

Notice of meeting and agenda

Planning Local Review Body (Panel 1)

10.00 am Wednesday, 16th September, 2020

Virtual Meeting - via Microsoft Teams

This is a public meeting and members of the public are welcome watch the live webcast on the Council's website.

Contacts

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1. Appointment of Convener

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

2. Order of Business

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

3. Declaration of Interests

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

4. Minutes

- 4.1 Minute of the Local Review Body (Panel 1) of 19 August 2020 – 9 - 24
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 25 - 28

6. Requests for Review

- 6.1 35 Inverleith Row, Edinburgh – Proposal to replace existing roof slate with Cupa Heavy 3 slate roof tiles and removal of existing central hipped roof section (not visible from principle elevations) to create a flat roof with two flat roof lights and the removal of three existing chimneys – application no 20/01373/FUL 29 - 94

- (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.

6.2 The Old Dairy House, Dundas Home Farm, South Queensferry – 95 - 206
Erection of one-and-a-half storey, detached, 5 bedroomed family
home – application no 19/05253/FUL

- (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 a further written submission.

6.3 29 Peffer Place, Edinburgh – Change of use from class 5 to class 207 - 248
11 application no 20/00879/FUL

- (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 further written submission.

6.4 11 Riselaw Terrace, Edinburgh – Renovate and extend existing 249 - 272
front dormer; extend the existing rear dormer to create additional
roof space in adjacent rooms; new dormer on side elevation to
allow the division of current room into two smaller bedrooms; new
dormer at front to create more roof and storage space in
bedroom; all dormers timber framed and rosemary tiled to match
existing modern rear dormer; addition of timber framed porch to
front elevation – application no 20/02039/FUL

- (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.

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 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 EMP 8 (Business and Industry Areas)

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

Edinburgh Local Development Plan Policy ENV 4 (Listed Buildings - Alterations and Extensions)

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

Edinburgh Local Development Plan Policy ENV 10 (Development in the Greenbelt and Countryside)

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 RET 8 (Entertainment

8. Non-Statutory Guidance

- 8.1 8.1 [Development in the Countryside and Greenbelt](#)
- 8.2 [Edinburgh Design Guidance](#)
- 8.3 [Guidance for Businesses](#)
- 8.4 [Guidance for Householders](#)
- 8.5 [The Inverleith Conservation Area Character Appraisal](#)
- 8.6 [Listed Buildings and Conservation Areas](#)

9. Additional Guidance

- 9.1 9.1 [The Historic Environment Policy for Scotland 2019](#)
- 9.2 [Managing Change in the Historic Environment: External Fixtures](#)
- 9.3 [Managing Change in the Historic Environment: Roofs](#)
- 9.4 [Planning Advice Note 71 on Conservation Area Management](#)

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

Laurence Rockey

Head of Strategy and Communications

Membership Panel

Councillor George Gordon, Councillor Joan Griffiths, Councillor Max Mitchell, Councillor Joanna Mowat and Councillor Mary Campbell

Information about the Planning Local Review Body (Panel 1)

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

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

It usually meets in the Dean of Guild Court Room in the City Chambers, High Street, Edinburgh. Meetings are currently being held remotely in order to comply with the Scottish Government's recommendation to practice social distancing and the live webcast can be viewed from the Council's [Webcast Library](#).

Further information

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

If you have any questions about the agenda or meeting arrangements, please contact 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.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to <https://democracy.edinburgh.gov.uk/>

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

Minutes

The City of Edinburgh Planning Local Review Body (Panel 1)

10.00am, Wednesday 19 August 2020

Present: Councillors Mary Campbell, Gordon, Griffiths, Mitchell and Mowat.

1. Appointment of Convener

Councillor Mowat was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 1) of 24 June 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 – 9–21 Salamander Place, Edinburgh

Details were submitted of a request for a review for refusal of planning permission for 5 new parking places in lieu of parking and mews building structure (2 dwellings) forming part of Planning Consent for ref. 16/03356/PPP (as amended) at 9 – 21 Salamander Place, Edinburgh. Application No. 19/04487/FUL

This request for review was continued from the meeting of the Planning Local Review Body (Panel 1) of 24 June 2020 in order for a plan of the development in the wider area, including the adjacent site to the south and surrounding access, to be provided to members.

Assessment

At the meeting on 19 August 2020, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling, and the Site Plan and Salamander Place Development Brief

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 01,02a, Scheme 2, being the drawings shown under the application reference number 19/04487/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 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 DEL 3 (Edinburgh Waterfront)
Edinburgh Local Development Plan Policy DES 1 (Design Quality and Context)
Edinburgh Local Development Plan Policy DES 2 (Co-ordinated Development))
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 7 (Layout Design)
Edinburgh Local Development Plan Policy DES 8 (Public Realm and Landscape Design)
Edinburgh Local Development Plan Policy ENV 3 (Listed Buildings - Setting)
Edinburgh Local Development Plan Policy ENV 6 (Conservation Areas - Development)
Edinburgh Local Development Plan Policy ENV 9 (Development of Sites of Archaeological Significance)
Edinburgh Local Development Plan Policy ENV 21 (Flood Protection)
Edinburgh Local Development Plan Policy TRA 4 (Design of Off-Street Car and Cycle Parking)
- 2) Relevant Non-Statutory Guidelines.
'Edinburgh Design Guidance'
'The Leith Conservation Area Character Appraisal'
'Listed Buildings and Conservation Areas'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- When previously discussed, the LRB had asked to see development in the wider area, including the adjacent site to the south and surrounding access. Having had sight of the information, the Panel needed to determine if the grounds for refusal were justified.
- Although this was not an ideal development and failed to enhance the area, it was unnecessary to refuse it. The proposals represented a minor infringement of policy.
- This was a busy area with shops and although this was not a big development, the bin store on the frontage is not good. The site should be developed in accordance with the original PPP. It should be determined in accordance with the officer's recommendations.
- This was a difficult section of the road to develop, but there were better ways to enhance it. It was a wide area of pavement and could be used as an area of public open space.

There were no material reasons to overturn the recommendation; the proposals did not comply with policy.

Having taken all the above matters into consideration, although there was sympathy for the proposal from one of the members, 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 development was contrary to Edinburgh Local Development Plan Policy Des 1 (Design Quality and Context), as it failed to enhance the existing townscape, or to contribute to its sense of place, at this edge of conservation area location and was damaging to the character and appearance of the surrounding area.
2. The development was contrary to LDP Policies Del 3 (Edinburgh Waterfront) and Des 2 (Co-ordinated Development) as the design failed to accord with the proposals for the comprehensive development and regeneration of the wider area, as supported in the Edinburgh Waterfront Development Principles for Leith Waterfront (LDP reference EW1 c) and the scheme approved under the planning permission in principle (reference 16/03356/PPP); The resulting piecemeal development impacted negatively on the otherwise, well defined and cohesive network of streets and spaces being delivered in this new urban quarter.
3. The design and location of the refuse store was contrary to the provisions of LOP Policy Des 5 (Development Design - Amenity), as it had not been

sensitively integrated into the design for the overall public realm and impacted negatively on the surrounding townscape.

4. The development subject to this application was contrary to Edinburgh Local Development Plan Policy Tra 4 (Design of Off-Street Car and Cycle Parking), as it would prevent the continuation of an active frontage on the public street and the related improvements to the appearance and vitality of the townscape, as proposed in the approved masterplan.
5. The development was contrary to the provisions of Edinburgh Local Development Plan Policy Env 6 (Conservation Areas- Development) as its piecemeal form and lack of defined frontage, failed to contribute positively to the character of the surrounding townscape and was therefore damaging to the setting of the Leith Conservation Area.

(References – Local Review Body of 24 June 2020 (item 7); Local Review Body Decision Notice, Report of Handling and Notice of Review, submitted)

5. Request for Review – 21 Braid Hills Approach, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for refusal of planning permission for the erection of garden room within garden space of house at 21 Braid Hills Approach, Edinburgh. Application No. 19/05116/FUL

Assessment

At the meeting on 19 August 2020, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01, 02, 03, 04, 05, Scheme 1, being the drawings shown under the application reference number 19/05116/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 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 5 (Development Design – Amenity

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 11 (Special Landscape Areas)

Edinburgh Local Development Plan Policy Env 12 (Trees)

Edinburgh Local Development Plan Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features)

Edinburgh Local Development Plan Policy Env 15 (Sites of Local Importance)

Edinburgh Local Development Plan Policy Env 16 (Species Protection)

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

2) Relevant Non-Statutory Guidelines.

‘Guidance for Householders’

‘Development in the Countryside and Green Belt’

‘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.

Conclusion

The LRB 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 garden was a private garden but is designated as open space in the Local Development Plan.
- Representation on the proposed Local Development Plan might look at this issue. The proposed development was not in a conservation area and there were no TPO's on the site.
- Clarification was sought regarding the footprint of the building. It was confirmed that the applicant stated the building itself was 30 sqm, but the officer may have included the deck which could take it to 45 sqm.
- When choosing a property on a golf course, applicants would be aware of its green belt status. Additionally, the proposed building constituted more than a garden room.
- The proposals did not comply with Des 1 (Design Quality and Context) and ENV 10 (Development in the Green Belt and Countryside).
- Whether there was any evidence that the proposals were damaging to the appearance of area and would be detrimental to the landscape and quality of the

greenbelt. Additionally, it might be possible to impose a condition on tree protection.

- Ancillary developments were allowed in the greenbelt. However, this was quite a large ancillary building and on balance, the officer's recommendations should be upheld.
- There was some merit in the appeal, but not enough to overturn the decision.
- The report had possibly overstated the visibility issue. However, the most significant view of the castle to the city would be negatively impacted. This was a large blocky building, with significant areas of glazing, on a hill and the landscaping around the building could alter. This was garden ground with LDP designations and the officer had made the case for refusal sufficiently.

Having taken all the above matters into consideration, although there was sympathy for the proposal, 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 of the Chief Planning Officer to refuse planning permission.

1. The mass and position of the proposed development would result in significant encroachment of the rural landscape adversely impacting upon the quality and character of the Green Belt. The proposal was therefore contrary to Policy Des 1, Policy Env 10 of the Edinburgh Local Development Plan and the non-statutory Guidance for Development in the Countryside and Green Belt.
2. The proposed development by virtue of its scale and visually prominent location would have a significant adverse impact on the scenic value and special character of the Braids, Liberton and Mortonhall Special Landscape Area. The proposal was therefore contrary to Edinburgh Local Development Plan Policy Des 1 and Env 11.
3. The scale and position of the proposed development would result in the loss of Open Space which would result in a significant impact on the quality and character of the local environment. The proposal was therefore contrary to Edinburgh Local Development Plan Policy Env 18.

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

6. Request for Review – 30 Buckstone Avenue, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for proposed first floor extension with new roof at 30 Buckstone Avenue, Edinburgh. Application No. 20/00446/FUL.

Assessment

At the meeting on 19 August 2020, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an

assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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 01-05, Scheme 1, being the drawings shown under the application reference number 20/00446/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 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.

Conclusion

The LRB 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 was sought regarding the set back from the road and the size of the plot. The Planning Advisor showed the location plan highlighting this information and confirming that the adjacent house was two-storeys.
- The examples given in the photos by the applicant were not relevant, as the area mostly consisted of bungalows. If there were more two-storey buildings, the proposals might be in keeping with character of area.
- That the view from the street, meant that the proposed extension would be very dominant.
- Confirmation was given that due to the position of the property overshadowing was not significant.
- There was sympathy for the applicant who was trying to create a family home, similar to the two-storey building next door.
- Des 12 should be flexibly interpreted. The applicant wanted to improve their home, but this area was largely homogenous, comprising mainly of bungalows. This application should be refused as planning policies were clear on the matter.

- There were dormer conversions and extensions in other bungalows in the area, meaning there was still scope to create a larger family home.
- It was not acceptable to convert a bungalow into a two-storey dwelling as it would not be subservient to the original property.

Having taken all the above matters into consideration, although there was sympathy for the proposal, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

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

Reasons for Refusal:

The proposed scale and form was not compatible with the character of the existing building and failed to respect the character of the surrounding residential area. It would be contrary to LDP Policy Des 12 and the non-statutory Guidance for Householders.

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

7. Request for Review – 23 Easter Currie Terrace, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for attic conversion and alterations to rear elevation at 23 Easter Currie Terrace, Edinburgh. Application No. 19/05674/FUL

Assessment

At the meeting on 19 August 2020, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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 19/05674/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 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.

Conclusion

The LRB 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 was sought on the height of the dormer and whether it would be seen above the ridge of the existing roof. The Planning Advisor confirmed that the dormer was below the overall ridge height, but the proposed alterations may be visible from the street from a side view.
- That this was an unimaginative extension, in addition to the existing extension and there was concern regarding overdevelopment and Policy Des 12 applied. There was no reason to overturn the officer's recommendations.
- There was sympathy with the applicant, but the guidance stated that dormers should not impede visibility of the roof.
- Although this was a rear view, this was an oppressively large dormer and should be refused.

Having taken all the above matters into consideration, although there was sympathy for the proposal, 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 proposed dormer was contrary to Edinburgh Local Development Plan Policy Des 12 on extensions and alterations as its scale, form and materials would adversely impact on the character and appearance of the existing building and neighbourhood character.
2. The proposed dormer was contrary to the non-statutory Guidance for Householders as its scale, form and materials would adversely impact on the character and appearance of the existing building and neighbourhood character.

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

8. Request for Review – 3 Eltringham Grove, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for demolition of an existing detached bungalow and garage and construction of two new detached dwellings with new driveway to the rear and associated parking at 3 Eltringham Grove, Edinburgh. Application No. 19/03249/FUL

Assessment

At the meeting on 19 August 2020, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

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 - 14, being the drawings shown under the application reference number 19/03249/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 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 5 (Development Design – Amenity)

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

Edinburgh Local Development Plan Policy Hou 4 (Housing Density)

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

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

Edinburgh Local Development Plan Policy Env 21 (Flood Protection)

Edinburgh Local Development Plan Policy Policy Hou 1 (Housing Development)
- 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.

Conclusion

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

- Considering the reasons for refusal, the applicant had agreed to reduce parking to one space per dwelling.

- That in the immediate and surrounding area, there had been significant new development already, therefore the proposed development would be in keeping with the character of the area and was not contrary to Policy Des 1 (Design Quality and Context).
- The proposed development was unlike the other dwellings in the area and would impact on green space. According to development policies, there were no reasons to overturn the officer's recommendations. Additionally, there would be issues with bin collection.
- Green space was not an issue. The surrounding area had changed already with a large development on the south side. Therefore, the policies which have been previously applied were no longer applicable. The application should be approved, subject to the reduction in parking to one space per house.
- Whether this was contrary to Policy Des 1 as this was an area where there had been significant change. It was difficult to apply this to what was not a uniform area.
- Whether this was contrary to Policy Hou 4 (Housing Density). The density in this area was difficult to establish given the existing level of redevelopment.
- That it would be necessary to condition waste management strategy, if the officer's recommendations were overturned.
- This was a mixed site with a number of different types of houses in this area and the proposed development would be a good use of the site.

Having taken all the above matters into consideration, the LRB determined that the proposal was not contrary to the following LDP policies:

1. Des 1 and the Edinburgh Design Guidance as it would not have an adverse impact on the character and appearance of the surrounding area.
2. Hou 4 as the density of development on the site would not damage the character of the surrounding area.
3. Hou 1 as the principle of housing on this site was already established and the proposals are compatible with the relevant policies of the LDP.

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 condition and informatives:

Condition

Notwithstanding the submitted site layout details, a further site layout plan reducing the car parking to one space per dwelling should be submitted to and approved in writing by the Planning Authority before work was commenced on site.

Reason:

In order to ensure that the level of off-street parking complies with policy.

Informatives

- (a) The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
- (b) No development should take place on the site until a 'Notice of Initiation of Development' had been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constituted 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.
- (d) Prior to the commencement of works on site the applicant must agree a recycling and waste management strategy with the Waste Management team - waste@edinburgh.gov.uk

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

Dissent

Councillor Gordon requested that his dissent be recorded in respect of this item.

9. Request for Review – 3(2F1) Gillespie Place, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission to replace the existing single glazed sash and case timber windows with double glazed uPVC windows at 3(2F1) Gillespie Place, Edinburgh. Application No. 20/00940/FUL.

Assessment

At the meeting on 19 August 2020, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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 1-5, Scheme 1, being the drawings shown under the application reference number 20/00940/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 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)
Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)
- 2) Relevant Non-Statutory Guidelines
'Guidance for Householders'
'Listed Buildings and Conservation Areas'
'The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

The LRB 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 as the proposed window in the front elevation of the dwelling matched the existing fenestration pattern it was acceptable, but not the one at the rear. Therefore, it might be possible to agree to a split decision.
- Whether applications for listed buildings or within conservation areas which were refused were signposted to the Energy Savings Trust to apply for grants for alterations.
- This proposal was not on a listed building, however, the guidance was very clear for conservation areas, UPVC windows were not acceptable.
- It was not normal practice to grant UPVC windows in a conservation area. In conservation areas, UPVC windows should be replaced by wood, and the existing fenestration pattern should be matched.

Having taken all the above matters into consideration, although there was sympathy for part of the proposal, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

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

Reasons for Refusal:

The proposal was contrary to LDP policies Des12 and Env6, and failed to comply with the non-statutory Guidance for Householders, and Listed Buildings and

Conservation Areas, as the design and materials proposed were not compatible with the character of the existing building, and failed to preserve or enhance the special character or appearance of the conservation area.

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

10. Request for Review – 40 Summerside Place, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the current timber sash and case single glazed windows to be upgraded to double glazed uPVC sash and case windows and the rear door to be upgraded to a uPVC double glazed door at 40 Summerside Place, Edinburgh.

Application No. 20/00014/FUL

Assessment

At the meeting on 19 August 2020, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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 01-05, Scheme 1, being the drawings shown under the application reference number 20/00014/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 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)
Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)
- 2) Relevant Non-Statutory Guidelines
'Guidance for Householders'
'Listed Buildings and Conservation Areas'
'The Victoria Park Conservation Area Character Appraisal'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- There were other buildings in this area with UPVC windows.
- However, this proposal was in a conservation area, where UPVC windows were not acceptable and therefore this application should be refused.

Having taken all the above matters into consideration, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

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

Reasons for Refusal:

The proposal was not of an acceptable form and design, would be detrimental to character and appearance of the conservation area and did not comply with Local Development Plan Policies Des 12 or Env 06, with the non-statutory guidance on Listed Buildings and Conservation Areas or with the Victoria Park Conservation Area Character Appraisal.

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

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City of Edinburgh Planning Local Review Body (the LRB)

General

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

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

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

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

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

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

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

Considering the Request for Review

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

Procedure after determination

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

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Bud Architecture.
FAO: Matt Cunningham
10 Lochside Place
Edinburgh
EH12 9RG

Mr Ian Murray.
35 Inverleith Row
Edinburgh
EH3 5QH

Decision date: 17 June 2020

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

Proposal to replace existing roof slate with Cupa Heavy 3 slate roof tiles and removal of existing central hipped roof section (not visible from principle elevations) to create a flat roof with 2 No. flat roof lights and the removal of 3 No. existing chimneys.
At 35 Inverleith Row Edinburgh EH3 5QH

Application No: 20/01373/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 19 March 2020, 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 proposals are contrary to Edinburgh Local Plan, Section 59 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the loss of the roof form, features and fabric will adversely affect the special architectural

and historic interest of the listed building and do not preserve the special character or appearance of the conservation area.

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

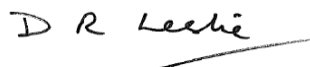
Drawings 01 - 08, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The proposals are contrary to Edinburgh Local Development Plan policies Env 4 and Env 6, Section 59 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as they would adversely effect the special architectural and historic interest of the listed building and do not preserve the special character or appearance of the conservation area.

