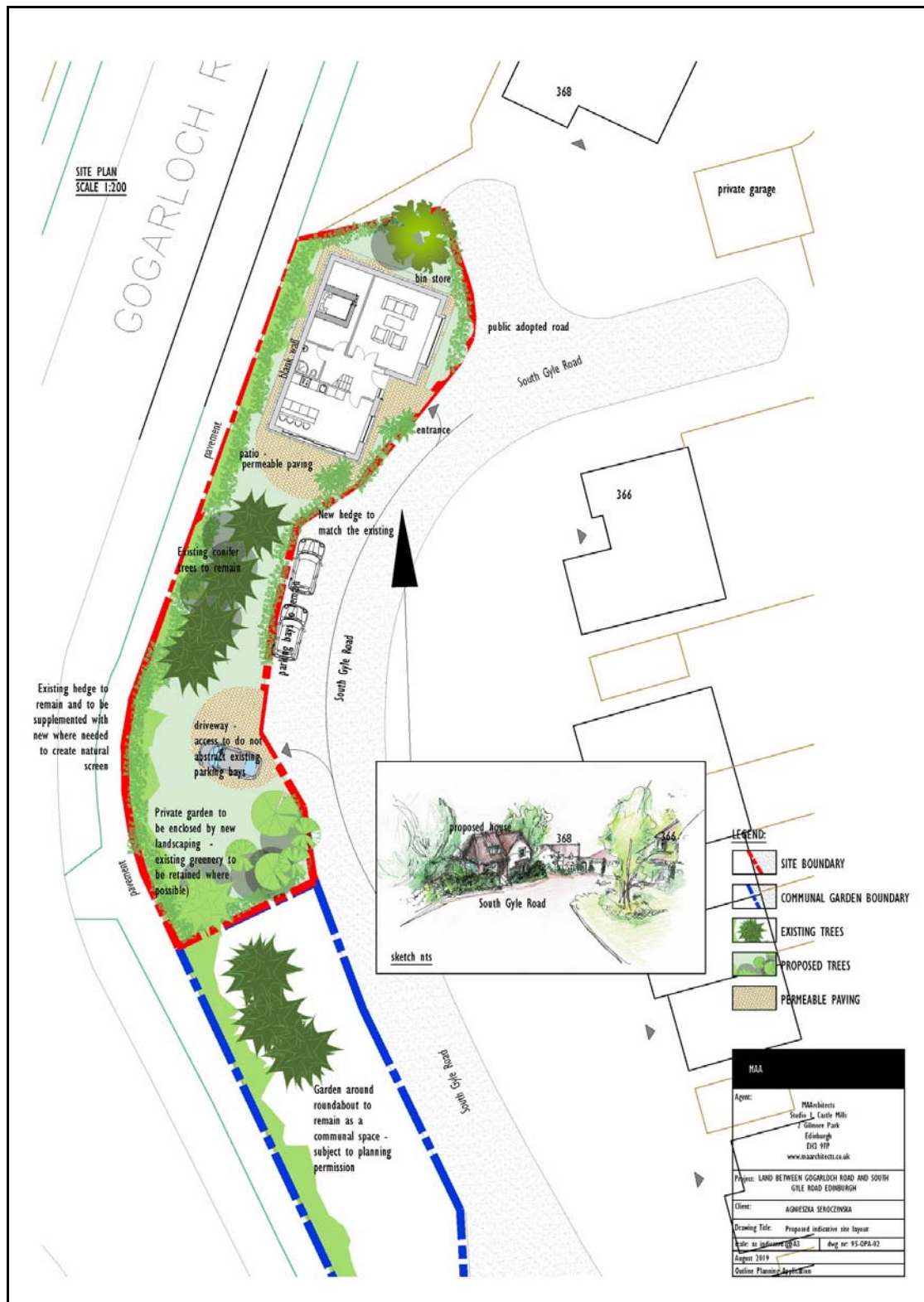
Policy **Hou1** permits development on other suitable sites in the urban area (i.e. windfall sites). The resulting density would remain in character with the area and would comply with policy **Hou4**.

With good standards of design and landscaping, the addition of a dwellinghouse in this area of ground will compliment the urban character of the area in general, and the cul-de-sac in particular, and can indeed be a positive attribute when partnered with landscaping enhancements and a change in the management of the site to the south.

The principal landscape screening to the housing estate would be retained, and enhanced in the area where it is most needed.

It is therefore concluded that subject to detailed design and other controls that can be implemented at the detailed 'AMC' stage, the proposed development would be a positive addition to the area; it would add to the sense of place, it would enhance the supply of housing within the area, an area with excellent public transport links and with accessible employment educational and retail facilities.

Appendix 1 - The Indicative Site plan



Appendix 2 - List of Policies of the Edinburgh Local Development Plan 2016 listed in the reason for refusal

Policy Des 1 Design Quality and Context - Planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for

poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.

Policy Des 4 Development Design - Impact on Setting - 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 townscape and landscape, and impact on existing views, having regard to:

- a) height and form
- b) scale and proportions, including the spaces between buildings
- c) position of buildings and other features on the site
- d) materials and detailing

Policy Env 12 Trees - 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.

Policy Env 21 Flood Protection - Planning permission will not be granted for development that would:

- a) increase a flood risk or be at risk of flooding itself
- b) impede the flow of flood water or deprive a river system of flood water storage within the areas shown on the Proposals Map as areas of importance for flood management
- c) be prejudicial to existing or planned flood defence systems.

Policy Hou 1 Housing Development

1. Priority will be given to the delivery of the housing land supply and the relevant infrastructure* as detailed in Part 1 Section 5 of the Plan including:

- a) 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

2. Where a deficit in the maintenance of the five year housing land supply is identified (as evidenced through the housing land audit) greenfield/greenbelt housing proposals may be granted planning permission where:

- a) The development will be in keeping with the character of the settlement and the local area
- b) The development will not undermine green belt objectives
- c) Any additional infrastructure required* as a result of the development and to take account of its cumulative impact, including cross boundary impacts, is either available or can be provided at the appropriate time.
- d) The site is effective or capable of becoming effective in the relevant timeframe.

Policy Hou 4 Housing Density - The Council will seek an appropriate density of development on each site having regard to:

- a) its characteristics and those of the surrounding area
- b) the need to create an attractive residential environment and safeguard living conditions within the development
- c) the accessibility of the site includes access to public transport
- d) the need to encourage and support the provision of local facilities necessary to high quality urban living.

Higher densities will be appropriate within the City Centre and other areas where a good level of public transport accessibility exists or is to be provided. In established residential areas, proposals will not be permitted which would result in unacceptable damage to local character, environmental quality or residential amenity.

PLANNING STATEMENT FOR THE ERECTION OF A SINGLE
DWELLINGHOUSE, IN PRINCIPLE,
AT
LAND BETWEEN GOGARLOCH ROAD AND SOUTH GYLE ROAD,
EDINBURGH



Prepared for

11 SEPTEMBER 2019

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1. Introduction

The surrounding area

The site sits within the South Gyle Residential estate, an extensive modern housing development on the west side of Edinburgh, which has evolved through the 1970's to 2000's, and now extends to over 31 hectares.

The area is bounded to the north by the Edinburgh to Fife railway line and to the south by the South Gyle Broadway dual carriageway. To the west of the area is The Gyle shopping centre with car park and to the east is the conjoined campuses of Forrester and St Augustine's RC High Schools.