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 Daniel Lodge directly on 0131 529 3901.



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 20/01373/FUL

At 35 Inverleith Row, Edinburgh, EH3 5QH

Proposal to replace existing roof slate with Cupa Heavy 3 slate roof tiles and removal of existing central hipped roof section (not visible from principle elevations) to create a flat roof with 2 No. flat roof lights and the removal of 3 No. existing chimneys.

Item	Local Delegated Decision
Application number	20/01373/FUL
Wards	B05 - Inverleith

Summary

The proposals are contrary to Edinburgh Local Development Plan policies Env 4 and Env 6, Section 59 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as they they would aversely effect the special architectural and historic interest of the listed building and do not preserve the special character or appearance of the conservation area.

Links

<u>Policies and guidance for this application</u>	HEPS, HES, HESCON, HESEXF, HESROF, LPC, LEN04, LEN06, NSG, NSLBCA, CRPINV,
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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 is a large, detached, traditional sandstone mid Victorian villa, located at the corner of Inverleith Row, Inverleith Place and Inverleith Place Lane. It is category C listed, reference 29173, 29/04/1977

This application site is located within the Inverleith Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application for listed building consent proposes an number of alterations to the roof and specifically involves:

1. re-modelling the roof form from a double 'm' shaped roof into a hipped roof with flat central section;
2. reslating the the roof - replacing the traditional 'scotts slate' with Spanish 'Cupa Heavy 3' slate in non-diminishing courses;
3. complete removal of the three rear-most chimneys; and
- 4 instalation of two larger modern style veleux rooflights within the flat roof section within the remodelled roof proposed.

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 proposals will have an adverse impact on the character of the listed building;
- b) the proposals will preserve or enhance the character and appearance of the conservation area;
- c) any comments have been addressed.

a) Impact on the special architectural or historic interest of the Listed Building

Historic Environment Scotlands 'Managing Change in the Historic Environment' guidance on 'Roofs' states that "the significance of a historic roof is derived from a number of factors including its age, functional performance, shape, pitch, profile, and the qualities of its supporting structure, covering materials and associated features". The retention of original structure, shape, pitch, and cladding is therefore of paramount importance.

The proposals would alter the original traditional roof profile undermining the integrity of the listed building, and causing damage to its character and loss of original fabric and form. The infill would be an alien element and would not be in keeping with the building as a whole.

Likewise, the original chimneys comprise important features of a building and should be retained as they significantly contribute to the special character and appearance of the roof and building as a whole. The removal of the three chimneys would therefore, diminish the special architectural and historic interest of the listed building to an unacceptable degree.

The roofing material of the existing Victorian villa is original, comprising natural 'Scots slate' in diminishing courses. Although, it is evident, that replacement material of a different variety of slate has been used within certain areas on the roof, no thorough condition survey has been submitted to assess the condition of the slates over the entirety of the roof. Spanish 'Cupa Heavy 3' is recognised as an acceptable replacement roofing material for Scots slate within an historic context. However, a complete understanding of the condition of the existing slated roof is required before considering the principle of removing original historic fabric from the listed building. A more sensitive approach would be only replace slates where beyond repair with

reclaimed Scots slate. This would help retain the authenticity of the special interest of the listed building.

Overall, the proposals are contrary to Historic Environment Scotland's Managing Change guidance and there would be an adverse impact on the special architectural and historic interest of the building.

b) Impact on the special character and/or appearance of the Conservation Area

The Inverleith Conservation Area Character Appraisal emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

The area is characterised by a row of high quality Victorian Villas and the proposed application to infill the traditional shaped roof is unsympathetic and would destroy the consistency of the terrace.

The infilling of the roof would diminish the integrity and interest of the original pattern of roofs in the area. Although it would not be wholly visible from the street, the roof alterations could be viewed from the rear sides (Inverleith Plan and Inverleith Place Lane) which would negatively impact the appearance as well as the special character of the Conservation Area.

The proposals would be contrary to Historic Environment Scotlands 'Managing Change in the Historic Environment' guidance on 'Roofs' and Policy E6 of the Edinburgh Local Plan in that it does not preserve features that contribute positively to the character of the area and neither preserves nor enhances the special character and appearance of the Conservation Area.

Public Comments

Material comments

- Impact on the special interest of the listed building, addressed in section 5.2 a)

Non-material comments

- Impact on neighbouring residential amenity by construction process. this is controlled through seperate legislation

Conclusion

The development does not comply with the Sections 59 and 64 Planning (Listed Building and Conservation Areas) Scotland Act 1997 and also, the Edinburgh Local Plan as it fails to preserve the character and setting of the listed building and fails to preserve or enhance the character and appearance of the conservation area.

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

3.4 Conditions/reasons/informatives

Reason for Refusal:-

1. The proposals are contrary to Edinburgh Local Plan, Section 59 and Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the loss of the roof form, features and fabric will adversely affect the special architectural and historic interest of the listed building and do not preserve the special character or appearance of the conservation area.

Risk, Policy, compliance and governance impact

4.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

5.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Consultation and engagement

6.1 Pre-Application Process

Pre-application discussions took place on this application.

6.2 Publicity summary of representations and Community Council comments

The application was advertised on 08.05.20 and two representations have been received from the neighbouring resident making general comments and the Architectural Heritage Society of Scotland objecting to the proposals.

The representations are addressed in assessment section (5.2) of this report.

Background reading / external references

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

Statutory Development**Plan Provision****Date registered** 19 March 2020**Drawing numbers/Scheme** 01 - 08,
Scheme 1

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

Contact: Daniel Lodge, Planning officer
E-mail: daniel.lodge@edinburgh.gov.uk Tel: 0131 529 3901

Links - Policies

Relevant Policies:

The Historic Environment Policy for Scotland 2019 outlines Government policy on how we should care for the historic environment when taking planning decisions.

Relevant Government Guidance on Historic Environment.

Planning Advice Note 71 on Conservation Area Management recognises conservation areas need to adapt and develop in response to the modern-day needs and aspirations of living and working communities.

Managing Change in the Historic Environment: External Fixtures sets out Government guidance on the principles that apply to altering the external fixtures of listed buildings.

Managing Change in the Historic Environment: Roofs sets out Government guidance on the principles that apply to altering the roofs of listed buildings.

Relevant policies of the Edinburgh City Local Plan.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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

Relevant Non-Statutory Guidelines

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

The Inverleith Conservation Area Character Appraisal emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

Appendix 1

Consultations

No consultations undertaken.

END

Comments for Planning Application 20/01373/FUL

Application Summary

Application Number: 20/01373/FUL

Address: 35 Inverleith Row Edinburgh EH3 5QH

Proposal: Proposal to replace existing roof slate with Cupa Heavy 3 slate roof tiles and removal of existing central hipped roof section (not visible from principle elevations) to create a flat roof with 2 No. flat roof lights and the removal of 3 No. existing chimneys.

Case Officer: Daniel Lodge

Customer Details

Name: Mrs Janet MacLaren

Address: 1 Inverleith Place Edinburgh

Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

Comment: Concern regarding the noise and dust pollution especially from the removal of the chimneys. I would like to know the plans to ensure minimal impact to us as their nearest neighbours.

Also can we please have details on scaffolding as this may be required in the side walkway that is used by all the neighbours to get to the lane at the back and our gardens.

How long have they planned for this work to take ?

Also that the work is completed as reasonable times with minimal noise and dust pollution and not early weekend mornings

Comments for Planning Application 20/01373/FUL

Application Summary

Application Number: 20/01373/FUL

Address: 35 Inverleith Row Edinburgh EH3 5QH

Proposal: Proposal to replace existing roof slate with Cupa Heavy 3 slate roof tiles and removal of existing central hipped roof section (not visible from principle elevations) to create a flat roof with 2 No. flat roof lights and the removal of 3 No. existing chimneys.

Case Officer: Daniel Lodge

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Neighbour

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

Comment Reasons:

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Comments for Planning Application 20/01373/FUL

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Case Officer: Daniel Lodge

Customer Details

Name: Dr The Architectural Heritage Society of Scotland

Address: 15 Rutland Square, Edinburgh EH1 2BE

Comment Details

Commenter Type: Amenity Body

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Thank you for the opportunity to comment on the above planning application. The proposals concern works relating to 35 Inverleith Row, Edinburgh a C-listed property lying in the Inverleith Conservation Area. The applicant seeks to make numerous changes to the property's roof, including replacement of slates and changes to the roof structure including removal of chimneys. The Forth & Borders Cases Panel of the AHSS has considered the proposal and wishes to make the following comments.

Edinburgh Council's Guidance on Listed Buildings and Conservation Areas states on page 8 that "Original chimneys should always be retained and repaired as they are an essential feature of traditional buildings and contribute to the historic skyline." The proposed removal of 3 chimneys contravenes this guidance.

In addition, wherever possible original states should be retained wherever possible when roofing is replaced. This does not seem to be the case here.

Finally, page 8 of the Guidance also states that "Traditional materials should always be respected and repeated, where appropriate." The Panel believes that the proposed Cupa 3 replacement slates do not meet the high standards required of traditional materials.

Accordingly, the AHSS wishes to object to the proposals.

Comments for Planning Application 20/01373/FUL

Application Summary

Application Number: 20/01373/FUL

Address: 35 Inverleith Row Edinburgh EH3 5QH

Proposal: Proposal to replace existing roof slate with Cupa Heavy 3 slate roof tiles and removal of existing central hipped roof section (not visible from principle elevations) to create a flat roof with 2 No. flat roof lights and the removal of 3 No. existing chimneys.

Case Officer: Daniel Lodge

Customer Details

Name: Not Available

Address: Not Available

Comment Details

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Comment Reasons:

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Accordingly, the AHSS wishes to object to the proposals.



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@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 100281560-001

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:	BUD Architecture Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	David	Building Name:	
Last Name: *	Stewart	Building Number:	10
Telephone Number: *	0	Address 1 (Street): *	Lochside Place
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH12 9RG
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="Ian"/>	Building Number:	<input type="text" value="35"/>
Last Name: *	<input type="text" value="Murray"/>	Address 1 (Street): *	<input type="text" value="Inverleith Row"/>
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="EH3 5QH"/>
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="35 INVERLEITH ROW"/>
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="EH3 5QH"/>

Please identify/describe the location of the site or sites

Northings	<input type="text" value="675697"/>	Easting	<input type="text" value="324780"/>
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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)

Proposal to replace existing roof slate with Cupa Heavy 3 slate roof tiles and removal of existing central hipped roof section (not visible from principle elevations) to create a flat roof with 2 No. flat roof lights and the removal of 3 No. existing chimneys.

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 see submitted 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)

A roof condition survey has been carried out since the application was refused.

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)

Drawings, specification, appeal statement, original statement, historical correspondence from CEC

Application Details

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

20/01373/FUL

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

19/03/2020

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

17/06/2020

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

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

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 David Stewart

Declaration Date: 15/07/2020

Proposal Details

Proposal Name	100281560
Proposal Description	Planning Appeal Inverleith
Address	35 INVERLEITH ROW, EDINBURGH, EH3 5QH
Local Authority	City of Edinburgh Council
Application Online Reference	100281560-001

Application Status

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

Attachment Details

Notice of Review	System	A4
L-IR-001	Attached	A3
L-IR-002	Attached	A1
L-IR-003	Attached	A1
L-IR-004	Attached	A1
L-IR-005	Attached	A1
L-IR-006	Attached	A1
L-IR-007	Attached	A1
Edinburgh City Council Letter	Attached	A4
Design Statement	Attached	A4
Appeal Statement	Attached	A4
Planning Decision	Attached	A4
Roof Survey	Attached	A4
Roof Tile Specification	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

The City of Edinburgh Council
Property Services Department
Application for Property Inspection Service
(Residential Property)

Name of Applicant MALCOLM R. INNES

Address of Applicant 35 INVERLEITH ROW, EDINBURGH. EH3 5QH

Owner of Property MALCOLM R. INNES

Address of Property 35 INVERLEITH ROW, EDINBURGH. EH3 5QH

Contact Name & Telephone No. (Day). MALCOLM R. INNES (HOME: [REDACTED])
to arrange entry

The above named. hereby apply for an inspection of the following works which, so far as can be ascertained, have not been authorised by any Buildings Authority.

THE SEPARATE ITEMISED LIST WHICH IS ATTACHED HERETO.

The works were carried out within the following periods (tick as appropriate)

June 1964 - April 1982 ☒

April 1982 - April 1991 ☐

The above property has been inspected previously by a Valuation Surveyor and/or other appropriate Professional and noted below is his/her name, address & telephone number

Name NOT APPLICABLE

Address

Telephone No

I/We list below all known previous owners as listed on the Title Deeds of the above property

The property has been in the Innes Family since 1931 and was acquired by our client

in 19 [REDACTED]

Signed [REDACTED]

22 April 1999

Please forward to:

The City of Edinburgh Council
Property Services Department
329 High Street
Edinburgh EH1 1PN

35 Inverleith Row, Edinburgh.

List of Works mostly carried out 25 years ago or more which may have required Local Authority consent.

1. Lowering of ceiling at first floor landing.
2. Installation of bathroom fittings and equipment adjacent to bedroom at south-west corner of first floor.
3. Blocking of door for this bathroom.
4. Blocking up of five fireplaces on first floor.
5. Installation of secondary glazing.
6. Dangerous chimney stack dismantled and re-constructed in brick with cement coating.
7. Door converted to hatch at basement for oil storage.
8. Installation of three partitions in passageway in basement.
9. Lowering of ceiling in kitchen.

NOTES FOR GUIDANCE

A fee of £³20.00 is charged for each application for the Property Inspection Service. The application form should be accompanied by a cheque for the required amount made payable to "The City of Edinburgh Council". No inspection will be undertaken until the required fee is received.

2. The service is limited to a maximum of two inspections. A further fee of £50.00 is required for each additional inspection. It is therefore important that any works identified as requiring rectification in order to satisfy the Department are correctly implemented.
3. Initially, unless specifically requested, the service will be limited to an inspection of works to which access is readily available. However, particularly in the case of structural alterations, a request may be made to expose hidden works. Failure to expose such works on request will result in the issue of a qualified report.
4. On receipt of an application arrangements will be made to inspect the property following which
 - (a) a letter confirming that the Department will take no enforcement action will be issued, or
 - (b) a letter listing items requiring action by the applicant will be issued.
5. Any matters outlined in a letter as in 4(b) above will not include minor technical infringements of the Building Regulations but will address matters that have been interpreted as having a direct bearing on health, safety and the integrity of the property.
6. The final part of the application form overleaf requires a list of all known previous owners of the property in order to assist the Department's research into prior Building Warrant approvals. Applicants are therefore requested to complete this part in full, as necessary.
7. The service is not applicable to property which has been divided into separate houses.

Service Standards

The City of Edinburgh Council's Service Standard for Confirmation of Completion Service.

Following receipt of your Application Form and a fee of £120 a Building Control Officer will arrange to inspect this property within two weeks to advise you whether the work is satisfactory.

EDINBURGH

THE CITY OF EDINBURGH COUNCIL



Burnett & Reid
15 Golden Square
Aberdeen
AB10 1WF

Date 12 May 1999

Your ref AOR.JD

Our ref PM10A/NE/
99/02257/PIJS2

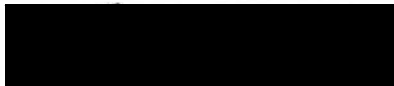
Dear Sir(s)/Madam

PROPERTY INSPECTION SERVICE
35 Inverleith Row Edinburgh EH3 5QH

In response to your recent application for the above service the attached list of items were noted by the inspecting Officer as requiring attention:

Please contact Mr John Scholan on 0131 529 4547 when these matters have been addressed should you wish to have these points reinspected on completion of the necessary works.

Yours faithfully



BILL NESS
Head of Property Management



Edinburgh: World Heritage City

DR GEORGE McL HAZEL
FOR

564



SPECIALIST ROOFING CUP4
PIZARRAS

fsb⁸
MEMBER



Mr. Murray
35 Inverleith Row
Edinburgh SURVEY / REPORT
EH3 5QH
REF 20/17

Date 01/06/2020

ROOF SURVEY / REPORT

We undertook our survey on 1st June 2020, we were able to gain access through the roof window from the attic space. We were able to undertake an inspection of the pitched roofs and valley gutters; we were also able to carry out a close-up inspection of the internal roof boards.

DESCRIPTION

The slated sections comprise Scotch slates laid in diminishing courses and the valley gutters are clad in a built up felt system. The internal slate pitches are clad with a variety of different slate types and colours. The chimneys are built from sandstone with the 2 unused chimneys to the rear since being overlaid with render, you noted this was carried out circa 1972 as the stone was in poor condition. All chimneys and valleys are clad in lead.

CONDITION

Our assessment is that the slate work is in very poor condition with several slipped and broken slates visible, this can be due to the nail holes becoming too big to hold the nails through continuous movement over the years.

As such, we believe the roof is now nail sick with a large amount of slates that have become soft and porous, there is evidence of this with extensive rot showing internally on the sarkin boards which can be seen in the photos attached. The valley gutters have been overlaid in felt in the past, we cannot guarantee their serviceable life and note one of these valleys is currently leaking also. The sandstone chimneys to the front and side of the property appear to be in good condition with the two rendered chimneys at the rear now in need of an overhaul – or as you mentioned potentially removed as no longer being used. The lead flashings to the chimneys and valleys are thinning and cracking is visible in places, the valleys have also been coated in the past.

Unit 7 Stoneyburn Workshops, 4 main Street Stoneyburn TEL: 01506530416 MOB 07813586293
Vat Registration Number 322871018

www.specialist-roofing.com info@specialist-roofing.com

CONCLUSION

In conclusion, it is our opinion that the roof will need a complete overhaul with large areas of the existing slates needing to be replaced, when stripping the roof you will lose in excess of 50% in the process with an additional amount lost due to them being porous and of a different type and colour, further more you will lose slates during dressing and sizing, it is our opinion that the vast majority will be lost due to these reasons.

Secondhand Scotch slates are becoming more difficult to source with available quality being an issue and there are no guarantees offered. We recommend that the roof is slated using Cupa H3 slates to match your existing garage building as these are now widely recognized as an excellent alternative to a scotch slate. We have used this slate successfully on many listed properties within Edinburgh.

If you have any questions or require further information, please do not hesitate to contact us.

Best regards

Graham Pow

Unit 7 Stoneyburn Workshops, 4 main Street Stoneyburn TEL: 01506530416 MOB 07813586293

Vat Registration Number 322871018

www.specialist-roofing.com info@specialist-roofing.com



**35 Inverleith Row
Edinburgh
EH3 5QH**

Planning & Listed Building's Appeal

July 2020

We were disappointed that the initial planning and listed buildings application was refused due to every aspect of the design with no support given at all. With this being the case, this statement has been structured by breaking down our proposals in to individual elements with justification provided based on new information along with further clarification.

The individual elements of the proposals are as follows:

- The notional changes to the form of the roof by removing the centre pitched roof.
- The replacement of the roof tiles over entire roof.
- The removal of existing chimneys.

The following document aims to address these issues based on factual information which we believe forms a strong argument for their approval.

To put these proposals in to context, the property has suffered over the years due to lack of proper maintenance where unsympathetic local botched fixes have been carried out without permission of local authority. My client's aim is to restore the property to its former state whilst designing out future problems but not in any way to the detriment of the property's historical legacy

The fundamental issue at present is water ingress from the roof from missing and cracked roof tiles to the failing built up felt valley gutters around the roof. Since the applications were refused my client has commissioned a roof survey which has been submitted as part of this appeal. The survey highlights the full extent of the poor condition that the roof is in both from natural degradation and from the poor quality of workmanship. The following photographs confirm the extent of the damage that the water ingress has caused internally along with the current external condition. The photographs also highlight the poor quality localised repairs that have been carried out in time.



View from attic space showing rotten timbers



View from upper landing showing the extent of water ingress



View from roof showing degradation of roof fabric including poor quality of localised repairs with alien roof tiles.



View from roof of built up felt valley gutter as well as degradation to flashings.

Our proposal to remove the centre pitched roof and replace it with a flat roof designs out all of the valley gutters and reduces the need for future maintenance. Further to this, the centre pitch roof space is uninsulated and cannot be retrospectively insulated due to lack of access.

It was stated within the planning report that the visual impact from ground level was unacceptable however we do not believe this to be the case. The following photographs were taken from ground level most notably Inverleith Place which is the only vantage point where this could be the case and we believe the impact would be nominal.



We do acknowledge that this is a notional change of the form of the existing roof design to solve an existing and persistent problem. However as my client is undertaking a hugely costly and disruptive renovation exercise to restore the property I believe that this is fully justified to prevent further levels of disrepair in the future.

The handling report also stated the refusal of the proposed replacement slate as it was deemed unsatisfactorily alien to the property.

As per the submitted roof report it is clear that the roof is in a poor condition with localised patched areas providing a mixture of types of slate different to the existing Scotch slates. Within the original applications we proposed a Spanish sourced Cupa H3 slate which is of a superior quality and can offer a materials guarantee. This slate is also easily sourced unlike Scotch slate. Further to this Cupa H3 slate was used on the recent constructed garage on the property.

It's also worth noting that this slate has been used on a number of recent listed properties and was approved recently by CEC. Examples of this are as follows:

18/10451/LBC -	Flat 5 24 Drumsheugh Gardens, EH3 7RN
18/02885/LBC -	9 – 10 West Scotland Street Lane, EH3 6PT
17/02567/LBC -	5 – 11 Ellersly Road, EH12 6HY
17/01447/LBC -	22 Merchiston Park,
17/00650/LBC -	24 Rutland Square, EH1 2BW
16/00454/LBC -	33 Spylaw Road, EH10 5BN
14/02668/LBC -	8 West Scotland Street Lane, EH3 6PT
13/00400/LBC -	53 Albany Street, EH1 3QY
12/04109/LBC -	29 Colinton Road, EH10 5DR
12/0941/LBC -	Barnton Hotel, 562 Queensferry Road, EH4 6AS

As you will note, some of the properties listed above have a more onerous listing than the property in question which makes the refusal of this slate difficult to understand and accept.

Finally as part of these extensive roof refurbishment works we had originally proposed removing the single chimney on the north elevation and the two chimneys on the west elevation. As a concession to the original application my client has decided to retain this chimney as its original but not used. We have however retained our wish to remove the two chimneys on the west elevation as they are not used. In addition to this the chimneys are not original and were re-built a number of years ago using what it appears to be rendered blockwork as per the photo below.



View from roof showing poorly constructed chimney on west elevation.

We believe that the removal of these two chimneys will have little impact on the appearance of the building due to them being on a less prominent elevation. In addition to this and as part of this appeal we have submitted a document from 1999 from Edinburgh City Council where they acknowledge historical works that had been carried out without the relevant statutory consents. Item 6 confirms the re-constructed chimneys so our opinion on this matter is that these chimneys are not original and therefore have no historical value.

We trust that this additional document clarifies as well as justifies sufficiently each individual aspect of our proposals. Our belief is that the proposed works do not in any way compromise the historical legacy of the property but will enhance it as well as remedy previous unpermitted repairs.



**35 Inverleith Row
Edinburgh
EH3 5QH**

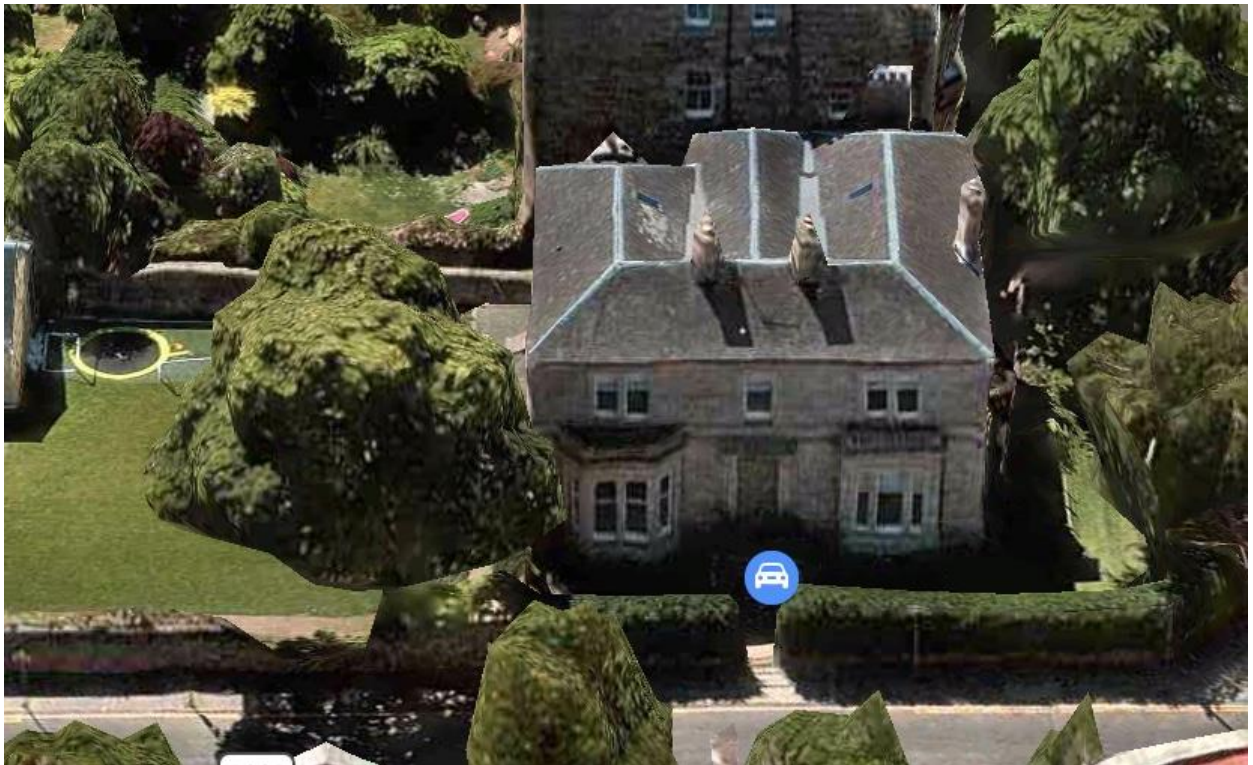
Design & Planning Statement

March 2020

Introduction –

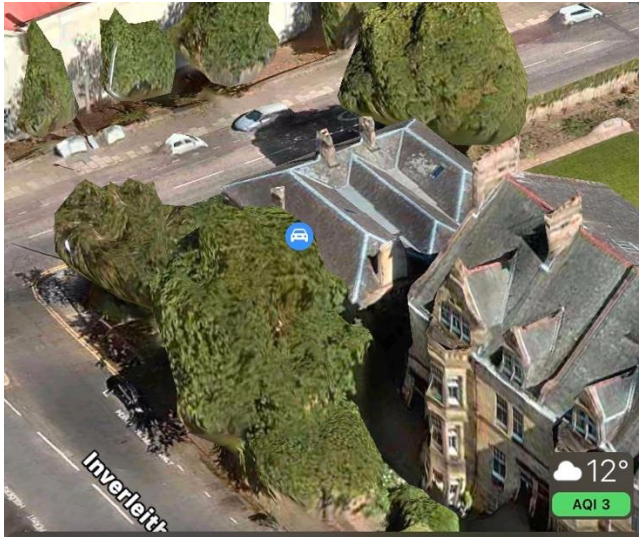
Grade C listed building built around 1870, this property is a large 3 storey mid Victorian villa, with a three window front to Inverleith Row, one canted bay, and one shallow rectangular bay with pierced parapets. The main door piece has an ornamented frieze.

There is a three window front with asymmetrical canted bay to Inverleith Place. The property is finished with a rubble ashlar blonde sandstone with a piended slated roof.



The property would have originally been built for a prominent family who would traditionally have lived on the ground and upper floors with servants in the basement level. The main access to the property is off Inverleith Row. The accommodation is well proportioned with a variety of notable features including ornate plaster and wood work along with a tiled floor to the vestibule and hall.

The house was built in around 1860 and the roof is original but now near the end of its life. It has had previous repairs, but the current owners are looking to maintain the building further and this involves the replacement of slates for a quality slate to suit the building.



Below are images of the roof in its current condition. It has been patched previously in numerous places and the two small valleys have been recovered at different time periods with felt.



Existing not used and now rendered (for previous maintenance purposes) chimneys to rear of property



Existing ornate roof with original intricate cornicing and centre ceiling rose located directly below the central section of existing roof. The proposal is not to touch any of the features here but to incorporate new glass rooflights in the two rectangular panels to bring light into the building.



Design & Planning –

The principle purpose for this application is to prolong the life of the existing roof structures visible from the principle elevations on Inverleith Row and Inverleith Place along with further preservation of original ornate ceiling finishes within the upper most floor of the property.

The property has suffered from water ingress issues over recent years with instances of damage becoming increasingly frequent and maintenance costs rising year on year.

The proposal is to create a section of flat roof within the bounds of the existing pitched roofs at the lower existing roof level in order to simplify the roof design and simplify the roof structure, leaving a simplified piended C-shaped roof section and retaining the appearance from all principle elevations. The existing outer pitched roofs and ridges will be retained to preserve the building appearance.

In order to allow increased natural daylight into the central section of the building, 2no flat rooflights are proposed to floor the central staircase and enhance the visibility of the existing ornate features.

The proposal is also to remove the 3no rearmost chimneys to below roof level as water ingress has been evident around the base of each chimney and a source of damp due to the orientation of the inside face adjacent to the roof hips.

To further increase the lifespan of the existing roof structure, the proposal is to replace the aging and increasingly fragile existing slate roof tiles with Cupa Heavy 3 slate roof tiles as installed on the external garage building and shown in the images below. Brochure attached with application.





HEAVY 3

A ROOF FOR LIFE

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CUPA PIZARRAS corporate headquarters in Spain

CUPA PIZARRAS is the world leader in the sale and manufacture of natural slate. The Group has its origins in a company called Cupire Padesa which was founded in 1892.

The boom in natural slate turned this small business into the parent company of more than 60 subsidiary companies, the majority of which operated in the natural slate sector.

Their aim was to develop their quarries and **produce the best quality roofing slate** in Spain.

In 2006, the business changed its name to CUPA GROUP to reflect the global reach that the company now enjoys.

CUPA GROUP employs more than 2,000 workers and comprises of over 64 companies linked primarily to the building sector with annual sales at over £300 million.

Within CUPA GROUP, CUPA PIZARRAS, is the company responsible for the

sales of natural slate that the Group manufactures.

It was created with the aim of providing the finest quality slate combined with exceptional customer service around the world.

CUPA PIZARRAS produces first class slate from quarries that have been operating for over 120 years, and is the world leading brand in natural slate.

With 16 quarries and 22 processing plants, it exports to more than 30 countries around the world including Scotland.

Today, **CUPA PIZARRAS can claim to manufacture one in every three roofing slates used around the world;** this, along with a total commitment to quality, reinforces the company's number one global status.

WHAT IS NATURAL SLATE?

Slate is derived from fine-grained sediments such as mud or occasionally volcanic ash laid down millions of years ago in layers known as bedding. As the pile of sediments thickened, the original open structure of the mud was compacted into a mudstone or shale. These rocks are easily split on the bedding planes and are referred to

as flagstones. However, for a slate to form, subsequent intense geological forces associated with mountain building are required, during which the minerals present in the original mudstone are metamorphosed. Some minerals, such as quartz grains, are flattened and stretched, while clay minerals are recrystallised as platy minerals: white mica and chlorite. The quartz minerals give the slate strength and durability, while the platy minerals form cleavage planes, which do not correspond to the bedding planes, but which allow the rock to be split into much thinner slabs suitable as roofing material. Differences in the composition of the original mudstone and the degree of metamorphism affect the quality of the slates thus produced.



Page 69

WHAT IS THE AGE OF SLATE?

The age varies depending on the regional geology. For example in Scotland, Ballachulish slate was formed from sediments laid

down approximately 700 million years ago and was metamorphosed 500 million years ago, while Spanish slate from the Orense area was formed

from muds laid down over 450 million years ago and was metamorphosed 300 – 350 million years ago.

WHY USE NATURAL SLATE?

Natural Slate appearance is one of its strongest attributes. Its natural colour, texture and grain, when applied to a pitched roof deliver a clean, sculptured and strikingly beautiful appearance. Two slates are similar but never identical. Collectively they add compelling aesthetic value to buildings. **CUPA PIZARRAS slate is 100% natural.**

The value of slate lies in its properties, among the most important of which are: **impermeability, durability and versatility.**

Natural slate is often chosen for aesthetic reasons; subtle differences in colour and texture give natural variation to the roof which is very pleasing to the eye. It is also very versatile and can be used to cover any shape of roof. It can be dressed to form mitres in hips and valleys and to be fixed around curves in turrets and the rounded cheeks of dormer windows.

This versatility allows builders to incorporate intricacies in their design that would be impossible to achieve in other materials and has contributed significantly to Scottish architectural tradition.

A criterion of greater importance when choosing a roofing material is performance; a good quality slate is very durable and will out-perform better than other roofing materials.



WHY USE NATURAL SLATE?

Not all natural slates are equally durable. Heavy 3 can last over a hundred years, making it a **very cost effective roofing material**. A poor quality roof needs constant repair and maintenance, but when

good quality slate is used, not only the cost of re-roofing can be effectively discounted, but the repair and maintenance expenses during its lifetime are extremely low. Hence the use of Heavy 3 slate results in very low whole life cost.

Heavy 3 is also more cost effective than concrete or ceramic tiles, which typically last approximately 50 years. Other characteristics of slate, such as strength and impermeability, are also

superior to those of concrete and ceramics. Thus thinner slates can be used, the weight of roofing material for a given area is less and the load on the roofing structure thereby reduced.

In addition, due to the impermeability of slate, this load does not increase significantly after rain, unlike the man-made products.

TO SUMMARISE, THE BENEFITS OF NATURAL SLATE ARE:



IMPERMEABLE TO WATER



WEATHER AND UV RESISTANT



CHEMICAL RESISTANT, NOT AFFECTED BY CHEMICALS OR POLLUTANTS (ACID OR ALKALI)



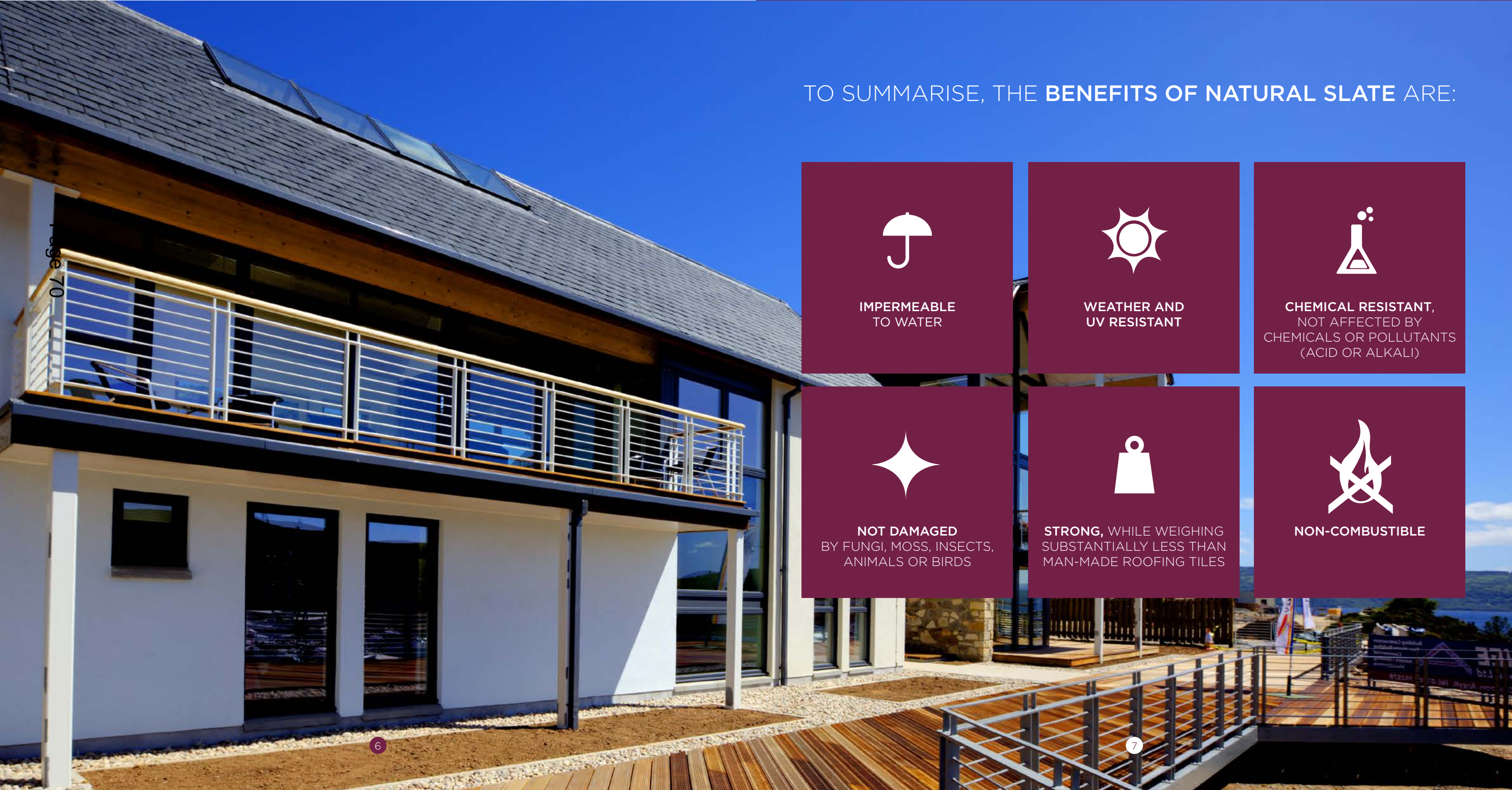
NOT DAMAGED BY FUNGI, MOSS, INSECTS, ANIMALS OR BIRDS



STRONG, WHILE WEIGHING SUBSTANTIALLY LESS THAN MAN-MADE ROOFING TILES



NON-COMBUSTIBLE



HISTORY OF NATURAL SLATE IN SCOTLAND

SLATE HAS BEEN USED AS A ROOFING MATERIAL THROUGHOUT SCOTLAND SINCE THE MIDDLE AGES. QUARRIES WERE LOCATED IN SEVERAL AREAS, OF WHICH THE MOST IMPORTANT WERE:

A

Easdale and the surrounding Slate Islands south of **Oban**.

B

Ballachulish, near the southern end of the Great Glen.

C

Highland Boundary: a series of quarries on a line from Arran to Dunkeld.

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Some of the earliest references are to Easdale, from which slate was sent to St Andrews in 1197, and to Glasgow to roof the cathedral also in the 12th century. Reliable records began in 1745 when the Earl of Breadalbane and others established the Marble and Slate Co of Netherlorn to extract slate from Easdale Island.

As demand increased during the 18th and 19th centuries, the company expanded to neighbouring islands. Slates were transported by sea around the north coast to all the major towns on the east coast and through the Crinan Canal to Glasgow and other west coast centres.

Ballachulish is the best known Scottish slate, both in terms of quality and quantity.

Production began at the end of the 17th century and expanded rapidly to overtake the Slate Islands in the 1860s. The quarries were ideally located close to Loch Leven, which enabled slates to be transported by sea around Scotland.

Highland Boundary slate was produced from a series of quarries just north of the Highland Boundary Fault of which Aberfoyle is the best known.