To the south of South Gyle Broadway is the South Gyle Industrial Estate, and to the north of the railway line is mixed development in Gyle and Corstorphine.

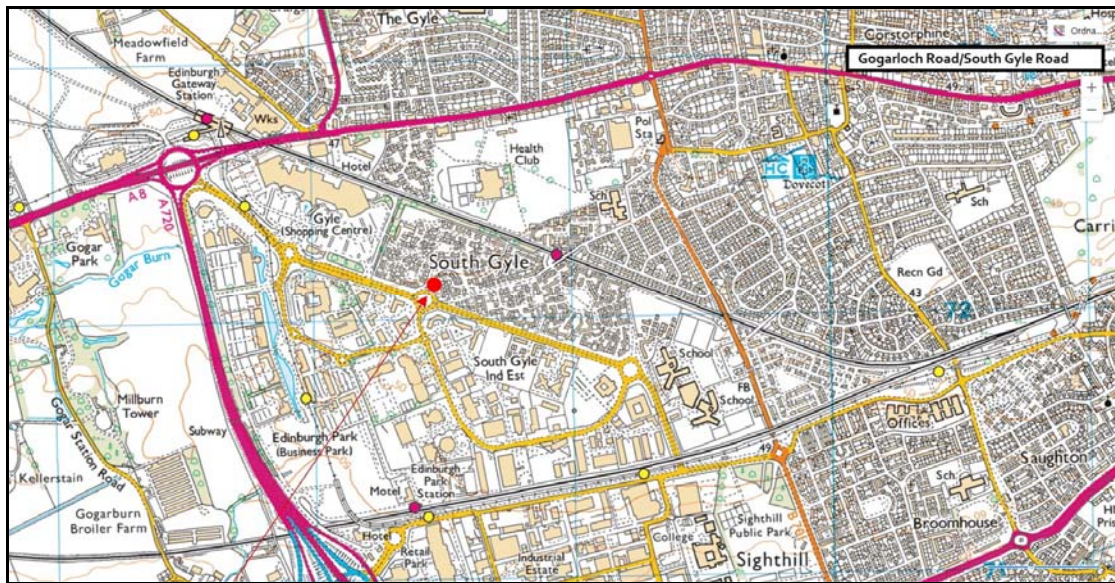


Figure 1: OS map to identify the site location

The Site

The site is a narrow plot of land located between Gogarloch Road and South Gyle Road. The site is presently vegetated with trees, an overgrown hedge, shrubs and grass. The site area extends 450 square metres. The applicant also owns the southern area (around 575 square metres).



Figure 2: The site viewed from the Gogarloch Road exit off South Gyle Broadway

The southern end of the site is landscaped with tree planting and it also contains a gas governor.

There are detached and terraced houses located immediately to the east of the site (352 to 366 South Gyle Road), and the north (368).



Figure 3: The location plan

The site is bounded to the west by a public footpath, and is enclosed on this side by an iron railing and a hedge. There is presently no maintenance agreement for the upkeep of this ground.



Figure 4: A bird's eye view from the east, with proposed house location highlighted

The width of the site varies from 6.5 metres to 12 metres. Access is available from South Gyle Road which is an adopted road. No access from Gogarloch Road would be permitted.

The applicant

The applicant is the present owner of the site. The site was purchased mid to late 2017.

Site History

Planning permission in principle was applied for in 2017. This proposed up to 4 dwellings (indicative plans show three).

Reference 18/00618/PPP

Validated 09 Feb 2018

Proposal Redevelopment of area of landscaping into small residential development comprising detached houses.

Decision Refused, Decision Date 05 Jul 2018

Appeal Decision, LRB, uphold (application refused)

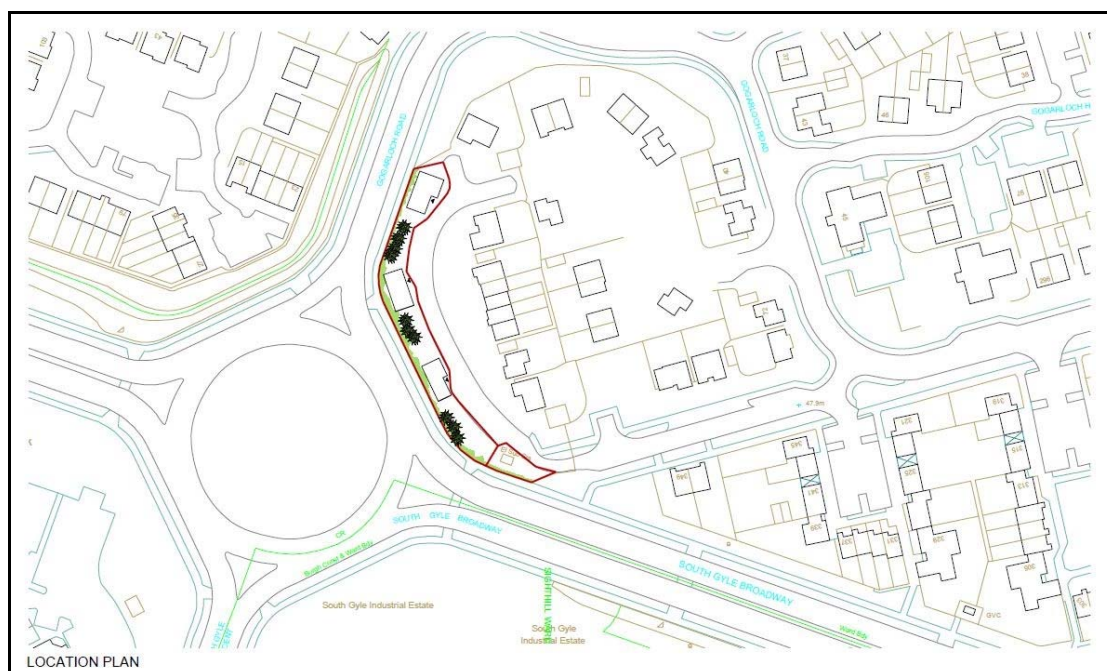


Figure 5: Previous proposal and the indicative layout for three houses

Post application consultation

Subsequent to the refusal, the applicant tried to engage with local residents with a view to discussing the details, the design and layout of a future proposal for the site. A consultation letter was sent out to all 13 neighbouring properties.

There was one single response. This mentioned that the beech hedge has been trimmed back so that the pathway was now clear, supposedly carried out by members of the local community. Regarding the erection of a 2 ½ storey house, the respondent objected to it because the suggested design and height are not in keeping with the area. A contemporary house would be a 'carbuncle'. The removal of landscaping will change our outlook, and the current trees and bushes provide much needed sound proofing from the traffic. They were keen to agree a landscape maintenance plan for the site.

The neighbours were not interested in attending any meeting with the applicant.

The letter has been attached to the appendix of this report.

2. The proposal

The application is for planning in principle for the erection of a single two storey dwellinghouse. This will be erected at the north end of the site.

The footprint and the scale of the house would be very much in keeping with the existing urban form. Existing landscaping will be retained where possible within the garden ground, particularly trees or hedges on the west boundary. The landscaping in the south site would be preserved.