They are grouped together because of similarities in their geology, but have very different histories.

Proximity to the coast was initially the most important factor limiting production; for example, slates from the island of Bute were reputedly used in the 15th century and from Arran in the 18th century.

With improved communications in the 19th century, sea transport was no longer essential and inland quarries such as Aberfoyle came into their own.

The rise and fall of the Scottish slate industry mirrored that in other parts of Britain. Starting slowly, it reached its zenith around 1900, producing 25-30 million slates per annum.

However the beginning of the 20th century was marked by a depression in the building trade, compounded by a shortage of manpower during two World Wars. While the Welsh and English quarries survived, the Scottish industry could not compete with tiles and imported slate. The Ballachulish quarries closed in 1955 and the remaining quarries in the 1960s.

PRODUCTION PROCESS

1. SLATE DEPOSIT

Prior to the extraction of slate from a quarry, CUPA PIZARRAS carries out a full site investigation to determine the geological and geotechnical properties of the slate seam.

After the orientation and extent are established, the most suitable method of extraction is determined to maximise the yield.

The overburden is then removed and the site made ready for the extraction of slate blocks.

2. SLATE EXTRACTION

Explosives are rarely used today in the extraction of slate; instead diamond-tipped wire saws are used to remove large blocks of rock. To do this, two holes are drilled at right angles, through which the saw blade is threaded. Water is used throughout the cutting process, both as a coolant and in order to remove waste; this water is cleaned and reused. The blocks extracted from the quarry are then transported by truck to the processing sheds.



3. PROCESSING

The extracted blocks are cut using diamond saws into smaller blocks with dimensions slightly larger than the finished slates.

The thickness is however 16 times that of the finished product. Using hand tools, these blocks are then split and re-split equally a total of four times until 16 single slates are finally produced.

Water is again used throughout this process both to cool the diamond tipped saws and to keep the blocks wet to facilitate splitting.

The final stage in the process is to 'dress', i.e. bevel, the edges. This is to ensure that water runs freely down the slate and off the roof.

The individual slates are inspected and then packed in wooden pallets in order to be transported to the central warehouse.

4. PACKAGING AND STORAGE

Slates from all the CUPA PIZARRAS quarries are sent to the central warehouse prior to dispatch. Individual pallets are labelled with a bar code which captures all the data for a particular batch.

This is part of CUPA PIZARRAS comprehensive quality assurance procedure, covering the entire production, packing and transport operations, which ensures the traceability of each pallet from origin to final destination and enables the source of any problems to be identified.

5. QUARRY REINSTATEMENT

Slate production is essentially a mechanical process and does not require any chemical treatment.

All the waste produced is original rock which, when the quarry has been worked out, can be used for landscaping prior to reseeding and planting.

This process is supervised by the environmental authorities.

HEAVY 3

- Heavy 3 slate is quarried from the CUPA PIZARRAS N°3 quarry in San Pedro de Trones (León) in northern Spain. This quarry has been in operation since 1892 and produces around 25,000 tonnes each year.

- The slate is blue black with a slightly gritty texture, and in some samples well defined parallel lines are clearly visible on the cleavage surfaces.

- Another obvious feature of the slate is the presence of metallic cubes approximately 2mm in size. Sometimes these cubes are randomly distributed throughout the slate, while in other cases they are concentrated in discrete bedding layers. These cubes are of iron sulphide, known as **pyrite**.

- Slate from San Pedro quarry is produced in two thicknesses, 3.5mm and 7-8mm; the thicker variant being the preferred choice in Scotland. The extra thickness and weight give it strength to withstand the high wind speeds and driving rain common throughout Scotland.

- No slate is a true match for Ballachulish, the best-known of Scottish slates. However there are many similarities between Ballachulish and our Heavy 3.

- Both are blue black in colour and have similar thickness, and pyrite crystals are usually present in both. In the absence of a new source of Scottish slate, Heavy 3 is the best choice for repair and replacement of traditional roofs in Scotland.

Heavy 3 Natural Slates are available in the following **sizes**:

30x20cm (12x8")
35x20cm (14x8")
40x20cm (16x8")
40x25cm (16x10")
50x25cm (20x10")



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CASE STUDY 01.

PORTAVADIE MARINA,
LOCH FYNE

- Set in a man-made lagoon, situated on Loch Fyne, Portavadie Marina is one of the UK most modern marinas, with deepwater, sheltered berthing and stunning purpose built facilities. Situated just a few miles to the north of the Isle of Arran, Portavadie Marina is handily positioned amidst the beautiful cruising grounds of Loch Fyne and is ideally located to give access to the Firth of Clyde and some of the finest sailing waters in the world.
- Restaurants, bars, accommodation and 230 berths make this destination great for yachters, walkers and families alike.
- **Heavy 3** was the choice for this prestigious project. Matching the highest standards in terms of aesthetics and functionality.



MAIN CONTRACTOR
Loch and Glens



ROOFING CONTRACTOR
D&M Roofing contractor



ARCHITECT
Loch and Glens



CASE STUDY 02.

ARDGARTAN HOTEL,
LOCH LONG

- The history of this beautiful part of the West of Scotland beside the shores of Loch Long as a leisure destination begins in 1936 when a mansion and 70 acres of countryside were acquired for use as a youth hostel and recreational land in the newly created Argyll national forest park. Since then, this location has been popular with travelers who want to enjoy the famous Scottish scenery.
- In 2009 the old youth hostel was demolished and in 2012 the Lochs & Glens Holiday company completed the construction of a new 124 bed, four storey hotel.
- Heavy 3 close likeness to the look and feel of traditional Scottish Balachullish slate made it the **perfect choice as a roofing material** for this project.



MAIN CONTRACTOR
Loch and Glens



ROOFING CONTRACTOR
D&M Roofing contractor



ARCHITECT
Loch and Glens



CASE STUDY 03.

DRUM OF GARVOCK DUNNING

- Designed for a prominent client, the mission was to provide a home of distinction, whilst closely following the previous building's footprint.
- Drum of Garvock is conceived as a series of living spaces linked from a cylindrical drum.
- With over 30,000 sq.ft of living accommodation which is linked vertically via the drum and horizontally via the entrance hall.
- The hall is modulated and enlivened by a series of perforations and narrower spaces opening up to a light filled break-out and display space.
- In the absence of quality Scottish slate, Heavy 3 became the perfect choice for such a project. This ensured a very Scottish look, as well as **the reassurance that can only be delivered by a product of this quality.**



MAIN CONTRACTOR
Stuart Miller



ROOFING CONTRACTOR
Fraser Roofing



ARCHITECT
McAllister Architects



CASE STUDY 04.

BALHOUSIE CASTLE
PERTH

- The origins of Balhousie Castle are said to date back to the 12th century. Originally an L-shaped tower house what we see today is the central section, possibly dating from the 17th century. In its present form, the Castle dates from the 1860s.

- During the Second World War, the property was used by the Auxiliary Training Service as the Officers Quarters. After the War, it housed a detachment of Royal Army Service Corps and the Headquarters, Highland District, Corps of Royal Engineers.

- In 2008 The Black Watch Heritage Appeal was launched to buy, develop and endow Balhousie Castle to create a permanent home for The Black Watch in Perth at the heart of the Regimental area. The Appeal succeeded in raising £3.5 million and a major redevelopment project began in May 2012 and was completed by June 2013.

- It was particularly important for the planning authorities that the roofing material specified **would blend seamlessly with indigenous slates used on other elevations of this B listed building**. Heavy 3's close likeness to the look and feel of traditional Scottish slates made it the perfect choice as a roofing material for this project.



ROOFING CONTRACTOR
Braisby Roofing



ARCHITECT
Arta Architects



CASE STUDY 05.

TRINITY PARK
CALA HOMES
EDINBURGH

- This much sought after suburb of Edinburgh combines a village atmosphere with all the advantages of being located right in the heart of the Scottish capital.
- Trinity Park is a place where glorious architectural tradition meets modern-day inspiration, with a limited release of 81 homes.
- Showcasing an eclectic mix of Georgian inspired Edinburgh villas, mews and spacious apartments, which cleverly combining neo-classical influences with contemporary design excellence.
- Heavy 3 premium credentials, its unparalleled quality and likeness to Scotland’s indigenous Ballachulish slate, placed it as the perfect material for a roofing solution for this development.
- **With Heavy 3 100 year guarantee** there is not only peace of mind for the developer, in this case, Trinity Park, but also its customers. The end result delivers a quality look that completes these premium houses.



MAIN CONTRACTOR
Cala Homes



ROOFING CONTRACTOR
SouthWest Roofing



ARCHITECT
Susan Stephen architects



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CASE STUDY 06.

MARITIME MUSEUM
IRVINE HARBOUR

- The Irvine museum is located at Irvine Harbour, situated within the category A listed former Engine Shop of Alexander Stephen and Sons, which was salvaged and relocated from their derelict Linthouse shipyard in Glasgow during 1991.
- The site operated by The Scottish Maritime Museum contains the exhibitions and collections that tell the story of that great maritime tradition.
- The Linthouse Engine Shop, originally built in 1882, holds a substantial part of the museum's collections in open store.
- Together with its 100 years guarantee, Heavy 3 ensures a **high quality traditional look standing the test of time no matter what the climate throws at it.**



ROOFING CONTRACTOR
Braisby Roofing



Page 79



CASE STUDY 07.

THE RACE COURSE,
MUSSELBURGH

- Situated close to River Esk, six miles east of downtown Edinburgh, Musselburgh Race Course opened its doors for year-round programmes for both and flat national hunt meetings.
- The old Edwardian Grandstand sits side by side with new build facilities. A key feature of this project was to be able to provide a roofing slate that was not only in keeping with the surrounding traditional builds, but was also a close match to indigenous Scottish slate (which has not been manufactured for some 50 years).
- This made Heavy 3 the **ideal choice and further demonstrates its versatility** through use on the refurbished Grandstand as well as the new facilities.



MAIN CONTRACTOR
Robert Rollo & Sons



ROOFING CONTRACTOR
Robert Rollo & Sons



ARCHITECT
Michael Laird Architects



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CASE STUDY 08.

STIRLING FARM STEADING

- This typically Scottish farmstead conversion lies in the shadow of one of Scotland’s most historic castles that dates back to the 15th century. As a consequence, it was particularly important for the planning authorities that the specified slate were sympathetic to the surrounding area.
- Heavy 3 close likeness to the look and feel of traditional Scottish slates made it the perfect choice as a roofing material for this project.



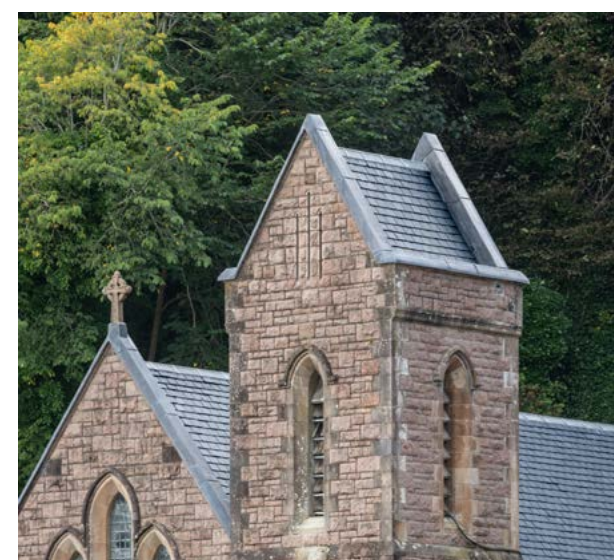
MAIN CONTRACTOR
Crammond Select Homes



ROOFING CONTRACTOR
BHC



ARCHITECT
Bobby Halliday Architects



CASE STUDY 09.

THE GALLERY, TOBERMORY

- This former church built in gothic revival style is located on Tobermory (Isle of Mull), main street overlooking the harbour.
- Construction was completed in 1879 and ceased to be a place of worship in 1964.
- The church was then sold and converted into The Gallery with a coffee place and a store attracting thousands of visitors every year.
- For the planning authorities, it was of great importance that the roofing material specified would blend seemingly with Scottish slates previously used and decided to be kept on the turrets of the former temple.
- Heavy 3 close likeness to the look and feel of traditional Scottish slates made it the perfect choice as a roofing material for this project.

QUALITY STANDARDS

The compliance requirements given are for the highest grade of slate. The European Standard sets several grades for a single slate, depending on its performance in different tests. French Standard assigns an overall grade depending on the performance in all the tests.

TESTS	COMPLIANCE REQUIREMENTS OF EUROPEAN AND FRENCH STANDARDS		TEST RESULTS OF CUPA 3 SLATE		
	European Standard prEn 12326	French Norm NF 228 22/11/2016	Tested by LNE 2017	Tested by ATG 2016	Tested by ASTM 2018
WATER ABSORPTION	≤0.6%	≤0.4%	0.20%	0.22%	0.118% (0,25%)
SPECIFIC WEIGHT gm/cm³	No limit			2700-2900 kg/m³	
MODULUS OF RUPTURE	No limit			50 MPa	915 lbs (>575 lbs)
CARBONATE CONTENT	≤20%	≤ 3%	0.50%	0.4%	
NON-CARBONATE CARBON CONTENT	≤2%	≤ 1,5%	0.50%		
THERMAL CYCLE	No leaching of metallic minerals	No leaching of metallic minerals	T1	T1	
SO₂ EXPOSURE TESTS	No affect	No affect	S1	S1	
DEVIATION FROM DECLARED LENGTH	+5mm	± 3 mm	Complies	Complies	
DEVIATION FROM DECLARED WIDTH	+5mm	± 3 mm	Complies	Complies	
DEVIATION FROM SQUARENESS	± 1% of length	± 1% of length	Complies	Complies	
DEVIATION FROM STRAIGHTNESS OF EDGES	≤5mm slate ≤500mm or ≤1% of length		Complies	Complies	
DEVIATION FROM FLATNESS	<1.5% of length for normal texture		Very flat	Complies	
THICKNESS (INDIVIDUAL)	Nominal thickness ± 35%		Complies	Complies	
WEATHER RESISTANT					0,0006 in

EUROPEAN STANDARD:
EN 12326

AMERICAN STANDARD:
ASTM C406-15

FRENCH SPECIFICATIONS:
NF 228 22/11/2016

BELGIAN SPECIFICATIONS:
ATG H 571

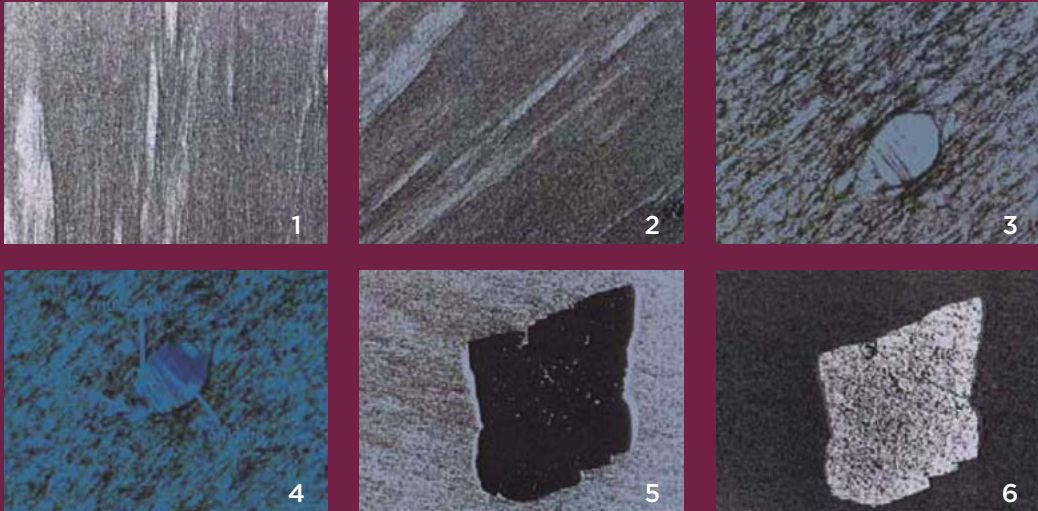


HEAVY 3 GEOLOGICAL ANALYSIS

Slate is a fine-grained metamorphic rock derived mainly from mudstone and shale. During metamorphism the quartz and clay minerals present in the original shale are recrystallised and the clay minerals replaced by white mica and chlorite. The ability to split slate into flat sheets is due to the alignment of the white mica and chlorite minerals during recrystallisation the extent to which these processes have taken place affects the quality of the slate.



Fig 1. Plane Polarised Light
Fig 2. Cross Polarised Light
Fig 3. Plane Polarised Light
Fig 4. Cross Polarised Light
Fig 5. Plane Polarised Light
Fig 6. Reflected Light



PETROGRAPHIC ANALYSIS

Modus operandi: The slate was examined using traditional petrographic techniques, thin sections of slate (30µm thick) were examined under the optical microscope using both plane and cross polarised light. The principal minerals present were determined by X-ray diffraction and the chemical composition was determined by X-ray fluorescence analysis.

A. OPTICAL MICROSCOPY

Under the optical microscope, it can be seen that the Heavy 3 is a fine-grained slate with a pervasive foliation due to the alignment of platy minerals (Fig.1 & 2). This alignment of fine-grained minerals enables the rock be split into thin sheets suitable as roofing slates. At greater magnification (Fig.3 & 4) it can be seen that the principal minerals are chlorite, white mica and quartz. Chlorite is recognised by its green colour in plane polarised light (Fig.3), the white mica by its bright colours under cross polarised light and quartz by its grey colour also under cross polarised light (Fig.4). This assemblage of minerals is typical of low grade metamorphic rocks sometimes referred to as the greenschist facies.

C. X-RAY DIFFRACTION

The principal minerals present were identified using XRD analysis. Combining the XRF and XRD results, the mineral composition of the slate was calculated as follows:

When examining the large grain under cross polarized light, the intergrowth of the principal minerals is clearly visible. The iron sulphide minerals (pyrite) are present as large crystallised cubes approximately 1mm in diameter (Fig. 5 & 6). These crystalline cubes are very resistant to the effects of weathering. In contrast, pyrite in poor quality slates is usually amorphous and found disseminated throughout the rock. Other minerals, identified using the optical microscope, were zircon and tourmaline. These minerals are rare and do not affect the properties of the slate.

Principal Minerals
· White mica (31%)
· Chlorite (28%)
· Quartz (21%)
· Feldspar (11%)
· Clay (5%)

Secondary Materials
· Pyrite (1%)
· Anatase (1%)

B. CHEMICAL COMPOSITION

The chemical composition of the slate (expressed as oxides) was determined using X-ray fluorescence analysis:

SiO₂ > 52.61%
Al₂O₃ > 22.95%
Fe₂O₃ > 9.19%
Mg O > 2.98%
CaO > 0.35%
Na₂O > 1.34%
K₂O > 3.65%
TiO₂ > 1.12%
MnO > 0.09%
P₂O₅ > 0.24%
LOI* > 4.75%

*(Volatile material referred to as 'loss on ignition')



QUALITY ASSURANCE

CUPA PIZARRAS success has been built on the high quality of the slate that is extracted from its quarries, and the comprehensive quality controls that each piece of slate undergoes.

- The area of quality is very important to CUPA PIZARRAS, and we invest heavily in its continuous improvement, to achieve the highest quality product available on the market today. This reinforces CUPA PIZARRAS position as the industry global leader.
- CUPA PIZARRAS is responsible for geological studies, geo-technical analysis, prospecting, sampling, seam evaluation, allowing us to control every aspect of the natural slate production process.

- All quarries currently operated by CUPA PIZARRAS are endorsed in those countries where authorisation is mandatory. Our compliance with the Standard ISO 9001:2000 (certified by AENOR) certifies our quality management system. In order to control the quality of our production, regular testing is carried out.
- Testing is done in certified laboratories in the countries to which we export. However, in order

to offer the finest quality slate, CUPA PIZARRAS own laboratories carry out additional tests as part of our internal quality control system.

- CUPA PIZARRAS thorough and rigorous quality procedures allow the company to offer the guarantee of full traceability, where the origin and production history of each product can be provided.

ENVIROMENTAL STANDARDS

The environment is paramount to CUPA PIZARRAS, our commitment being rewarded by (AENOR) ISO 14001 certification.

To achieve this, CUPA PIZARRAS has actively created an Environmental System, which includes the implementation of correct environmental policies to prevent contamination and the compromise of the compliance of all the local, national and international environmental rules and norms. Individual offices and locations throughout CUPA PIZARRAS continuously adhere to these environmental objectives, with staff proactively engaged in minimising energy consumption and recycling all materials where possible.

TRACEABILITY STANDARDS

CUPA PIZARRAS operates a barcode system that identifies each pallet of slate individually. Our traceability procedure can be identified by means of this unique label that is placed on each pallet (once the pallet has completed inspection and quality controls in the manufacturing bay and in the central warehouse). This label contains information about the slate that has been packed and includes test results, the name of the quarry, size of the slates, the number of slates and even the name of the person who selected and packed the pieces.

This traceability system offers our customers an outstanding reliable experience when using our products that gives them peace of mind in their purchase. This extensive quality process is paramount to our service. **Customers can use our products with confidence.**

WHAT MAKES A GOOD ROOFING SLATE?

Slate is a fine-grained, low grade metamorphic rock, which can be split fairly thin, making it ideally suited as roofing material. It is formed from mud or silt deposited millions of years ago in calm water environments. As the sediments accumulated, the pressure and temperature of the lower layers increased and became compacted, until they were eventually consolidated into mudrock.

- These rocks retain the primary bedding layers, and, if they are thick enough, they can be used for roofing. Caithness flagstone is an example of this.
- The composition of mudrock varies depending on the source of the original mud, but the most common minerals are quartz, feldspar and clay minerals.
- Mudrock may be found in any location, but slate is only found in mountainous areas, since it is a metamorphic rock which requires for its formation the intense geological forces associated with mountain building.
- During metamorphism, stable minerals such as quartz are flattened and stretched in response to the main stress. They also grow in size and become increasingly crystalline.

- At the same time, less stable clay minerals are gradually replaced by more stable mica and chlorite. They increase in size and crystallinity with increasing metamorphism.
- All roofing slates have fairly similar composition, consisting primarily of quartz, chlorite and white mica, yet they do not all perform equally well on a roof. Some last hundreds of years while others fail after a few years of exposure.
- This is due to differences in the degree of metamorphism. In poorly metamorphosed slates, even the most stable mineral, quartz, if it is fine-grained, is vulnerable to weathering.
- Durability may be further compromised by the presence of

certain deleterious minerals; clay minerals take up water and amorphous pyrite is prone to leaching and may react with other minerals present. At a higher metamorphic grade, quartz is usually coarser grained and more crystalline; the concentration of clay minerals is low and amorphous pyrite has often been replaced by crystalline cubes which are very resistant to weathering.

- Reliably predicting the durability of slate is only possible if a range of chemical and physical tests are carried out. However, some good pointers are a gritty texture and a good ring tone when hit with a hammer, both of which indicate crystalline slate.

Joan Walsh BSc (Chem), BSc (Geol),
PhD, FGS.
Consultant Geologist



HEAVY3
A ROOF FOR LIFE

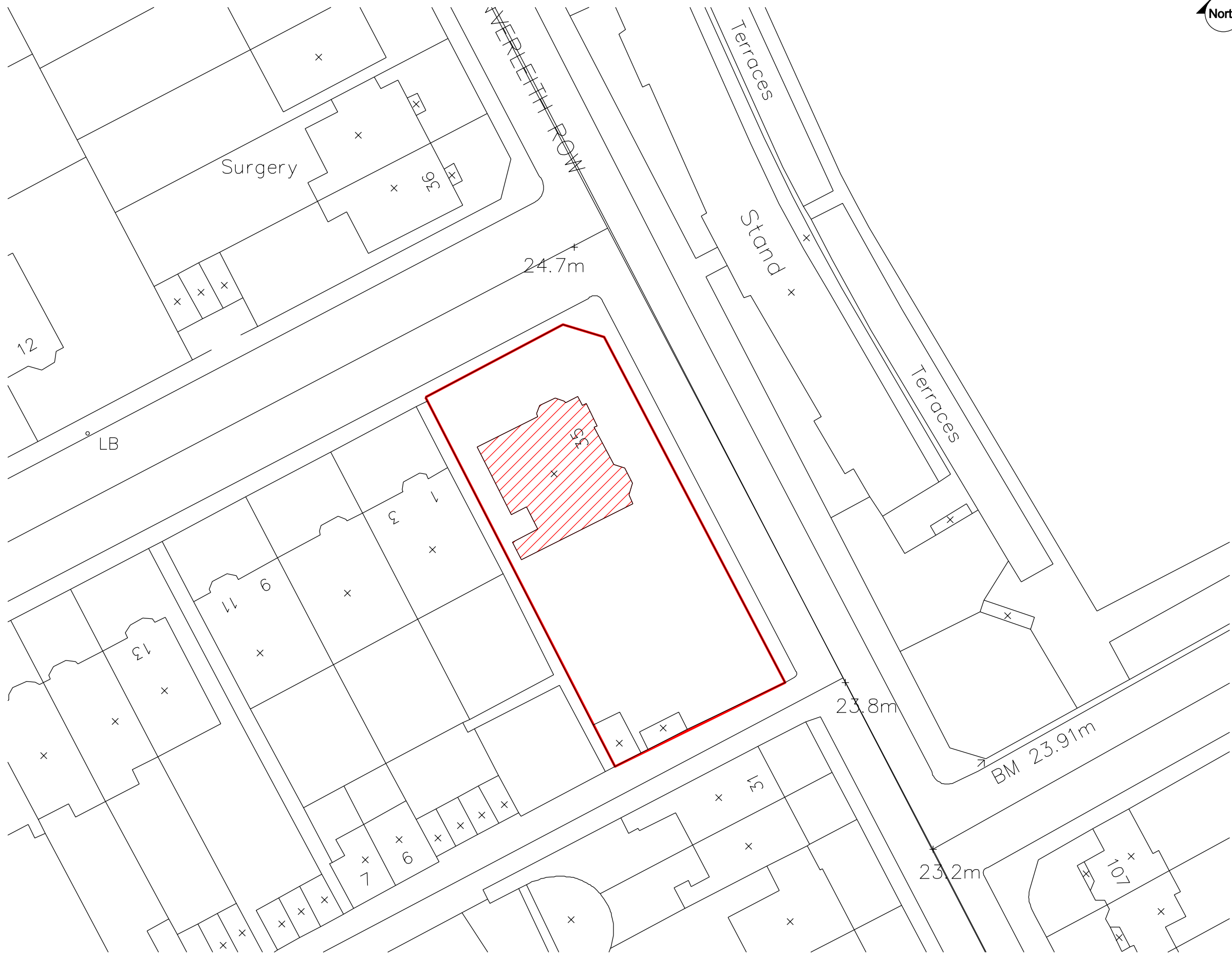
CUP4PIZARRAS

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CDM:
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 **Legal Boundary**

 **Location Plan (1:500)**
35 Inverleith Row

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EH12 9RG
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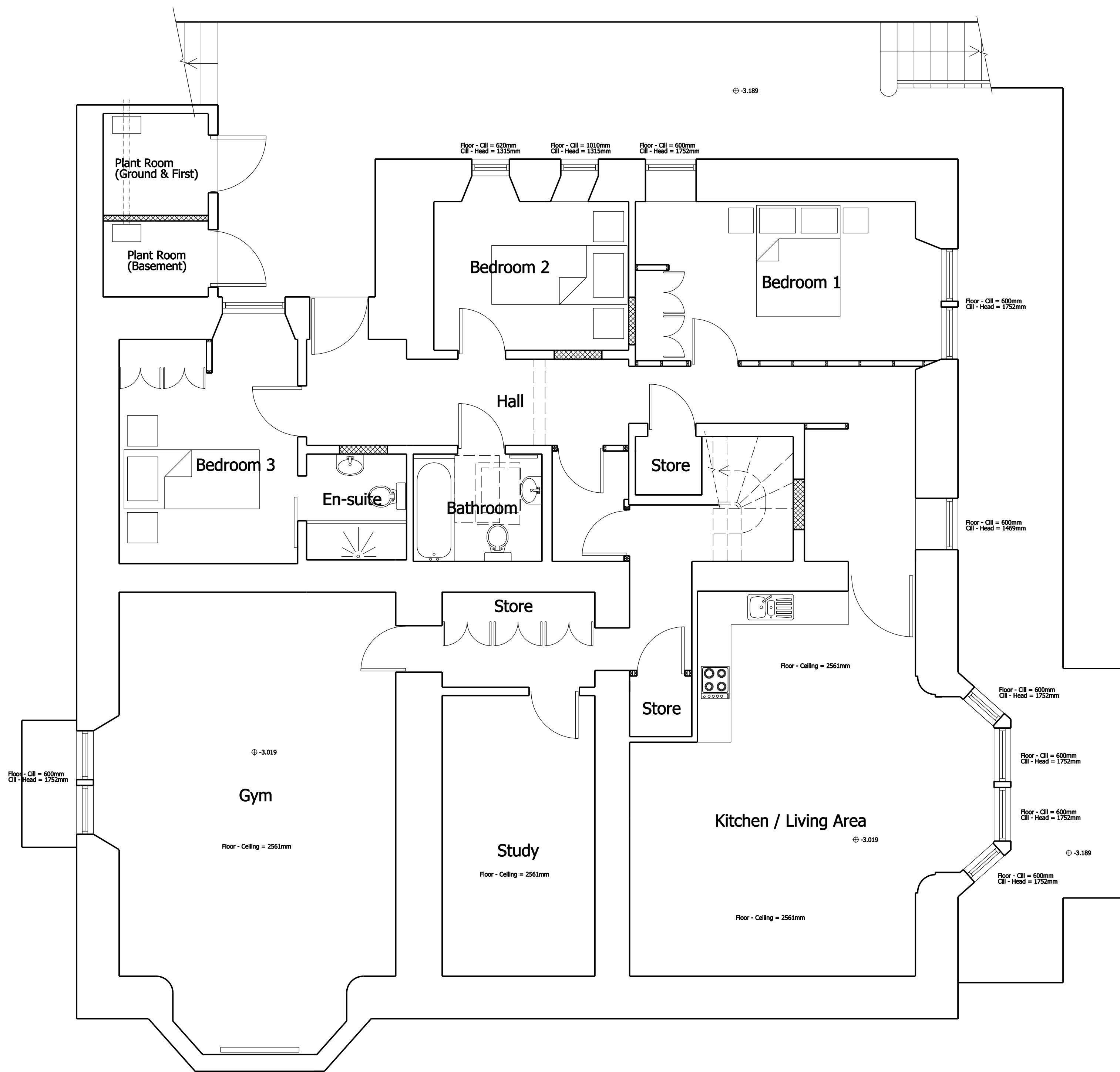
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Edinburgh
EH3 5QH**

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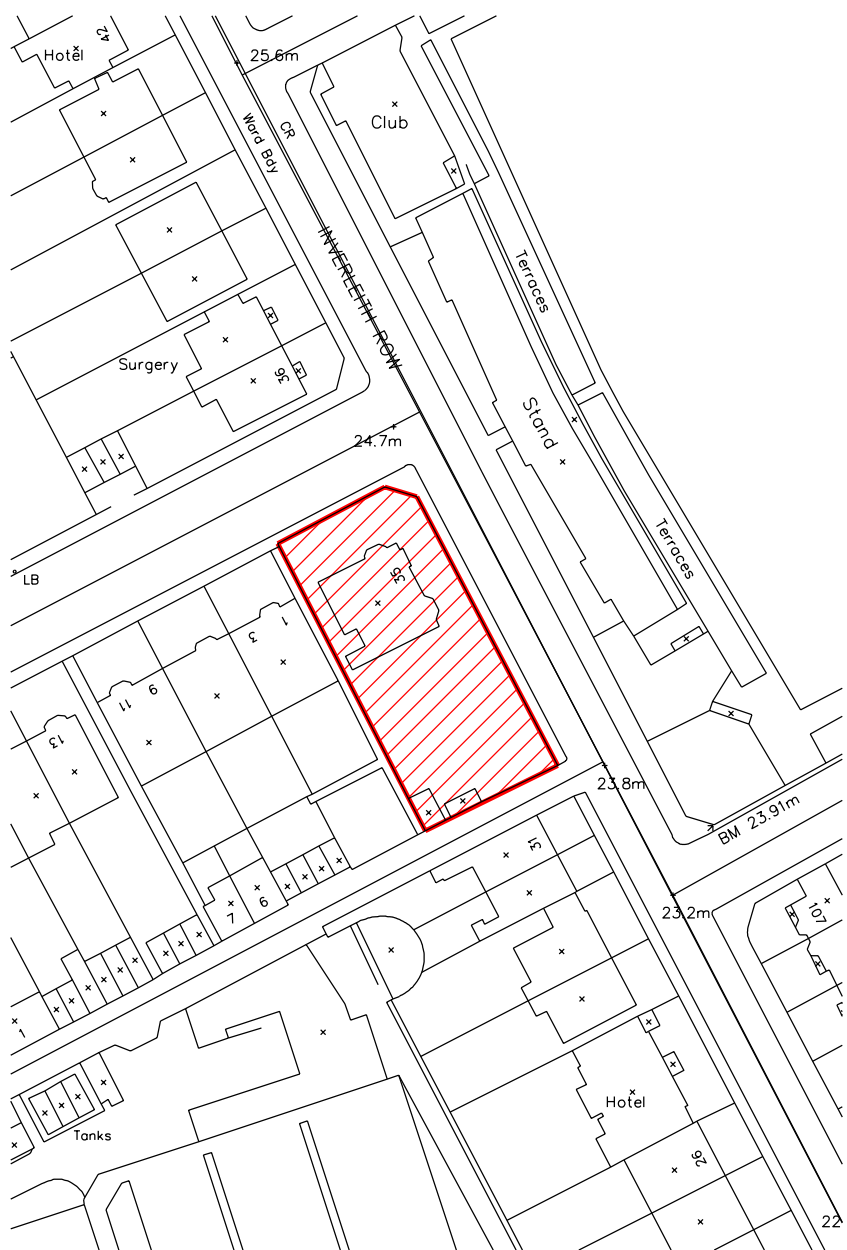
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PROJECT No: 20-000	DESIGN-DRAWN: DS	DATE: Mar 2020
DRAWING STATUS: Listed Building Consent		
DRAWING Size: A3	DRAWING No: L(PL)001	REV: --



Basement (as existing) - (1:50)
35 Inverleith Row

 Legal Boundary



location plan (1:1250 at A1) 

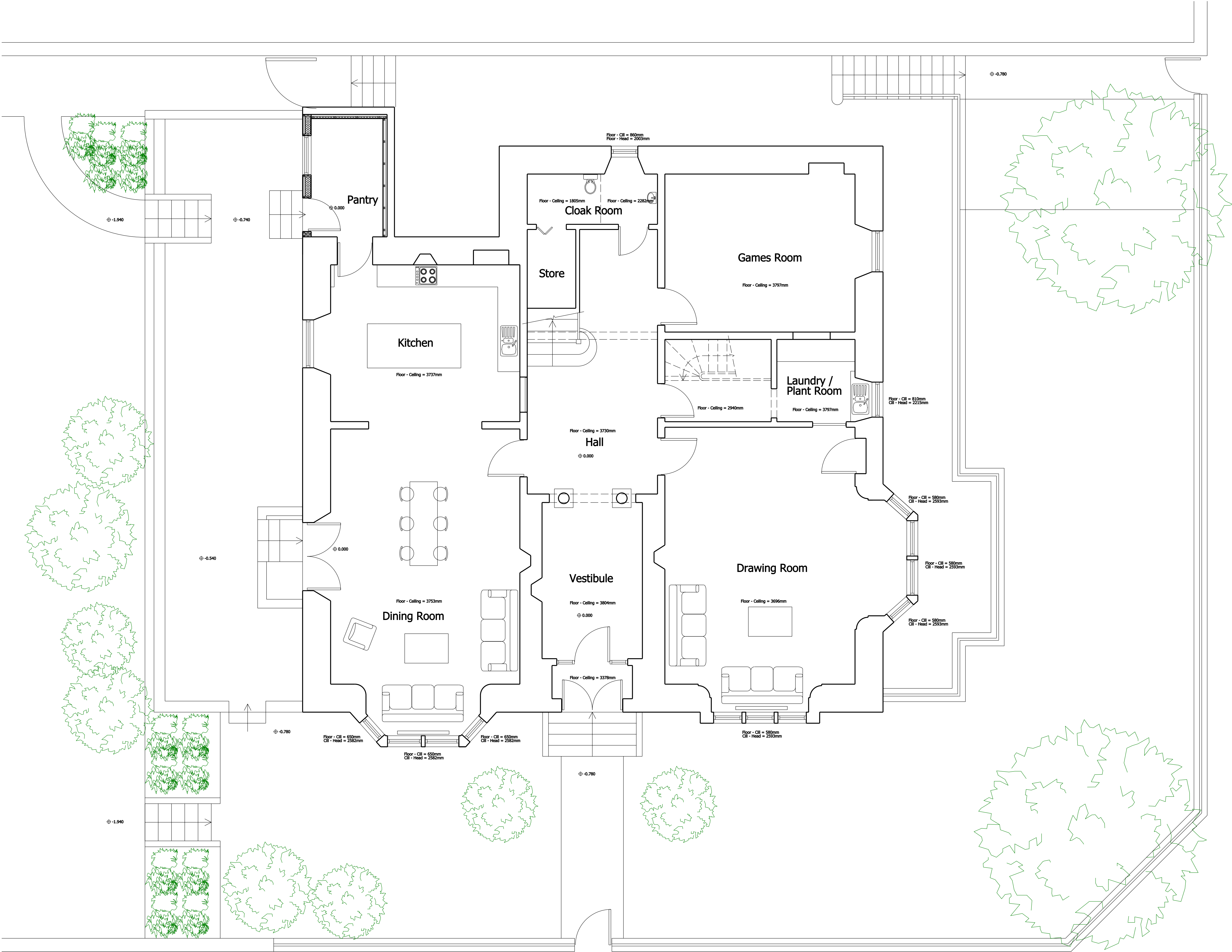
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PROJECT:
35 Inverleith Row
Edinburgh, EH3 5QH
TITLE:
Basement
(as existing)