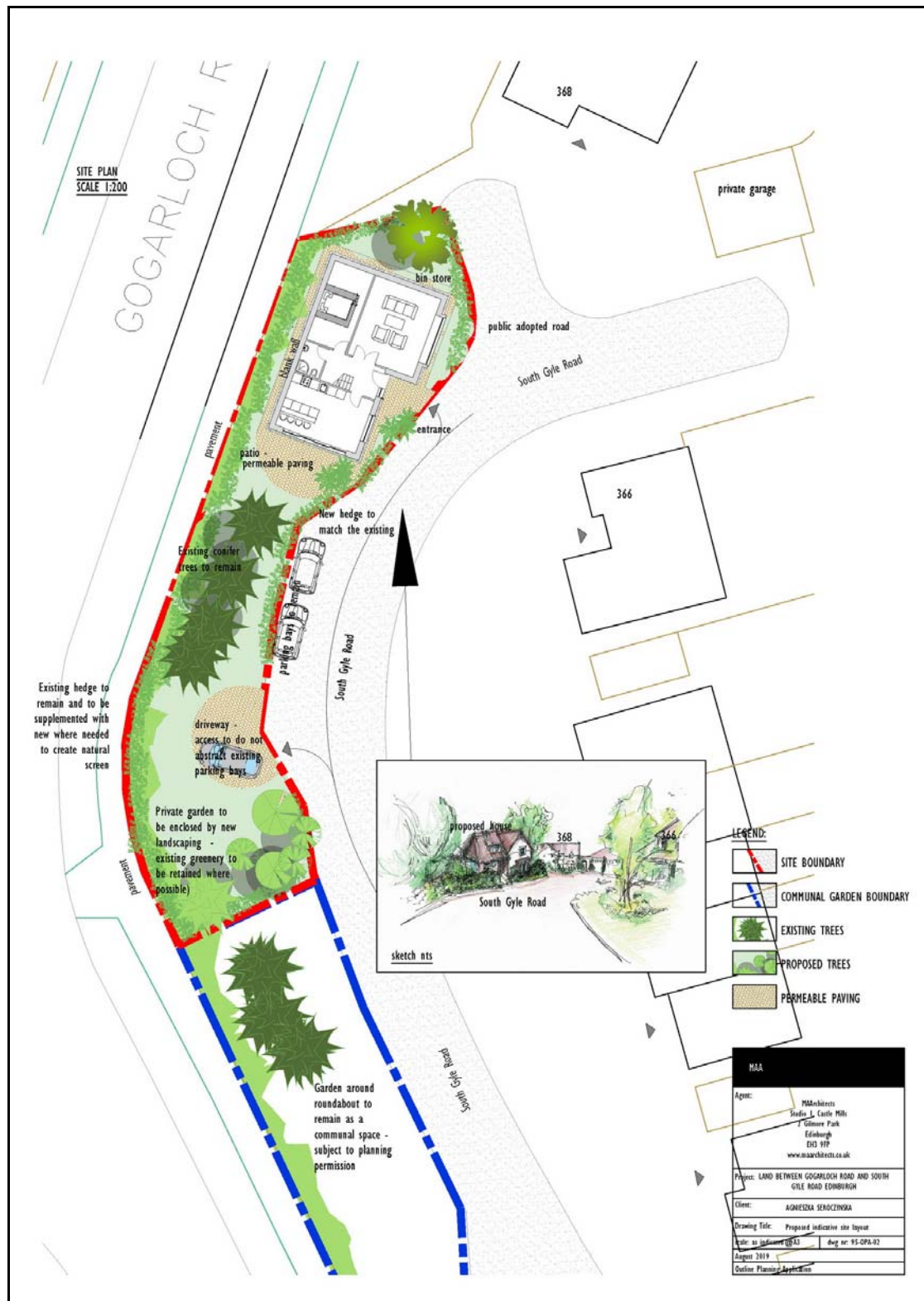


Figure 6: The site plan with an indicative house position and ground floor plan

The house would be two storeys, similar to surrounding villas. The option of a contemporary design had previously been considered, however following feedback from local residents, the planning officers and the LRB it has been decided that the design should be kept more traditional in appearance.

Parking would be accommodated within the site, and would constitute a single off road car parking space, with the access taken from the South Gyle Road cul-de-sac, which is an adopted road. If possible this space will be accommodated adjacent to the house, leaving the south area free for garden ground.

The railing and hedging to the west boundary within the red line boundary would be retained.

The south end of the applicant's ownership (that outlined in blue in figure 3) will, if planning permission is forthcoming, be gifted to the local community or trust and this can be secured by legal agreement. The landscaping here would be retained, maintained and enhanced.

3. Constraints and Policy Considerations

There are no heritage, wildlife or other planning designations covering the site.

The site is within the urban area of the City of Edinburgh.

The site contains vegetation which acts as a buffer between the housing development and the dual carriageway and roundabout (South Gyle Broadway) although the critical element of this is in the south site (blue line).

The site is at the very edge of an area of potential river flooding.

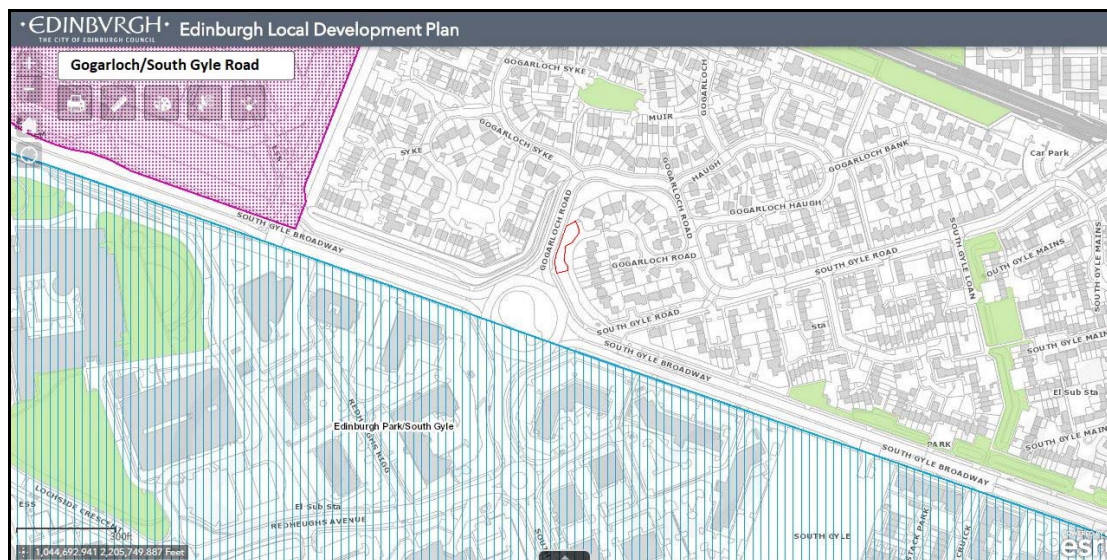


Figure 7: Extract from the Edinburgh Local development Plan interactive map (site in red)

The principle policy considerations will be with regards to existing residential amenity, urban character, landscaping and parking. In this respect, the most critical policies of the **Edinburgh Local Development Plan (ELDP)** will be policies **Des 1 to 5, Env 12, Env 21, Hou 1, Hou 4 and Tra 2**. Also relevant will be the **Edinburgh Design Guidance**.

A list of all the relevant policies is provided in the appendix to this statement.

4. Assessment

This is an application for the erection of a single dwellinghouse in principle and the main determining issues are likely to relate to the appropriateness of the location for a house, the visual impact on the site in terms of landscape and urban form, the impact upon existing neighbours and traffic and parking.

Location and the Principle of use

The site is within the urban area of Edinburgh, as defined by the **ELDP**. It is within a 30 hectare residential estate with over 1100 properties that lies between South Gyle Broadway and the main railway line.

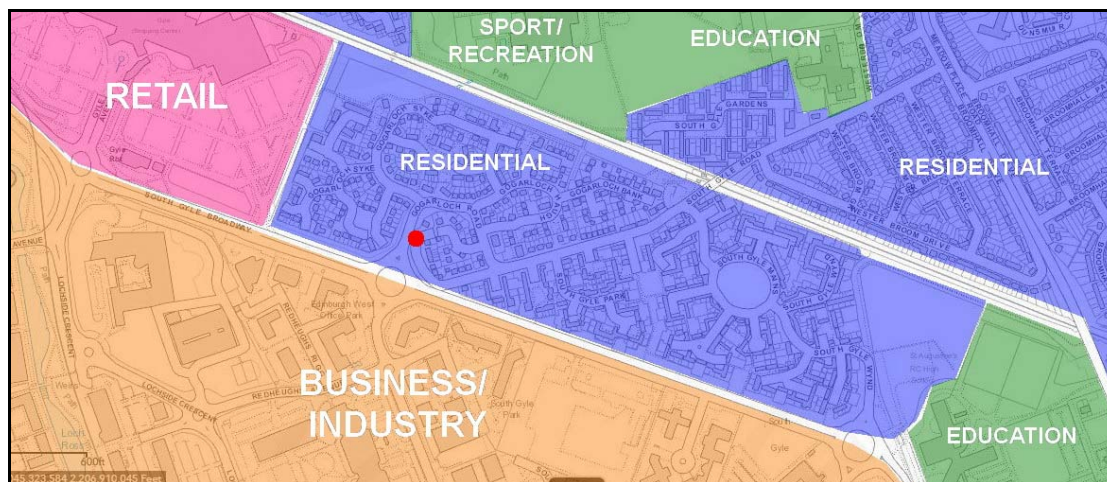


Figure 8: The site (red dot) in relation to surrounding uses

Policy Hou 1 advises that priority will be given to the delivery of the housing land supply on sites allocated in the **ELDP**; as part of a business led mixed use proposal at Edinburgh Park/South Gyle; as part of the mixed use regeneration proposals at Edinburgh Waterfront; or on other suitable sites in the urban area, provided proposals are compatible with other policies in the plan. This proposal falls into the latter category, it being a windfall site within an existing residential zone within the urban area, and is acceptable in principle, subject to compliance with other detailed policies and SPG.

Whilst most housing needs are expected to be realised on land which is already committed for housing development either through current or previous development plan land allocation, or through extant planning permission consents, there is still a large contribution that can be made by the development of windfall sites or previously developed sites within the urban envelope. The proposal is acceptable in principle.

The Strategic Development Plan for Edinburgh and South East Scotland (**SesPlan**) carried out a Housing Need and Demand Assessment which identified that, in the combined period from 2009 to 2024 alone, the number of households likely to be generated from within the City of Edinburgh is around 48,490. **SesPlan Policy 5** on Housing Land makes it clear that windfall sites and redevelopment sites will contribute towards this target. The **SesPlan** goes on to advise at paragraph 113 that, consistent with SPP and with achieving sustainable development, priority in allocating new sites for housing development should be given to previously developed sites within existing built up areas.

The **Scottish Planning Policy (SPP)** similarly states that housing land requirement can be met from a number of sources, most notably sites from the established supply which are effective or expected to become effective during the plan period, sites with planning permission, proposed new land allocations, and a proportion through windfall development.

Under the heading of 'Placemaking', the **SPP** states that "*Planning should direct the right development to the right place*". It goes on to advise that Development Plans should promote a sustainable pattern of development appropriate to the area. It sets out a set of five guiding policy principles to achieve this, at paragraph 40. It encourages the use of land within or adjacent to settlements for a mix of uses. This will also support the creation of more compact, higher density, accessible and more vibrant cores.

There is a clear recommendation in the **SPP** that the most should be made of sites within the built up area of towns and cities. Development should be maximised as far as possible, so long as this does not adversely impact upon existing residential amenity and urban character to an unacceptable degree.

The current proposal generally respects the policy objectives of the **SPP** by building within the existing built up area. The provision of an additional dwelling here will make a small contribution towards achieving the 15 year housing supply target for the **SesPlan**. It proposes a dwelling-house in an established residential location with good access to the resources of the area including existing service infrastructure, public transport, schools and retail facilities.

Therefore subject to impacts upon urban character and residential amenity (covered in following sections) the proposed development complies with planning policy objectives, and is acceptable in principle.

Landscape/Urban character Issues

One of the main concerns raised in the previous more extensive proposal was the potential impact upon local landscape, both for its impact upon setting and also the diminishment of its role as a visual buffer to the main road.

The site is at the edge of a large residential estate and is within an area of landscaping at the edge of one of the side roads into the estate, which lead off the main spine road, South Gyle Broadway. The reduction in the size of the site has however reduced the landscape impact by still retaining that element closest to the Broadway. Any development on the site will have to respect the setting of the residential estate and this landscape buffer which separates it from the main road (South Gyle Broadway).

The site is now legally detached from the original housing development and is no longer within the control of the residents or any factor acting on their behalf. There is no landscape management plan for the site and it is now privately owned following sale on the open property market.

In developing a house plot within this site, any trees removed would be replaced elsewhere on the site where possible, or other locally approved site. Also the development would have to somehow maintain its principal screening role to the main road and roundabout.

Policy **Des 3** encourages development to incorporate and enhance existing features considered worthy of retention on the site, within its design. There are no built or historic features, and the only positive feature of the site is the landscaping, currently not maintained. This is not historic tree planting but is relatively recent. It does however create a significant green feature and so it is proposed to retain as much of this as is possible, along the outer edge of the site. In particular, that part of the site that separates the neighbouring houses on South Gyle Road from the busy thoroughfare of South Gyle Broadway will be retained and enhanced.

The proposed dwelling-house would only affect some trees in the north section, which separates Gogarloch Road. Even then, trees and hedging on the west boundary of the red line site will be retained where possible.



Figure 9: The main traffic flows on South Gyle Broadway in relation to screening

As can be seen from the above figure, the majority of the site (the blue line) will be retained as landscaping, and will be enhanced and maintained, and this will continue to be an effective screen to the busy route along South Gyle Broadway. The south and east of the dwellinghouse plot (red line) will also retain many trees and vegetation. The impact of Gogarloch Road traffic will in any case be significantly lesser and should not raise any valid concerns.

ELDP policy **Des 4** relates to a development's impact on setting, and it seeks to ensure that development will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views.

Certainly with regards to the height and form of the proposals, the scale and proportions of buildings, the spacing between proposed and existing buildings,

their position and their materials and detailing, the development will be entirely in keeping with the setting of the site and it will have a positive influence. There will be a balance between the proposed dwelling and the dwellings at 366 and 368 South Gyle Road, as figure 10 demonstrates.