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Ground Floor Plan (as existing) - (1:50)
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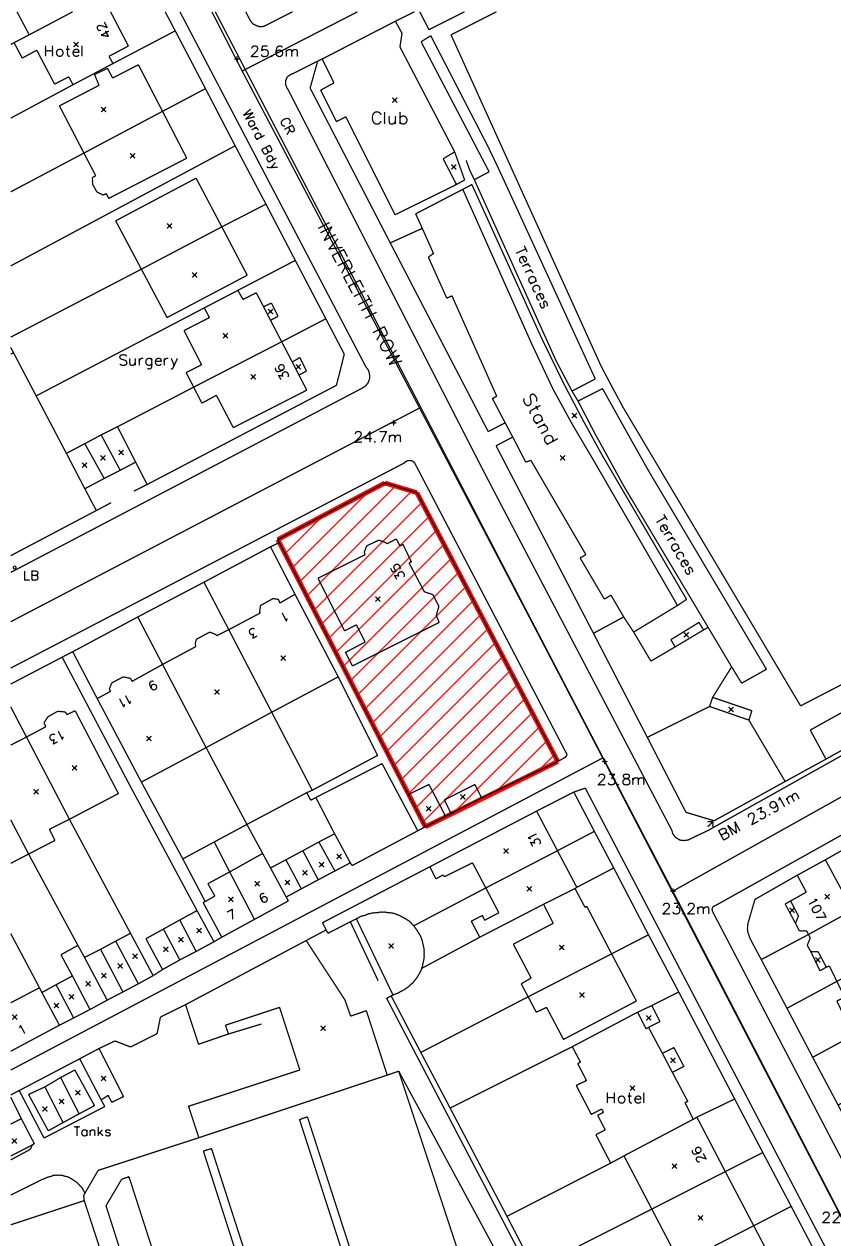
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Legal Boundary



location plan (1:1250 at A1)

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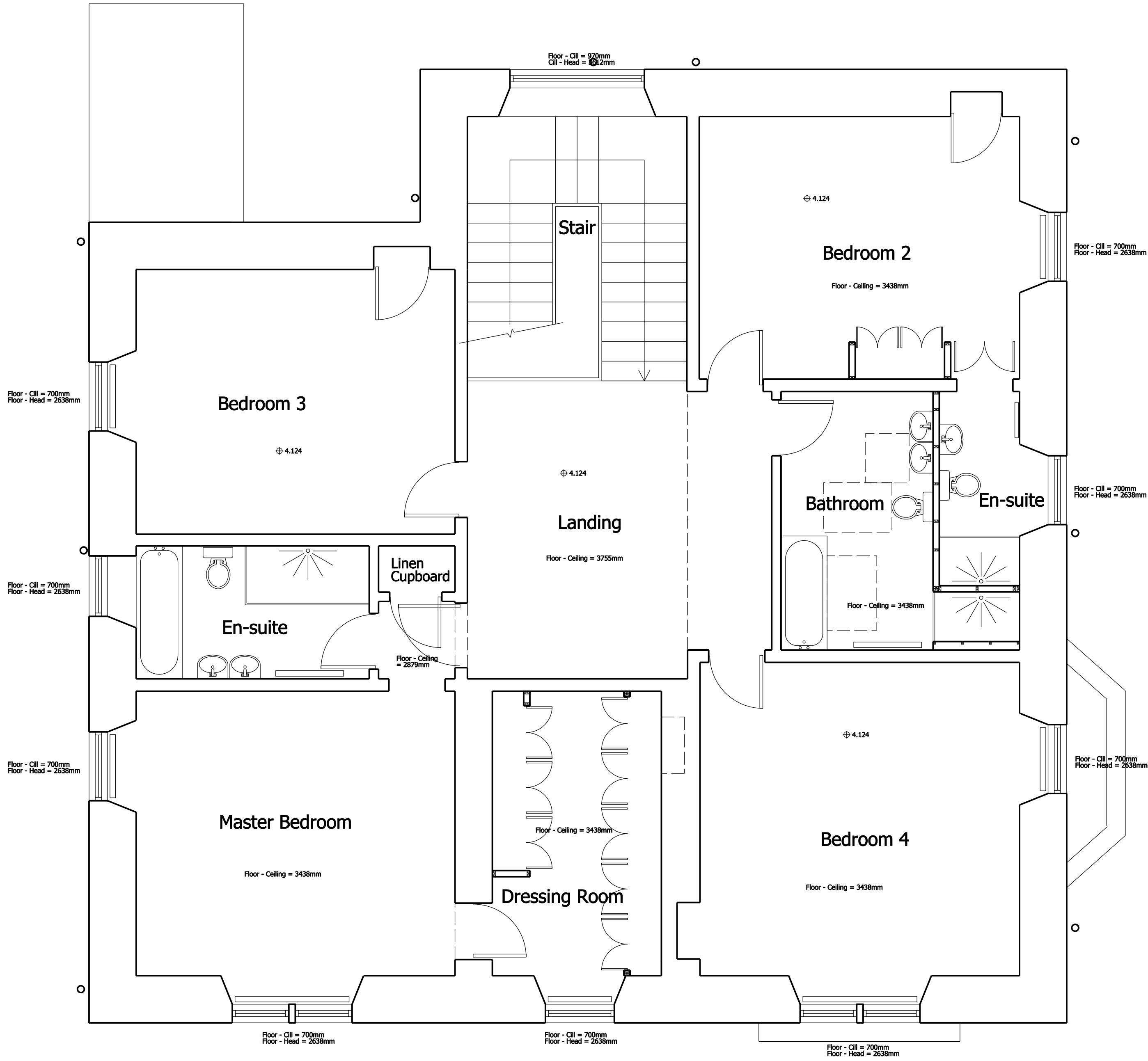
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PROJECT:
35 Inverleith Row
Edinburgh, EH3 5QH

TITLE:
Ground Floor
(as existing)

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First Floor Plan (as existing) - (1:50)
35 Inverleith Row

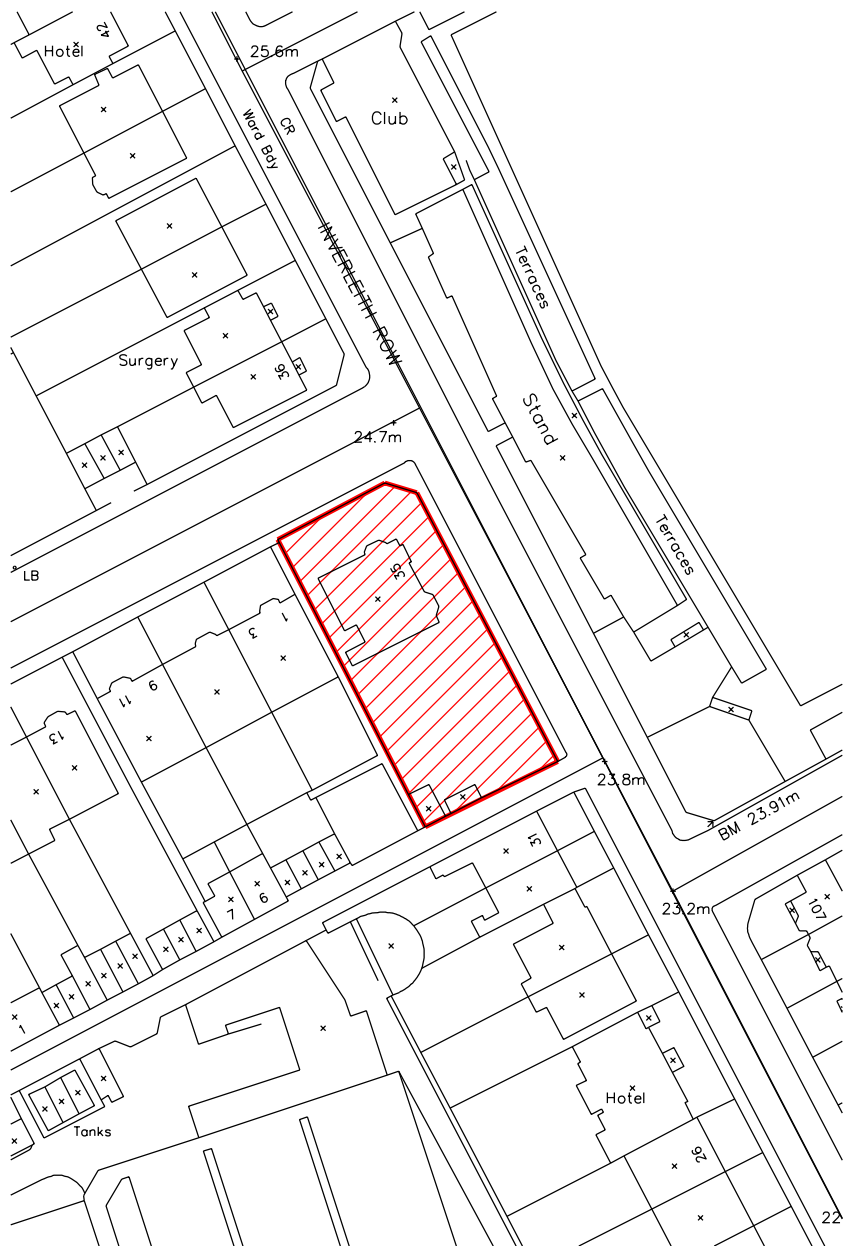
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location plan (1:1250 at A1) N

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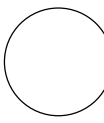
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PROJECT:
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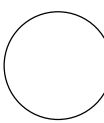
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 Legal Boundary




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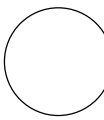


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35 Inverleith Row

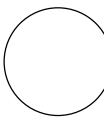


location plan (1:1250 at A1) 



 West Elevation (as proposed) - (1:100)
35 Inverleith Row



 South Elevation (as proposed) - (1:100)
35 Inverleith Row

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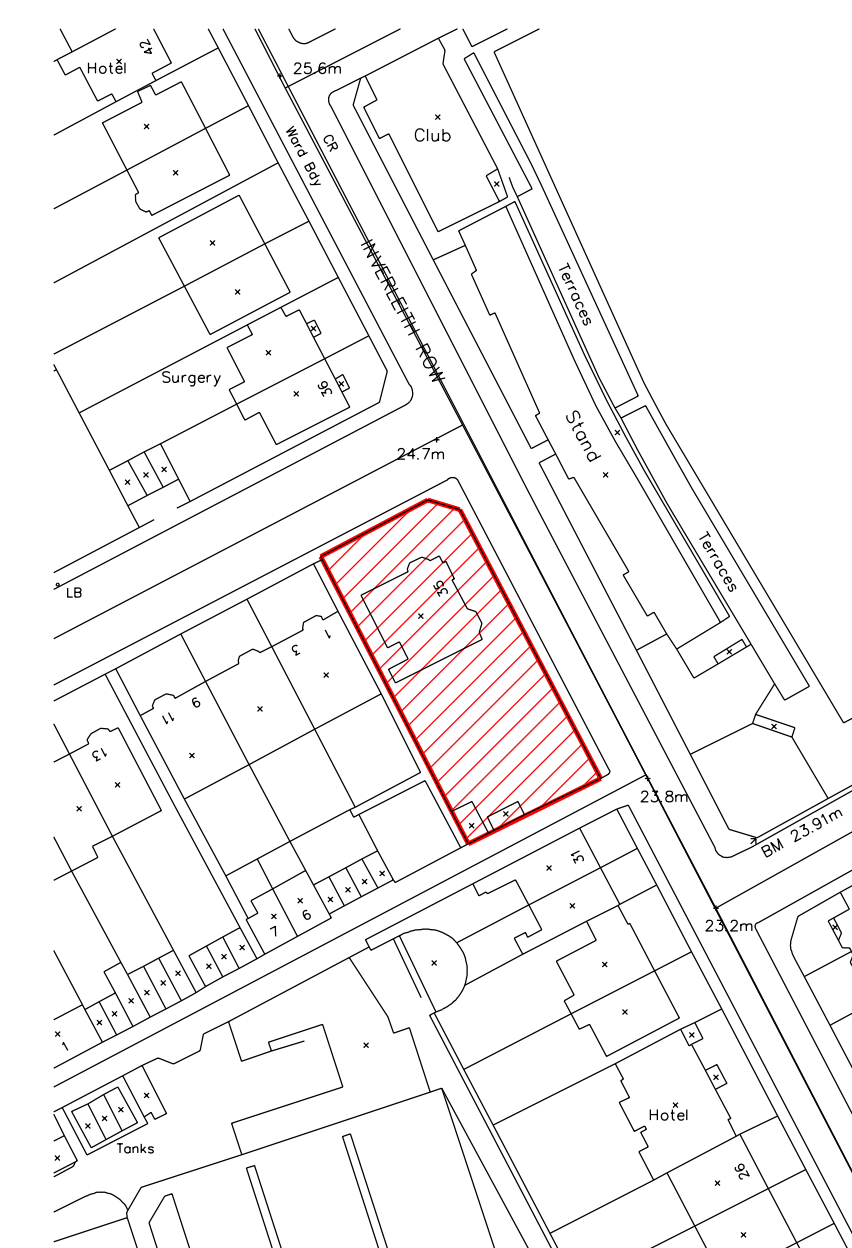
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PROJECT:
35 Inverleith Row
Edinburgh, EH3 5QH

TITLE:
Elevations
(as existing)

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DRAWING Size: A1	DRAWING No: L(PL)005	REV: ---

Legal Boundary



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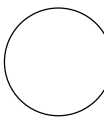
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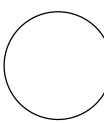
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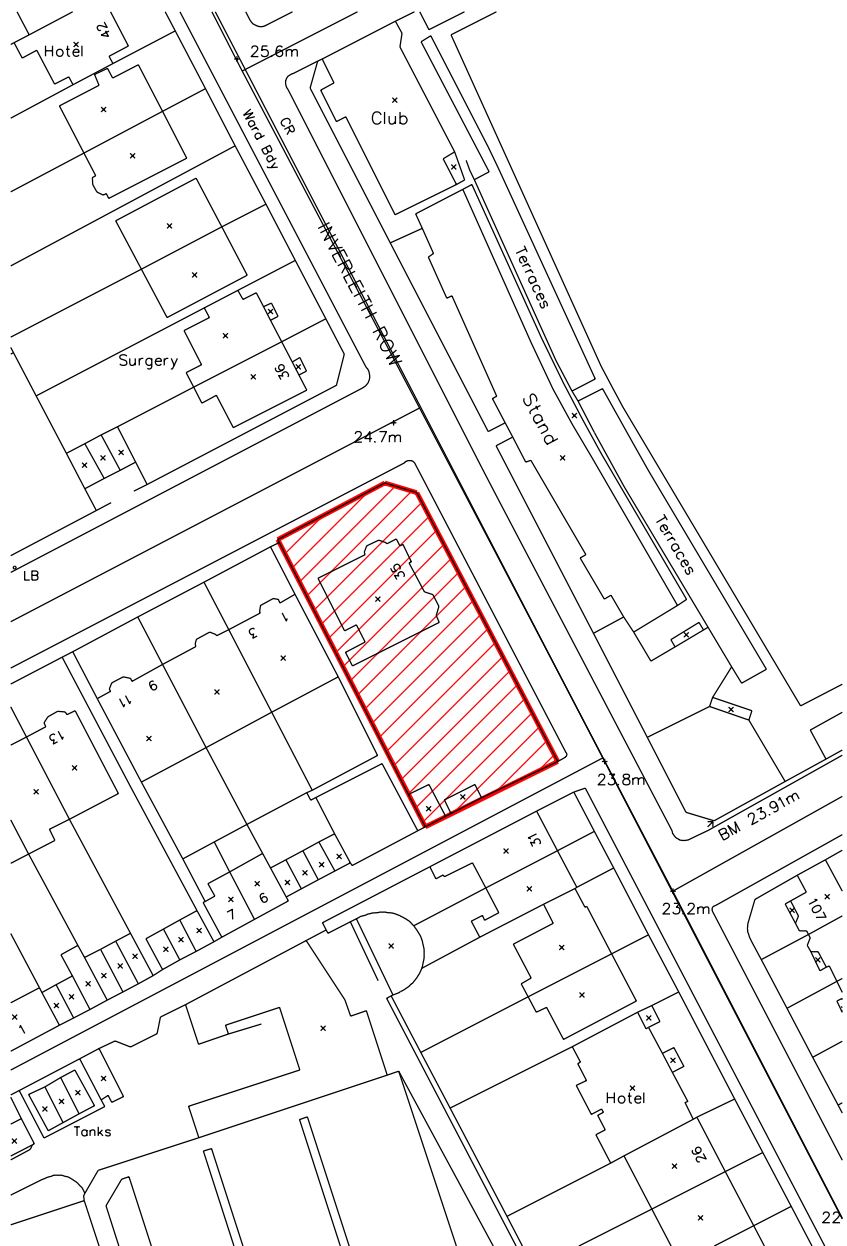
NOTE: All alterations to structural elements subject to confirmation by structural engineer.


 Legal Boundary

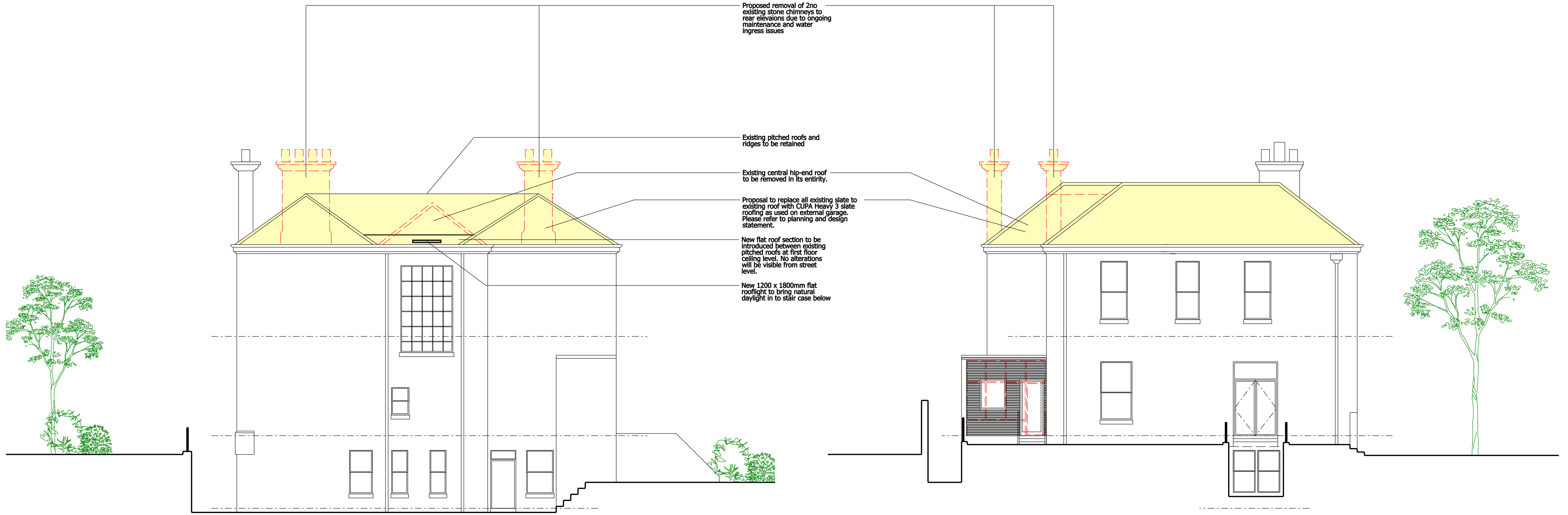


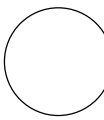
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35 Inverleith Row

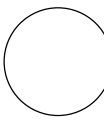
 **North Elevation (as proposed) - (1:100)**
35 Inverleith Row



location plan (1:1250 at A1) 



 **West Elevation (as proposed) - (1:100)**
35 Inverleith Row

 **South Elevation (as proposed) - (1:100)**
35 Inverleith Row

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Edinburgh EH12 9RG
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PROJECT:
35 Inverleith Row
Edinburgh, EH3 5QH

TITLE:
Elevations
(as proposed)

SCALE @ A1: As Stated	CHECKED: SM	APPROVED: DS
PROJECT No: 20-000	DESIGN-DRAWN: DS	DATE: Mar 2020
DRAWING STATUS: Listed Building Consent		
DRAWING Size: A1	DRAWING No: L(PL)007	REV: 02

Mrs Jo Mayland.
92 Avalon Gardens
Linlithgow Bridge
Linlithgow
United Kingdom
EH49 7PL

Decision date: 15 April 2020

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

Erection of one-and-a-half storey, detached, 5 bedroomed family home.
At The Old Dairy House Dundas Home Farm South Queensferry EH30 9SS

Application No: 19/05253/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 4 November 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 Env 10 of the Edinburgh Local Development Plan (LDP) in that it does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal does 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. It would introduce a further dwelling house into the garden of the Old Dairy House without any justification of exceptional circumstances, and would harm the rural character of the site.
2. The proposal is contrary to non-statutory Guidance for Development in the Countryside and Green Belt as no functional need for such a dwelling has been established; it does not relate to meeting the needs of one or more workers employed

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

3. The proposal is contrary to design policies Des 1 and Des 4 of the LDP as the creation of another suburban style house into this rural setting adversely impacts on the rural character of the area.
4. The proposal is contrary to policy Tra 2 as it exceeds the Council's parking standards which seek to limit private car parking and encourage active travel.
5. There is insufficient information provided to assess the impact on trees and protected species.