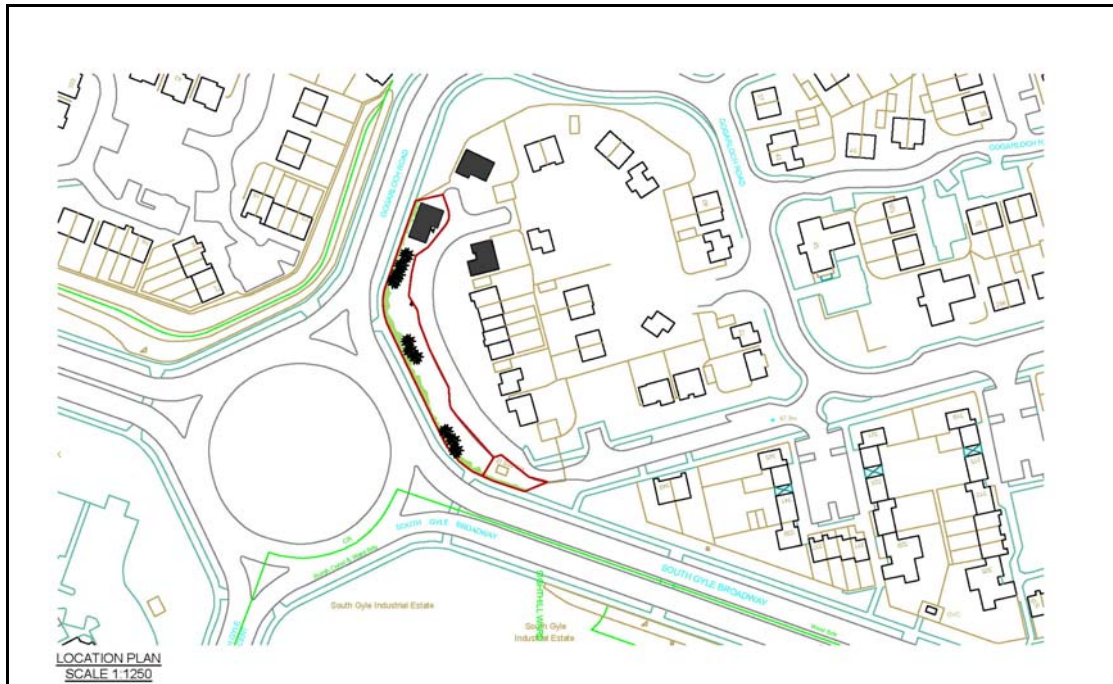


Figure 10: The proposed house and adjoining two villas

As this image shows, the indicative footprint of a dwelling here creates a strong relationship with the closest two detached villas. In no way does this arrangement appear alien or out of place, but in fact will create a very pleasant and balanced terminus to the cul-de-sac.

Clearly this is only an application in principle at present; however the way in which the applicant designs any future detailed consent will influence the positivity of any impact upon design and character of the area.

With regards to the impact upon the Gogarloch Road frontage, the site will remain alienated from this street by the railing, hedges and some trees. It will appear different to the current street view, as clearly a house will now be partially visible on this elevation. This would not however be unusual in this side street as houses front onto it for the majority of its length.

The area is residential in character and this is a low density residential proposal. The site will retain the majority of its existing landscaping, it will retain the enclosed nature of the cul-de-sac and will preserve the general character of the site.

The following images on page 13 are intended to demonstrate this and the possible impact of a dwelling on this site.

It is concluded that whilst the addition of a single dwelling here would clearly have an impact, this would not be a negative impact and it would sit quite comfortably with the character of the street.



Figure 11: The view to the north on Gogarloch Road



Figure 12: The view to the south on Gogarloch Road



Figure 13: The impact of an 'indicative' dwelling on the site viewed from Gogarloch Road

So whilst there will be a noticeable visual change, this would not be out of keeping with the character of the area, and would be an entirely appropriate form of development. The important landscape feature would be retained where it is most critical.

It is therefore concluded that in terms of the **ELDP** the proposal satisfies the requirements of policy **Des 4**.

Built and Cultural Heritage Issues

There are no built or cultural heritage designations close to the site.

Wildlife/biodiversity Issues

There are no wildlife conservation designations close to the site.

Policy Env 12 (Trees) prohibits development likely to have a damaging impact on any tree or woodland worthy of retention unless necessary for good arboricultural reasons. It further stipulates that where such permission is granted, replacement planting of appropriate species and numbers will be required to offset the loss to amenity.

The trees in question are not protected, nor are they known to have any significant wildlife or habitat interest, however it is proposed to retain as much of the tree planting and landscaping as possible and to replant trees within the site where it is possible. Any vegetation removal would take place outwith the bird nesting season.

Site drainage and flooding

The site is at the edge of an area shown to be at medium risk from fluvial flooding. This is a very extensive area that covers a large existing area of housing and a primary school.

It is not clear what the source of this is, due to the lack of any local watercourse, however it would appear to relate to the Gogar Burn. The Gogar Burn crosses under the City By-pass, from west to east, just north of Hermiston Gait, is culverted 250 metres underground to Loch Ross, a water feature within Edinburgh Park, and then it is culverted back by around 250 metres to the west side of the City Bypass south of the Gogar Roundabout.

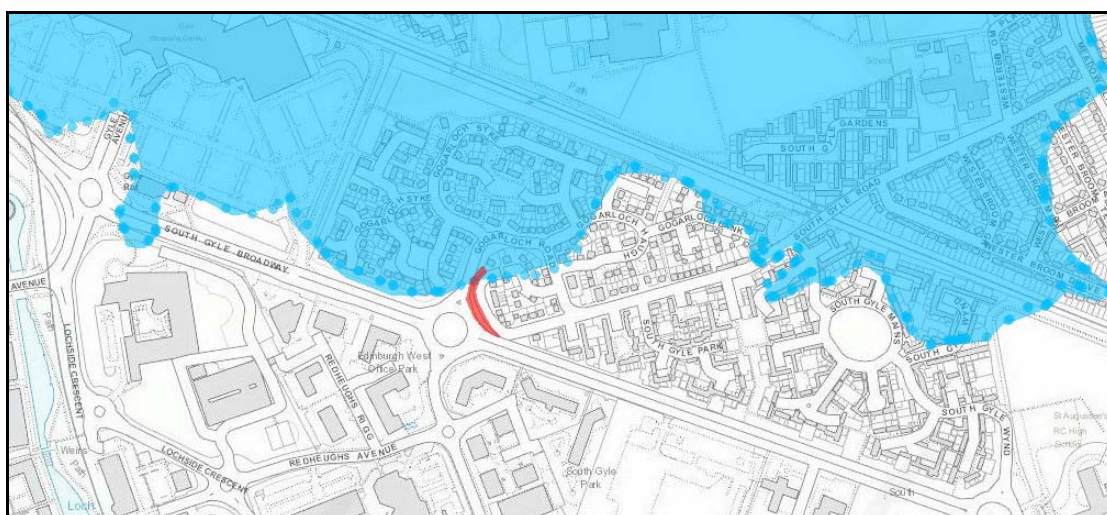


Figure 14: Medium flood risk area and site in red

The whole area sits to the south and west of an area of former marshland once known as the Gogarloch.

The development would not be subject to **unmanageable** risk from inundation.

It sits at the very limit of the medium risk zone and the site sits noticeably above the road level. The floor level can very easily be constructed above any anticipated flood levels. As a result, the proposed house will be better protected from potential flood risk than the surrounding properties, as the figure above clearly demonstrates.

The site will not raise the risk of flooding elsewhere. A small simple SUDs scheme can be incorporated into the development as part of the details required at the later stage. The proposal therefore complies with policy Env 21 (Flood Protection).

Residential Amenity

Policy **Des 5** requires that the amenity of neighbouring developments should not adversely affected and that the future occupants of the development itself are provided with acceptable levels of amenity, both in relation to noise, daylight, sunlight, privacy or immediate outlook.

It also seeks to promote community security by providing active frontages to important thoroughfares and designing for natural surveillance over all footpaths and open areas.

The **Edinburgh Design Guidance SPG** provides extended advice on issues relating to amenity. It states that developers should “*Design the building form and windows of new development to ensure that the amenity of neighbouring developments is not adversely affected and that future occupiers have reasonable levels of amenity in relation to: daylight; sunlight; and privacy and immediate outlook*”.

The proposed house will be designed and orientated such that there will be no adverse impact upon existing levels of privacy, daylight and sunlight. The position of the footprint of the proposed house can be seen to be suitably distant that it will not impact upon daylight or sunlight to neighbouring gardens or existing windows.

With regards to window positioning, clearly this will be detailed at the next stage, but it will be a relatively simple exercise to ensure that windows do not overlook gardens or other habitable rooms. As the principle fenestrated elevations will be to the south and east, the window that requires to be most carefully considered is the first floor bedroom window of the house at 366.

Once the detailed application is submitted the positioning and style of the windows can be finalised. Also, the exact dimensions form and layout of the buildings can be tailored to ensure that there is no impact upon privacy. The layout does however clearly show that the distances are suitable and can comply with the **Design Guidance** manual.

With regards to outlook, the development is sufficiently far from existing habitable room windows that it would have no impact upon outlook. Again, this is a matter that can be given greater attention at the detailed application stage. The only affected house is that at 366, and it has one upper floor window that will require attention in terms of maintaining acceptable levels of privacy (see figure 15 below). The indicative plan shows a distance of 17.2 metres with a noticeable offset from directly opposing. The upper floor

windows might be set back further and it will be a simple task to ensure full compliance. Number 366 has a blank north gable.

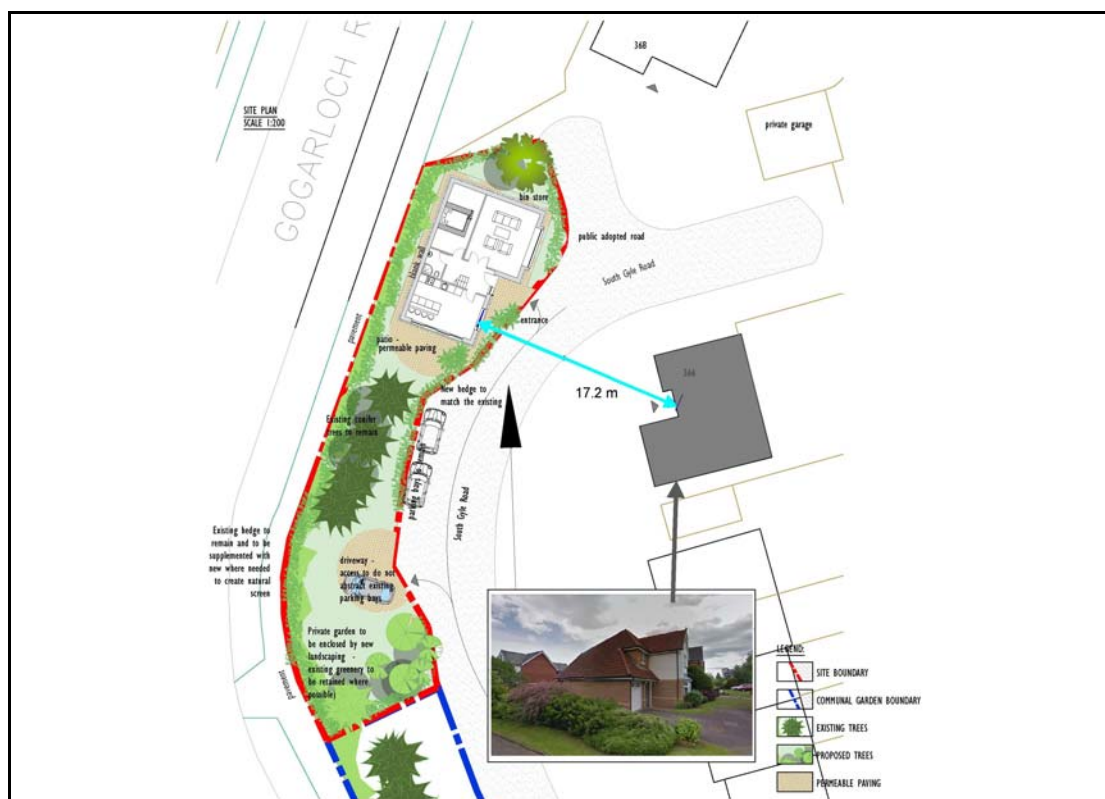


Figure 15: Distances to existing private dwellings (indicative layout), notably to 366

Any upper floor windows further north on the east elevation would face into the road hammerhead, and the blank gable of number 366, and this will not raise any issues.

The elevation to the north will have no windows.

There may be small secondary windows to the west elevation (Gogarloch Road) or windows to bathrooms/WCs.

Other windows will be south facing, or east facing at ground floor, which will not be an issue.

With regards to daylighting, the closest distance between the edge of the site and any elevation of a neighbouring house is 10.5 metres (366 South Gyle Road). As it will only be a two storey building, there will be no impact upon the daylighting to neighbouring houses.

Likewise, with regards to sunlight to gardens, the site would only affect front gardens and would be sufficiently distant as to not lead to any unacceptable impact in any case. The greatest impact would be to the north. The edge of the front garden of 368 is 8.3 metres from the indicative north elevation of the house. This is well within acceptable limits for a two storey house which will be up to 8 metres at ridge height, maximum.

With regards to community safety, at present the area of landscaping has a slightly negative impact by providing potential cover for any person(s) involved in anti-social or criminal activities. The presence of a dwelling here and the

maintenance of the remainder of the landscaped area to the south would be a significant improvement for local residential amenity and security.

Again, these matters can all be given greater attention when an application for matters specified in conditions is submitted.

It is concluded that in principle, the development can be carried out without any harm to the residential amenity of nearby occupants, and that it can fully comply with **ELDP policy Des 5** and the **Edinburgh Design Guidance**.

Traffic, Parking and Access

One issue that appeared to cause some debate with regards to the original application was vehicle access. The site is located between Gogarloch Road and South Gyle Road. Access will be from South Gyle Road, on the east side of the site. This is an adopted public road (see figure 18), and it is a cul-de-sac, terminating just north east of the house plot.

The house will have a maximum of one off street car parking space, in accordance with the Council's maximum parking standards adopted under the revised Design Guidance manual. Cycle parking can be accommodated within the garden area.