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

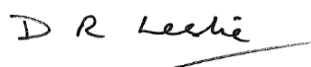
Drawings 01-09, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The proposal is contrary to the Edinburgh Local Development Plan (LDP). No exceptional circumstances have been provided to justify a non-conforming development in the Green Belt and the introduction of a large dwelling into this rural setting creates a suburban cluster at odds with the character of the area when read with the house already approved to the east. There is insufficient information to assess impacts on trees and protected species and the proposal does not comply with car parking standards.

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 William Langdon directly on .



**Chief Planning Officer
PLACE**

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.

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Report of Handling

Application for Planning Permission 19/05253/FUL At The Old Dairy House, Dundas Home Farm, South Queensferry Erection of one-and-a-half storey, detached, 5 bedroomed family home.

Item	Local Delegated Decision
Application number	19/05253/FUL
Wards	B01 - Almond

Summary

The proposal is contrary to the Edinburgh Local Development Plan (LDP). No exceptional circumstances have been provided to justify a non-conforming development in the Green Belt and the introduction of a large dwelling into this rural setting creates a suburban cluster at odds with the character of the area when read with the house already approved to the east. There is insufficient information to assess impacts on trees and protected species and the proposal does not comply with car parking standards.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES01, LDES04, LDES05, LEN03, LEN10, LEN12, LEN21, LHOU01, NSG, NSGD02, NSGCGB, NSLBCA,
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Report of handling

Recommendations

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

Background

2.1 Site description

The application site is approximately 0.13 hectares in area and lies to the east of The Old Dairy House and to the south of Dundas Home Farm. There are a number of trees on the site and mature trees associated with the Dundas Castle estate bound the site to the east, west and south. A low stone wall and hedge forms the site's northern boundary, beyond which is an unnamed access road.

The surrounding area is rural in nature and predominantly comprises a mix of agricultural and residential uses. To the north is Dundas Home Farm (formerly Newbigging Steading) which was converted into residential use around 2005.

There are two listed building to the north / north west of the site: category C listed Dundas Home Farm (former Newbigging Farmhouse) (listed on 30 January 1981, ref: 5521) and the category B listed Dundas Home Farm (former Newbigging steading) (listed on 30 January 1981, ref: 5520).

The centre of South Queensferry is located approximately 1.4 km from the site.

The site is located within the Edinburgh Green Belt, a Site of Importance for Nature Conservation and the Dundas Castle Designed Landscape.

2.2 Site History

16 January 2014 - Planning permission granted for erection of single storey extension to side and rear of existing dwelling house (The Old Dairy House) (application number 13/04948/FUL).

21 January 2016 - Planning permission in principle refused by the local planning authority for the erection of single 4/5 bedroom house with garage on adjacent plot, but was granted on review (ref: 15/05159/PPP).

12 April 2017 - AMC approved for erection of detached dwelling on adjacent plot (Ref:17/00681/AMC)

29 November 2019 - an application for planning permission was submitted for a new house on the site of that approved under 15/05159/PPP and 17/00681/AMC (ref: 19/05483/FUL). This is pending consideration.

Main report

3.1 Description Of The Proposal

This application is for the erection of a new dwelling house on land to the east of the Old Dairy House. This would be sited between the Old Dairy House and the site of the new house granted in 2016.

The new house would be 2 storeys in height with a footprint of 258 square metres and is traditional in style and materials.

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.

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 the development is acceptable;
- b) The landscape impacts are acceptable;
- c) The proposal will have a negative impact on the setting of a listed building;
- d) The proposed scale, form and design are acceptable;
- e) The proposal will have a detrimental impact on the amenity of neighbouring residents;
- f) The proposal raises any issues in respect of archaeology;
- g) The proposal raises any concerns in respect of parking or road safety;
- h) The proposal raises any concerns in respect of flood prevention;
- i) Any public comments received have been addressed.

a) Principle of Development

The site is designated as being within the Green Belt in the adopted Edinburgh Local Development Plan (LDP). Policy Env 10 of the LDP states that within the green belt and countryside shown on the proposals map, development will only be permitted

where it is for the purposes of agriculture, woodland and forestry, horticulture or countryside recreation, or where a countryside location is essential and provided any buildings, structures or hard standing areas are of a scale and quality of design appropriate to the use; and the proposal would not detract from the rural character and landscape quality of the area.

The proposal does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation purposes, and a countryside location is not an essential location for the construction of a dwellinghouse. The proposed development of a dwellinghouse would create a new planning unit which is unrelated to the existing use or any other buildings within the site. In addition, the proposal does not involve the replacement of an existing building with a new building of the same use.

Having regard to the above, there are no exceptional planning reasons for approving a new house in this location. Although the development of a new house would contribute to housing targets, the sporadic development of the greenbelt is not acceptable. The proposal does not comply with LDP policy Env 10 or the Council's Guidance for Development in the Countryside and Green Belt. The proposal has not been identified as an area for strategic housing development in the Local Development Plan and as such the principle of the development is unacceptable.

In addition, the proposals fail to comply with LDP Policy Hou 1 as the site is not allocated, is not in the urban area and there is no housing land supply deficit.

In granting planning permission for a new house under application 15/05159/PPP, the Local Review Body decided the addition of a small family house in the garden of the Old Dairy House would be acceptable in the Green Belt as it would be compatible with the housing around it. In this case, a further large house in the garden of the Old Dairy House would not be compatible with that decision.

There are no material considerations that justify approval.

b) Impact on Landscape, Wildlife and Trees

Landscape - The Dundas Special Landscape Area skirts the northern boundary of Home Farm and Steading to the south of the A90. The SLA encompasses to the south the extensive, wooded, designed landscape, centred around the low rise of Dundas Hill and country house of Dundas Castle. Dundas Castle is recorded within the Inventory of Gardens and Designed Landscapes in Scotland.

From the wider landscape, the site is screened to the south, east and west by mature, deciduous woodland and to the north by the A90 embankments. This cluster of former agricultural buildings and dwellings are briefly visible from the B800 on the A90 overbridge. The Old Dairy House appears to have been established on the estate woodland and is shown as an open area in 1940s aerial imagery. The main Ancient Woodland of Long Established Plantation Origin lines the drive from North Lodge to Dundas Castle further to the south.

Whilst it will alter the character of existing garden associated with the Old Dairy, it is not likely to affect the land cover or core area of the Special Landscape Area (SLA) in terms of the balance of ornamental gardens, parkland or woodlands, nor the wider rural

character of the area. Due to the enclosed nature of the site, visibility from the wider surroundings, core areas of the designed landscape and setting of adjacent listed buildings would be limited. It is not considered that residential development on this site at this scale would have an adverse impact on the special characteristics of the SLA.

Trees - The proposed site plan indicates the loss of one tree. However, the site is surrounded by trees and a tree survey has not been submitted. The proposed dwelling would be constructed close to existing mature trees on the west of the site. Whilst it is unlikely trees of significant stature would be affected, a tree survey would be required to ensure that these trees are not impacted by the development. As the principle of the development is not acceptable, this has not been requested as part of this application. The proposals may have unacceptable impacts on trees contrary to LDP policy Env12. However, there is insufficient information to make this assessment.

Wildlife - The application site has been identified as a location of notable wildlife species. Prior to any consent being issued steps would need to be taken to determine if a European protected species is likely to be affected by the development. Therefore, the potential of any trees or buildings, which will be impacted on as a result of development, to support bats should be determined. This is in accordance with policy Env16 Species Protection and the Edinburgh Design Guidance. Bat surveys would be required to establish if there are any bats roosting in the trees. As the principle of a residential use has not been established on this site, a bat survey has not been requested.

c) Impact on Setting of Listed Building

Policy Env 3 of the of the LDP supports development within the curtilage or affecting the setting of a listed building, provided that it is not detrimental to the character, appearance and historic interest of the building or to its setting. The Farmhouse to the west of the application site is C listed and the former Steading to the north of the site is B listed (ref: LB 5520, date listed: 30/01/1981). Given the boundary treatments demonstrated in the site plan it is concluded that the boundary treatments and vehicle access arrangements are acceptable in protecting the setting of the listed buildings.

The proposal broadly complies with LDP Policy Env 3 (Listed Buildings - Setting).

d) Scale, Form and Design

Policy Des 1 states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based upon an overall design concept that draws upon the positive characteristics of the area. Policy Des 4 - Development Design states development should have a positive impact on its surroundings, having regard to height and form; scale and proportions, including the spaces between buildings; position of buildings and other features on the site; and materials and detailing.

The proposed development would not be a dwelling modest in size. It is substantially bigger than the new house approved to the east of the site (200 sq.m) but will be a similar scale to the Old Dairy House. In general, the site is characterised by an agricultural feel. Despite the redevelopment of the farmhouse and the old steadings for mixed business and residential use, the buildings have retained a sense of their former

use as agricultural buildings and the rural character of the area is generally preserved. The traditional relationships of farmhouse to steading and other ancillary buildings will be lost with the introduction of this large suburban looking house. Fitting another house into the grounds of the Dairy House will create a mini housing estate with suburban characteristics when read with the existing building and the new house approved to the east. The proposal does not draw on the positive open rural character of the green belt and does not have regard to the open green character and spacing of the site. It represents an overdevelopment of the garden ground of the Old Dairy House and is contrary to policies Des 1 and Des 4.

e) Amenity

Policy Des 5 Development Design - Amenity states that permission will be granted for development where it is demonstrated that the amenity of neighbouring properties is not adversely affected and that future occupiers have acceptable amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

The proposed dwelling would meet the requirements of the Edinburgh Design Guidance in terms of the provision of adequate floorspace, and internal living environment for future occupiers. Likewise, the proposal will have sufficient garden ground for the amenity of occupiers.

The proposed house is close to the boundary on the east elevation but around 3m from the west boundary. The proposal satisfies the 25-degree daylighting criterion outlined in the Edinburgh Design Guidance document. The proposal will not result in the loss of daylight to neighbouring windows. Given the height of the proposal and its orientation in relation to neighbouring properties, it will not overshadow neighbouring amenity space. Guidance states that where windows will look on to neighbours that a minimum distance of 9 metres should be maintained from common boundaries. The proposed dwelling would not overlook other residential properties as there are no upper level windows on the east and west elevations. The proposal would not result in an unreasonable loss of neighbouring amenity and is acceptable in this regard.

Whilst the site plan does not show the neighbouring house approved to the east, the proposal is acceptable in terms of impact on its amenity.

The proposal complies with policy Des 5.

f) Archaeology

An archaeological evaluation by ARCHUS, in relation to application 16/04410/PPP, indicated that the garden grounds to the east of the Dairy House had been significantly landscaped in the 19th/20th centuries. Accordingly, although adjacent to area previously evaluated it has been concluded that the potential for disturbing significant insitu remains during this development is low. Therefore, there are no known significant archaeological implications in regards to this application..

g) Parking and Road Safety

Policies Tra 2 - Private Car Parking and Tra 3 - Private Cycle Parking state permission will be granted for development where proposed car parking provision complies with

and does not exceed the parking levels and cycle parking and storage complies with the standards.

Transport raised no objections to the development but stated that a maximum of two car parking spaces should be allowed which would reduce the proposed parking provision down from 5 to 2. This would be a condition of consent if permission were to be granted.

Cycle parking can be adequately provided within the site.

The proposal does not comply with current car parking standards contrary to policy Tra 2.

h) Flooding

Policy Env 21 of the LDP states that planning permission will not be granted for development that would increase a flood risk.

The SEPA flood maps do not identify this area as being at risk of flooding. As the applicant has not provided anything in relation to drainage for the proposed site this would be required as a condition. This could be addressed but it is not appropriate to seek this information given that the application is not acceptable in principle.

i) Public Comments

Material Representations - Objection:

- A house in this location is not in keeping with the character of the area. Addressed in Section 3.3(b) and 3.3(d).
- The plans submitted are inaccurate and do not show the neighbouring plot. Addressed in Section 3.3(e)

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 Env 10 of the Edinburgh Local Development Plan (LDP) in that it does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal does 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. It would introduce a further dwelling house into the garden of the Old Dairy House without any justification of exceptional circumstances, and would harm the rural character of the site.
2. The proposal is contrary to non-statutory Guidance for Development in the Countryside and Green Belt as no functional need for such a dwelling has been established; it does not relate to meeting the needs of one or more workers employed

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

3. The proposal is contrary to design policies Des 1 and Des 4 of the LDP as the creation of another suburban style house into this rural setting adversely impacts on the rural character of the area.

4. The proposal is contrary to policy Tra 2 as it exceeds the Council's parking standards which seek to limit private car parking and encourage active travel.

5. There is insufficient information provided to assess the impact on trees and protected species.

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

This application has received two letters of representation. These comments have been summarised and addressed in Section 3.3 of this report.

Background reading / external references

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

Statutory Development**Plan Provision**

Edinburgh Local Development Plan

Date registered

4 November 2019

**Drawing
numbers/Scheme**01-09,

Scheme 1

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

Contact: William Langdon, Planning Officer
E-mail: william.langdon@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 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 Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 10 (Development in the Green Belt and Countryside) identifies the types of development that will be permitted in the Green Belt and Countryside.

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

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

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

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.

Non-statutory guidelines DEVELOPMENT IN THE COUNTRYSIDE AND GREEN BELT, provide guidance on development in the Green Belt and Countryside in support of relevant local plan policies.

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

Appendix 1

Consultations

Archaeology:

Further to your consultation request I would like to make the following comments and recommendations concerning this AMC application regarding the erection of a dwelling house and detached garage.

An archaeological evaluation by ARCHUS, in relation to application 16/04410/PPP, indicated that the garden grounds to the east of the Diary House had been significantly landscaped in the 19th/20th centuries. Accordingly, although adjacent to area previously evaluated it has been concluded that the potential for disturbing significant insitu remains during this development is low. Therefore, there are no known significant archaeological implications in regards to this application.

Airport:

The proposed development has been examined from an aerodrome safeguarding perspective and does not conflict with safeguarding criteria. We therefore have no objection to this proposal, however have made the following observation:

Cranes

Given the nature of the proposed development it is possible that a crane may be required during its construction. We would, therefore, draw the applicant's attention to the requirement within the British Standard Code of Practice for the safe use of Cranes, for crane operators to consult the aerodrome before erecting a crane in close proximity to an aerodrome. This is explained further in Advice Note 4, 'Cranes' (available at <http://www.aoa.org.uk/policy-campaigns/operations-safety/>)

It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, and the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.

Transport:

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

1. The applicant should be required to reduce the proposed number of parking spaces from 5 to 2, in accordance with the Council's parking standards;
2. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric

cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

3. Access to the car parking area is to be by dropped kerb (i.e. not bell mouth);

4. 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;

5. Any gate or doors must open inwards onto the property;

6. Any hard-standing outside should be porous;

7. The works to form the 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

8. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.

END

Comments for Planning Application 19/05253/FUL

Application Summary

Application Number: 19/05253/FUL

Address: The Old Dairy House Dundas Home Farm South Queensferry EH30 9SS

Proposal: Erection of one-and-a-half storey, detached, 5 bedroomed family home.

Case Officer: William Langdon

Customer Details

Name: Mrs Julie MacDonald

Address: 19 Stoneyflatts Park SOUTH QUEENSFERRY

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Further to my conversation with William Langdon earlier this week (13/11/19). We own the neighbouring plot and have not been formally notified of the proposed development (we have been omitted from the neighbour notification process). Our plot is directly on the eastern boundary of this application and therefore out of all neighbours notified this development is of direct impact to our land and infact we are the most impacted neighbours of this proposed development due the proximity of this proposed development. What is shown as the eastern boundary on this application is infact our western boundary so we are situated directly alongside what is proposed for this neighbouring plot. Further more, when we purchased our plot/land there was and still is active planning permission for a development. The documents that have been submitted for this proposed development do not reflect this at all, they show nothing on our plot (and we are their direct neighbour). Therefore the drawings submitted are inaccurate and do not accurately reflect the neighbouring area as it does not show what is currently granted for planning permission on our land. We request that this application is therefore withdrawn until such times as both these items have been addressed and at which time they can then be re-submitted.

Comments for Planning Application 19/05253/FUL

Application Summary

Application Number: 19/05253/FUL

Address: The Old Dairy House Dundas Home Farm South Queensferry EH30 9SS

Proposal: Erection of one-and-a-half storey, detached, 5 bedroomed family home.

Case Officer: William Langdon

Customer Details

Name: Mrs Julie MacDonald

Address: 19 Stoneyflatts Park SOUTH QUEENSFERRY

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: I object on the basis that we own the neighbouring plot and we have not been included on the neighbour notification list. Also our outlook from what is the western boundary of our plot has changed somewhat since our purchase of the land earlier this year. Our western view at time of purchase was made up of trees and greenery. On visiting the site this weekend the view currently is a site that has been completely cleared of these trees (possibly protected ?) etc of which we have had no prior notification. A proposed neighbouring plot, significant change of view and a planning application all comes as a huge surprise to us. The proposed development is extremely close to our western boundary, so much so that it feels imposing and we shall be looking at in excess of a 20m+ single storey mass which is unacceptable with potential loss of light to the western edge of our plot. The proposed development is crammed into the width of the plot with nothing to spare to add greenery or privacy on either side of the eastern or western boundaries. The proposed development is too close to the eastern and western boundaries and is on the verge of being overdeveloped.

From: Nancy Jamieson
Sent: 7 Apr 2020 11:04:32 +0000
To: Natural Heritage Consultation
Subject: 19/05253/FUL - The Old Dairy House, Dundas Home Farm

This was one of William Langdon's applications and I have been asked to sign it off. However, he does not seem to have consulted natural heritage despite this being a special landscape area, nature conservation site and it has a number of trees on the site. I am concerned that the proposals will mean the loss of several trees (only 1 shown for removal) and this could impact on the SLA and bats.