There is excellent access to public transport. South Gyle railway station is 600 metres (7 minutes walk) to the north east of the site, and Edinburgh Park Central Tram stop is 1.0km (13 minutes walk) to the south west (see figure 16 below). Edinburgh Park railway station and tram stop is a little further south at 1.3km (15 minutes walk), but still well within reach and providing far more extensive travel options. There are bus stops to either side of South Gyle Broadway, around 150 metres to the east of the southern end of the site, and there are very regular services from here (figure 17 below).

The following figure demonstrates that the site is well placed for local facilities such as shopping (The Gyle), primary schools (Gylemuir) and secondary schools (Forrester High School and St Augustine's RC High School).

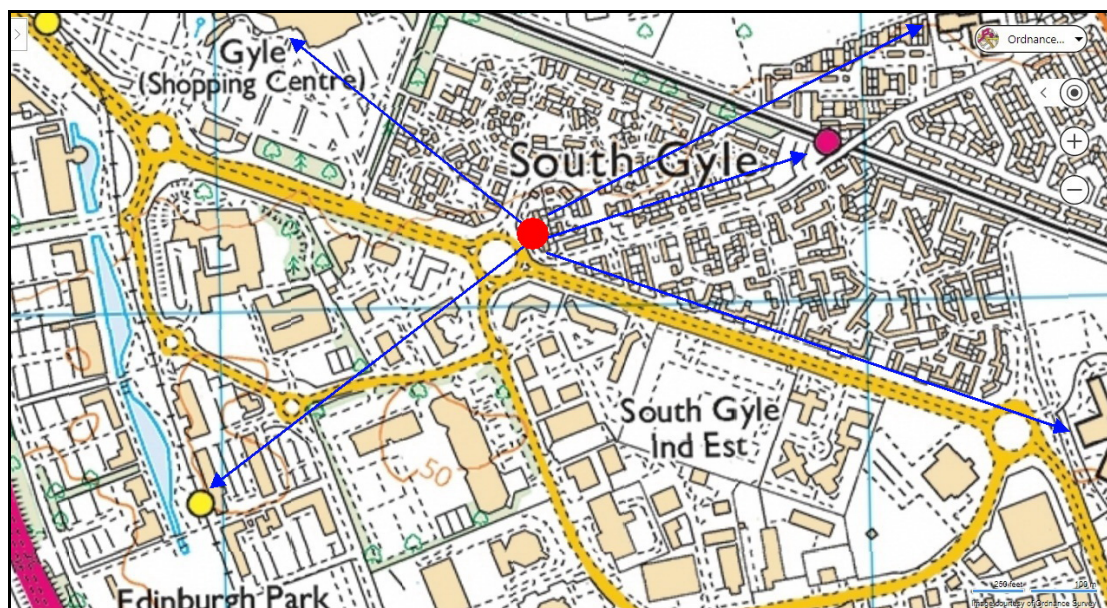


Figure 16: The site's location in relation to tram, train, shops and primary/secondary education

The site is also close to numerous employment sites within the Gyle and Edinburgh Park areas (see figure 8).

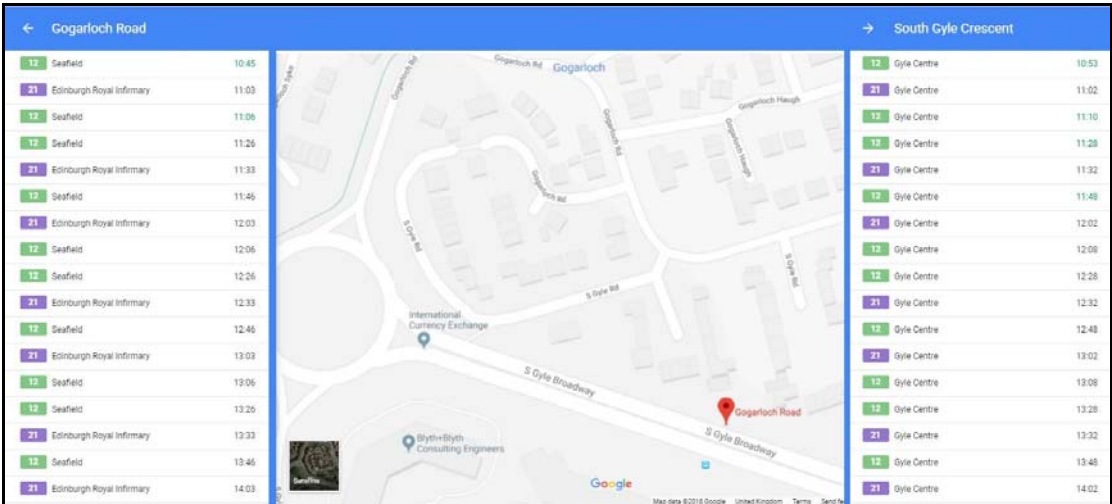


Figure 17: Nearby bus stops and very regular departure times (weekday a.m.)

List of Public Roads In Edinburgh	
- South Gyle Road	
Locality	South Gyle
Street Adoption Status	Adopted
Property Notice Description	SOUTH GYLE ROAD - From GOGARLOCH ROAD extending eastwards to BROOMHALL DRIVE and north then westwards - a cul-de-sac. Including the cul-de-sac and parking area at No. 241, and footpath links to SOUTH GYLE LOAN. Also 2 cul-de-sacs extending southwards into SOUTH GYLE PARK. Carriageways and adjacent footways adopted for maintenance. Excluding landscaped areas in cul de sac and private parking in SOUTH GYLE PARK.

Figure 18: Excerpt from list of Edinburgh’s public roads

The proposal is therefore very well located in terms of access to local facilities and to public transport options, and it will incorporate appropriate parking standards.

In principle the development can therefore fully comply with the **Design Guidance** parking standards and policies **Tra 2** and **Tra 3** of the **ELDP**.

5. Conclusions

The critical determining issues will be the impact upon the urban and landscape character of the area and the impact upon existing neighbouring residents.

In principle it is very clear that the development could be carried out in such a manner that it would have no adverse impact upon the amenity of the neighbouring residents in respect of policy **Des 5** and the **Design Guidance** manual.

The amenity of the future occupiers of the dwellinghouse would be afforded good standards of accommodation and private garden space with adequate levels of daylight, amenity and privacy. Noise from Gogarloch Road would not be an issue.

It is also concluded that by using good standards of design and landscaping, the addition of a dwellinghouse in this area of ground would not be to the detriment of the urban character of the area in general, or to the cul-de-sac in particular, and can indeed be a positive attribute. The principal landscape screening to the housing estate would be retained, and indeed enhanced. The development would comply with policies **Des 2 to 4** of the **ELDP** and to the advice within the **Design Guidance** manual.

It is therefore concluded that subject to detailed design, the proposed development would be a positive addition to the area; it would add to the sense of place, it would enhance the supply of housing within the area, an area with excellent public transport links and with accessible employment educational and retail facilities.

6. Appendices

A - List of all relevant Policies of the Edinburgh Local Development Plan 2016

Policy Del 1 Developer Contributions and Infrastructure Delivery

1. Proposals will be required to contribute to the following infrastructure provision where relevant and necessary to mitigate* any negative additional impact (either on an individual or cumulative basis) and where commensurate to the scale of the proposed development:

- a) The strategic infrastructure from SDP Fig. 2, the transport proposals and safeguards from Table 9 including the existing and proposed tram network, other transport interventions as specified in Part 1 Section 5 of the Plan and to accord with Policy Tra 8. Contribution zones will apply to address cumulative impacts.
- b) Education provision including the new school proposals from Table 5 and the potential school extensions as indicated in Part 1 Section 5 of the Plan. Contribution zones will apply to address cumulative impact.
- c) Green space actions if required by Policy Hou 3, Env 18, 19 or 20. Contribution zones may be established where provision is relevant to more than one site.
- d) Public realm and other pedestrian and cycle actions, where identified in the Council's public realm strategy, or as a site specific action. Contribution zones may be established where provision is relevant to more than one site.

2. Development should only progress subject to sufficient infrastructure already being available or where it is demonstrated that it can be delivered at the appropriate time.

Policy Des 1 Design Quality and Context - Planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.

Policy Des 2 Co-ordinated Development - Planning permission will be granted for development which will not compromise:

- a) the effective development of adjacent land; or
- b) the comprehensive development and regeneration of a wider area as provided for in a master plan, strategy or development brief approved by the Council.

Policy Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features - Planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

Policy Des 4 Development Design - Impact on Setting - 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 townscape and landscape, and impact on existing views, having regard to:

- a) height and form
- b) scale and proportions, including the spaces between buildings
- c) position of buildings and other features on the site
- d) materials and detailing

Policy Des 5 Development Design - Amenity - Planning permission will be granted for development where it is demonstrated that:

- a) 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
- b) the design will facilitate adaptability in the future to the needs of different occupiers, and in appropriate locations will promote opportunities for mixed uses
- c) community security will be promoted by providing active frontages to more important thoroughfares and designing for natural surveillance over all footpaths and open areas
- d) a clear distinction is made between public and private spaces, with the latter provided in enclosed or defensible forms.
- e) refuse and recycling facilities, cycle storage, low and zero carbon technology, telecommunications equipment, plant and services have been sensitively integrated into the design.

Policy Env 12 Trees - 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.

Policy Env 16 Species Protection - Planning permission will not be granted for development that would have an adverse impact on species protected under European or UK law, unless:

- a) there is an overriding public need for the development and it is demonstrated that there is no alternative
- b) a full survey has been carried out of the current status of the species and its use of the site
- c) there would be no detriment to the maintenance of the species at 'favourable conservation status'
- d) suitable mitigation is proposed

Policy Env 21 Flood Protection - Planning permission will not be granted for development that would:

- a) increase a flood risk or be at risk of flooding itself
- b) impede the flow of flood water or deprive a river system of flood water storage within the areas shown on the Proposals Map as areas of importance for flood management
- c) be prejudicial to existing or planned flood defence systems.

Policy Hou 1 Housing Development

1. Priority will be given to the delivery of the housing land supply and the relevant infrastructure* as detailed in Part 1 Section 5 of the Plan including:
 - a) 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
2. Where a deficit in the maintenance of the five year housing land supply is identified (as evidenced through the housing land audit) greenfield/greenbelt housing proposals may be granted planning permission where:
 - a) The development will be in keeping with the character of the settlement and the local area
 - b) The development will not undermine green belt objectives
 - c) Any additional infrastructure required* as a result of the development and to take account of its cumulative impact, including cross boundary impacts, is either available or can be provided at the appropriate time.
 - d) The site is effective or capable of becoming effective in the relevant timeframe.

Policy Hou 2 Housing Mix - The Council will seek the provision of a mix of house 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 regard to the character of the surrounding area and its accessibility.

Policy Hou 3 Private Green Space in Housing Development - Planning permission will be granted for development which makes adequate provision for green space to meet the needs of future residents.

- a) In flatted or mixed housing/flatted developments where communal provision will be necessary, this will be based on a standard of 10 square metres per flat (excluding any units which are to be provided with private gardens). A minimum of 20% of total site area should be useable greenspace.
- b) For housing developments with private gardens, a contribution towards the greenspace network will be negotiated if appropriate, having regard to the scale of development proposed and the opportunities of the site.

Policy Hou 4 Housing Density - The Council will seek an appropriate density of development on each site having regard to:

- a) its characteristics and those of the surrounding area
- b) the need to create an attractive residential environment and safeguard living conditions within the development
- c) the accessibility of the site includes access to public transport
- d) the need to encourage and support the provision of local facilities necessary to high quality urban living.

Higher densities will be appropriate within the City Centre and other areas where a good level of public transport accessibility exists or is to be provided. In established residential areas, proposals will not be permitted which would result in unacceptable damage to local character, environmental quality or residential amenity.

Policy Tra 2 Private Car Parking - Planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.

Policy Tra 3 Private Cycle Parking - Planning permission will be granted for development where proposed cycle parking and storage provision complies with the standards set out in Council guidance.

B - Other relevant policies and documents

- Edinburgh Design Guidance - October 2017
- SESplan Strategic Development Plan Approved 27 June 2013
- Scottish Planning Policy, June 2014
- Creating Places: A policy statement on architecture and place for Scotland - June 2013
- Scotland's Third National Planning Framework, June 2014

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[To: see recipient list at end of letter]

PLANNING PROPOSAL INFORMATION

01 November 2018

Dear neighbour,

As you are no doubt aware, our client recently submitted an outline planning application for the land to the west of 352 to 368 South Gyle Road. This was refused by the Council and turned down on appeal to the Local Review Body on 03 October 2018 (18/00618/PPP).

Our client has purchased this land unconditionally and they are now considering the best options for its future development/use.

As they are committed to the land, it is the owner's intent to progress a further planning application, this time for a single dwellinghouse, to the north section of the site, whilst retaining the remainder as landscaping. This would be a detailed planning application.



The figure above shows a rough layout, and the architect will work up detailed plans prior to submission. The current thinking is that it would be a very contemporary two-and-a-half storey house. The main criteria for the dwellinghouse is that it can provide an internal floor area of around 220 square metres, most likely over two storeys plus a developed roof space.

In order to resolve many of the concerns that were raised in representations submitted by the neighbouring proprietors/occupiers, the owner is keen to involve the local community in the new proposals and more critically what happens to the land which lies outwith the curtilage of the proposed house. They welcome comments on any concerns that neighbours may have on the erection of a single dwellinghouse on the north section of the land.

As can be seen from the above site plan, there is adequate space for a family dwelling here, whilst still retaining a very large section of the landscaping, and importantly it would retain the more critical area, i.e. that which provides a buffer between the dual carriageway and roundabout that is South Gyle Broadway. The image below shows which trees are most likely affected by the draft proposals.



The applicant would be willing to agree a maintenance plan for this area (blue outline on the aerial image at the end of this consultation letter) and to ensure that it is properly managed. This is something which is clearly lacking at present, evidenced by the unkempt nature of the planting and the overgrown beech hedge on the footpath side, which is now beginning to cause obstruction to pedestrians, and also by the fact that the land was able to be sold on the open market.

Whilst no design has been prepared just now, we have attached some random design ideas for the proposed house. Whilst we understand that you might be completely against the idea of a house in this location we would still welcome constructive feedback on the house types and what might be the more preferable design solution.

We welcome your thoughts and hope that we can arrive at a solution that accommodates the needs and aspirations of all parties.
Please reply to me via email or post to the address below.

Yours faithfully



Peter Macleod (Planning Agent)

on behalf of Agnieszka Seroczynska (Owner and applicant)

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