William has written it up as having no impact on the SLA but I'm not convinced especially if we end up losing trees.

Can someone have a look at this for all these various issues. Do you want a formal consultation?

Nancy Jamieson

Planning Team Manager

Locals 2

Place Directorate | The City of Edinburgh Council | Waverley Court, Level G:3, 4 East Market Street, Edinburgh, EH8 8BG | Tel 0131 529 3916 | nancy.jamieson@edinburgh.gov.uk | www.edinburgh.gov.uk



In terms of Covid-19, the situation is constantly changing and we are trying to adapt as much as possible to the situation we all find ourselves in. Officers are working from home and can be contacted by email. Please do not attend Waverley Court. The Planning and Building Standards Helpdesk and Counter area are closed.

The Council is facing challenging times on the delivery of key services and Planning and Building Standards staff may be required to support other essential services within the Council.

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From: Julie Dewar
Sent: 9 Apr 2020 10:47:17 +0000
To: Nancy Jamieson
Subject: Old Dairy House Dundas Home Farm South Queensferry 19/05253/FUL

Erection of one-and-a-half storey, detached, 5 bedroomed family home. | The Old Dairy House Dundas Home Farm South Queensferry EH30 9SS 19/05253/FUL

Nancy, as I'm off next week I'm giving you initial thoughts on this application.

The location in relation to the LBS will not be an issue. However, you are correct that trees may be an issue. I note that they identify one tree to be removed but no further information is supplied: age, sps etc. So I agree we need further information on trees and potentially information on potential roost features (PRF) for bats. Obviously, as is the case with numerous application, we cannot carry out any such surveys at this time.

Discuss further as required. Julie

Julie Dewar | Senior Planner Planning Initiatives | Place Directorate | The City of Edinburgh Council | Waverley Court, Level G3, 4 East Market Street, Edinburgh EH8 8BG | Tel 0131 469 3625 |

Julie.dewar@edinburgh.gov.uk | www.edinburgh.gov.uk

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Please follow the Edinburgh Planning blog which provides our service updates and will advise when we can reintroduce this service - <https://planningedinburgh.com/>



Wash your hands.



Use a tissue for coughs and sneezes.



Avoid touching your face.

www.nhsinform.scot/coronavirus

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Planning Team Manager

Locals 2

Place Directorate | The City of Edinburgh Council | Waverley Court, Level G:3, 4 East Market Street, Edinburgh, EH8 8BG | Tel 0131 529 3916 | nancy.jamieson@edinburgh.gov.uk | www.edinburgh.gov.uk



In terms of Covid-19, the situation is constantly changing and we are trying to adapt as much as possible to the situation we all find ourselves in. Officers are working from home and can be contacted by email. Please do not attend Waverley Court. The Planning and Building Standards Helpdesk and Counter area are closed.

The Council is facing challenging times on the delivery of key services and Planning and Building Standards staff may be required to support other essential services within the Council.

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From: Andrew Smith
Sent: 14 Apr 2020 13:58:55 +0000
To: Nancy Jamieson
Cc: Ken Tippen;Julie Dewar
Subject: RE: Old Dairy House Dundas Home Farm South Queensferry 19/05253/FUL

Hi Nancy

Landscape comments provided below:

Address	The Old Dairy House Dundas Home Farm South Queensferry EH30 9SS
Proposal	Erection of one-and-a-half storey, detached, 5 bedroomed family home.

NB: Site visit not undertaken due to COVID-19 working restrictions.

The site lies to the south of a minor road linking the B800 with Dundas Home Farm and Dundas Mains. It comprises former garden ground to the east of the Old Dairy House. To its north are the residential conversion at Dundas Home Farm (formerly Newbigging Steading) - a category B Listed Building, and Dundas Home Farm (formerly Newbigging Farmhouse) category C Listed.

The Dundas Special Landscape Area skirts the northern boundary of Home Farm and Steading to the south of the A90. The SLA encompasses to the south the extensive, wooded, designed landscape, centred around the low rise of Dundas Hill and country house of Dundas Castle. Dundas Castle is recorded within the Inventory of Gardens and Designed Landscapes in Scotland. Green Belt policy applies and the proposal would be a non-conforming use in terms of justification for a new build use.

From the wider landscape, the site is screened to the south, east and west by mature, deciduous woodland and to the north by the A90 embankments. This cluster of former agricultural buildings and dwellings are briefly visible from the B800 on the A90 overbridge. The Old Dairy House appears to have been established on the estate woodland and is shown as an open area in 1940s aerial imagery. The main Ancient Woodland of Long Established Plantation Origin lines the drive from North Lodge to Dundas Castle further to the south.

Trees are confirmed in the application form as present on or adjacent to the site but no detailed tree survey or constraints plan to BS 5837:2012 has been submitted. The D&A Statement photograph appears to show a small Rowan as proposed for removal to facilitate access. To the north, the site boundary is formed by a low rubble wall with a mix of dressed and random coping stones. Additional screening is provided by Cypress and Laurel hedging of approx. 2m height, which is to be retained.

Further garden plantings (possibly Birch shown in D&A Statement) are to be retained and enclosed by a retaining wall and monoblock driveway. Hard landscape materials are not fully specified. Whilst the boundary wall to the north may not be listed, it is part of the rural character and the detail of boundaries and gate piers might be expected. There appears to be no details of proposed external levels, FFLs or height to ridge of the proposed 1.5 storey dwelling.

The nearest tree to the southeast (assuming the site survey is a true reflection of the canopy spread) is approx. 2-3 m away from the building line. A new 1.8m close board time fence is proposed to the east and west and post and wire fence to the woodland to the south.

Overall, based on the proposed layout and site photographs, the proposal is not thought likely to affect trees of significant stature. Whilst it will alter the character of existing garden associated with the Old Dairy it is likely to sufficiently affect the land cover or core area of the Special Landscape Area in terms of the balance of ornamental gardens, parkland or woodlands, nor the wider rural character of the area. Due to the enclosed nature of the site, screen hedge to the north and proposed 1.5 storey development clustered with existing dwellings, visibility from the wider surroundings, core areas of the designed landscape and setting of adjacent listed buildings would be limited.

The confined site provides little scope for provision of new tree planting additional tree planting should the proposal be consented. However, tree protection conforming to BS 5837:2012 must be put in place prior to any works commencing on site and throughout the construction period to protect existing trees to be retained. A tree protection plan will require to be agreed, including showing location of existing and proposed services. The layout plan does not fully specify the proposed materials for hard and soft landscaping and this would need to be submitted and landscaping implementation condition would be required.

Regards
Andrew

From: Nancy Jamieson <Nancy.Jamieson@edinburgh.gov.uk>
Sent: 09 April 2020 12:47
To: Julie Dewar <Julie.Dewar@edinburgh.gov.uk>
Cc: Ken Tippen <Ken.Tippen@edinburgh.gov.uk>; Julie Waldron <Julie.Waldron@edinburgh.gov.uk>; Andrew Smith <Andrew.Smith@edinburgh.gov.uk>
Subject: Re: Old Dairy House Dundas Home Farm South Queensferry 19/05253/FUL

Thanks Julie that was my thought as well. We clearly cannot condition bat surveys as my understanding is that would be against the EEC directive.

One of the main issues for perhaps Julie or Andrew to advise on is impact on the SLA. William had written it up as having no impact but this is a huge house and if there is potential tree loss to the south, it could have an impact on the green edge.

Sent from my iPad

On 9 Apr 2020, at 11:47, Julie Dewar <Julie.Dewar@edinburgh.gov.uk> wrote:

Erection of one-and-a-half storey, detached, 5 bedroomed family home. | The Old Dairy House Dundas Home Farm South Queensferry EH30 9SS 19/05253/FUL

Nancy, as I'm off next week I'm giving you initial thoughts on this application. The location in relation to the LBS will not be an issue. However, you are correct that trees may be an issue. I note that they identify one tree to be removed but no further information is supplied: age, sps etc. So I agree we need further

information on trees and potentially information on potential roost features (PRF) for bats. Obviously, as is the case with numerous application, we cannot carry out any such surveys at this time.

Discuss further as required. Julie

Julie Dewar | Senior Planner Planning Initiatives | Place Directorate | The City of Edinburgh Council | Waverley Court, Level G3, 4 East Market Street, Edinburgh EH8 8BG | Tel 0131 469 3625 | Julie.dewar@edinburgh.gov.uk | www.edinburgh.gov.uk

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The Council is facing challenging times on the delivery of key services and Planning and Building Standards staff may be required to support other essential services within the Council.

Please follow the Edinburgh Planning blog which provides our service updates and will advise when we can reintroduce this service - <https://planningedinburgh.com/>

<image001.jpg>

From: Matt Raftery
Sent: 14 Jul 2020 06:48:18 +0000
To: Local Review Body
Cc: Robert McIntosh
Subject: Review of 19/05253/FUL (20/00065/REVREF) - further representations (also relevant to 19/04583/FULL)
Attachments: ufm9.pdf

Dear Sirs

We would like to maintain our original objection to this planning application and make further representations as below.

Background

This review concerns what was, until recently, the wooded garden of the 'Old Dairy House'. In April 2016 permission in principle was granted, on appeal, for a single dwelling in the garden of the Dairy House. That permission has now lapsed.

New applications have been submitted to construct two separate properties in what is (/was) the garden of the Dairy House; this review and application 19/04583/FULL (the "Easterly Plot") which is yet to be determined.

Whilst we cannot comment on the correct legal approach to considering multiple applications it would seem impossible to assess the effect of each application on the character of the area etc. without considering the other as well / their combined impact.

In-fill

Indeed, the applicant relies on both applications being considered together. Much is made of the concept of 'in-fill' and the desirability of that (discussed further below). At present, as we understand it, there is no permission to build a house on the Easterly Plot and, as such, there is no gap to in-fill.

Even if permission is granted for the Easterly Plot (which we do not believe should be the case) it is absurd to suggest a long-standing domestic (and previously wooded) garden, behind a thick hedge requires in-fill. Whether strictly relevant or not, we understand the landowner has recently purchased additional land to extend its garden on the west side of the property: garden space is clearly desirable. It seems similarly absurd to suggest this is a brown-field site, or akin to one. There does not appear to be anything to justify the need to 'in-fill' the space.

Improvement of surroundings etc

The suggestion that the granting of these applications would improve the character of the area is difficult to comprehend.

To briefly repeat a point that has made clearly before, the immediate area of these applications is a historic converted farm steading with farmland to the North and the woodland of the Dundas estate and the Dairy House to the South. The Steadings are effectively four inter-linked buildings; all are listed and

anything visible from the road is presumably tightly controlled to maintain the character of the area. As a personal example we are required to maintain the precise frontage of our property, down the style of door, window, garden railings etc and we imagine the higher listed steadings will be the same. Both of these applications will be squarely within this setting, with the plots being a few meters away from the listed properties.

The construction of additional buildings will, in itself, alter the characteristic of the vicinity and change it from a traditional farm steading scenario to a general residential development. Further, the properties being proposed are not in keeping with the vicinity in terms of size (they are both substantial properties), layout (a closely packed row of detached houses with garages and hardstanding etc) or style (the appearance of the modern, wooden fronted, properties is entirely out of keeping with the listed sandstone appearance of the steading).

To again repeat the point it is hard to see how these substantive, modern and overtly domestic properties could not significantly alter the characteristic of the tightly controlled historic farm steading into which they are being placed. The hedge surrounding the Dairy House garden would need to be substantively removed to allow access; any properties will be clearly visible from the road (something that was stated not to be the case when the permission in principle was being considered) and will evidently create a different impression to what is currently there.

Green-belt

This application is for the construction of a property in a domestic garden within the green belt, a conservation area and an area of special historic interest. It is not clear to us whether the Easterly plot has been sold or retains its domestic garden status; either way, there is no reason to grant either application or build there.

The Edinburgh Development Plan has made considerable provision for construction of a new housing in South Queensferry. Such development and associated infrastructure has been planned in detail and the new A90 road provides a clear demarcation of where the plan ends: to the North of the Road has been extensive construction, to the South remains greenbelt farmland.

The granting of either, or both, of these applications would represent a sustained erosion of the green-belt which, presumably, is something the legislation is keen to avoid. This would seem particularly the case where the erosion would take place near the line of demarcation and do nothing but serve to blur that.

In terms of infrastructure there may be public transport in the area but this is not close. It is roughly a 1.5 mile walk to the train station and a 1 mile walk to the bus stop to Edinburgh. In short, these properties are likely to be dependent on cars, as the ample provision for car parking suggests. The access ways to these properties would be problematic, leading onto a narrow lane and the use of increased volume of cars would have a detrimental effect on noise, specifically as a number of bedrooms (including children's) in the steading development face directly onto the road near where the new accessways would be situated.

Summary

Independently each of the applications will alter, and damage, the character of the area. We understand the original permission in principle highlighted the need to ensure any property constructed was in keeping with the area but that the final layout/style of the property was ultimately not determined/granted. The applicant's approach is effectively to use that lapsed permission in principle to justify the construction of two modern properties, something not contemplated, raised or considered at the time. Combined their effect on the immediate vicinity will be significant and highly detrimental.

The area is popular with walkers and cyclists and its appearance/character is tightly controlled. That character is of interlinked buildings connected with a historic farm steading. The construction of substantive modern properties, in a completely different style and appearance, would clearly alter that environment. The properties and their outbuildings would be clearly visible from the road and in no way fit with the current, protected, character. The suggestion that in-filling the existing domestic garden with a further property would be beneficial to the area is laughable.

Further, granting the application would erode the green-belt with no good reason and bring additional traffic noise into the area.

We support the planning officer's original decision and request that this review be rejected.

Matthew and Claire Raftery
The Farmhouse, Dundas Home Farm.



Our Ref: ep642/let002/DS

31st July 2020

Mr. Aidan McMillan
City of Edinburgh Planning Local Review Body
G.2
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG.

Dear Mr. McMillan

REVIEW REQUEST - 19/05253/FUL - ERECTION OF DETACHED ONE-AND-A-HALF STOREY DWELLING HOUSE AT THE OLD DAIRY HOUSE, DUNDAS HOME FARM, SOUTH QUEENSFERRY EH30 9SS

Thank you for your e-mail of 29th July 2020 in connection with the above-mentioned Review Request and for your invitation to respond to the submissions of Mr. Matthew and Ms. Claire Raftery of The Farmhouse, Dundas Home Farm, South Queensferry in connection with same.

The entire contents of the submissions made by the Rafterys are predicated on an erroneous assumption made by them that the planning permission in principle which was granted by the Council for the erection of a dwelling house on the plot adjacent to our client's plot under the terms of Planning Permission Reference Number 15/05159/PPP on 25th April 2016 has now expired.

As we outlined in Paragraph 2.2 of our original submissions, Approval of Matters Specified in the Conditions contained on that grant of planning permission in principle were granted by the Council on 13th April 2017 under Planning Application Reference Number 17/00681/AMC. A '*Notice of Initiation of Development*' relating to these consents and dated 12th March 2019 was subsequently served on the Council indicating a development commencement date of 19th March 2019. The permissions granted under the terms of Planning Permission Reference Numbers 15/05159/PPP and 17/00681/AMC therefore remain valid in perpetuity and can be completed at any time.

As a consequence of the considerations outlined above no weight whatsoever can be given to the submissions made by the Rafterys in the determination of our client's review request and to do so would be a significant error in law.

Please acknowledge receipt of these further submissions at your earliest convenience.

Thanking you in anticipation of your assistance.

Yours sincerely

A handwritten signature in purple ink, appearing to read "Derek Scott", with a stylized, cursive script.

Derek Scott

cc. Mr. & Mrs. P Mayland



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@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 100275976-001

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:	Derek Scott Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Derek	Building Name:	
Last Name: *	Scott	Building Number:	21
Telephone Number: *		Address 1 (Street): *	Lansdowne Crescent
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	Scotland
		Postcode: *	EH12 5EH
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="Joanne (Jo)"/>	Building Number: <input type="text" value="92"/>
Last Name: *	<input type="text" value="Mayland"/>	Address 1 (Street): * <input type="text" value="Avalon Gardens"/>
Company/Organisation	<input type="text"/>	Address 2: <input type="text" value="Linlithgow Bridge"/>
Telephone Number: *	<input type="text"/>	Town/City: * <input type="text" value="Linlithgow"/>
Extension Number:	<input type="text"/>	Country: * <input type="text" value="Scotland"/>
Mobile Number:	<input type="text"/>	Postcode: * <input type="text" value="EH49 7PL"/>
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="THE OLD DAIRY HOUSE"/>
Address 2:	<input type="text" value="DUNDAS HOME FARM"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="SOUTH QUEENSFERRY"/>
Post Code:	<input type="text" value="EH30 9SS"/>

Please identify/describe the location of the site or sites

Northings	<input type="text" value="677034"/>	Easting	<input type="text" value="312638"/>
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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)

ERECTION OF DETACHED ONE-AND-A-HALF STOREY DWELLING HOUSE

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 statement and other documents

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 statement and other supporting documents

Application Details

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

19/05253/FUL

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

01/11/2019

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

15/04/2020

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 *

Further written submissions on specific matters

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)

We reserve the right to respond to any submissions made on this review request by the Planning Officer and/or other third parties/organisations. It would also be advisable for the Review Body to visit the site.

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

If there are reasons why you think the local Review Body would be unable to undertake an unaccompanied site inspection, please explain here. (Max 500 characters)

It would be advisable for the Local Review Body to make contact in advance to advise of estimated time of arrival.

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 Derek Scott

Declaration Date: 01/07/2020

Proposal Details

Proposal Name	100275976
Proposal Description	ERECTION OF DETACHED ONE-AND-A-HALF STOREY DWELLING HOUSE
Address	THE OLD DAIRY HOUSE, DUNDAS HOME FARM, SOUTH QUEENSFERRY, EH30 9SS
Local Authority	City of Edinburgh Council
Application Online Reference	100275976-001

Application Status

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

Attachment Details

Notice of Review	System	A4
Document 1 - Review Request Forms	Attached	Not Applicable
Document 2a - Planning Application Forms	Attached	A4
Document 2b - Location Plan	Attached	A4
Document 2c - Site Plan	Attached	A3
Document 2d - Ground Floor Plan	Attached	A3
Document 2e - First Floor Plan	Attached	A3
Document 2g - North and South Elevations	Attached	A3
Document 2f - East and West Elevations	Attached	A3
Document 2h - Sections	Attached	A3
Document 2i - Rendered Images 1	Attached	A3
Document 2j - Rendered Images 2	Attached	A3
Document 2k - Design and Access Statement	Attached	Not Applicable
Document 3 - Report of Handling	Attached	A4
Document 4 - Decision Notice	Attached	Not Applicable
Review Statement Main Document	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

NOTICE OF REVIEW

Under Section 43A(8) Of the Town and Country Planning (SCOTLAND) ACT 1997 (As amended) In Respect of Decisions on Local Developments

The Town and Country Planning (Schemes of Delegation and Local Review Procedure) (SCOTLAND) Regulations 2013

The Town and Country Planning (Appeals) (SCOTLAND) Regulations 2013

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

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

1. Applicant's Details		2. Agent's Details (if any)	
Title	Mrs.	Ref No.	ep642SQF
Forename	Joanne (Jo)	Forename	Derek
Surname	Mayland	Surname	Scott
Company Name	c/o Agent	Company Name	Derek Scott Planning
Building No./Name		Building No./Name	
Address Line 1		Address Line 1	21 Lansdowne Crescent
Address Line 2		Address Line 2	
Town/City		Town/City	Edinburgh
Postcode		Postcode	EH12 5EH
Telephone		Telephone	
Mobile		Mobile	
Fax		Fax	
Email		Email	
3. Application Details			
Planning authority		City of Edinburgh Council	
Planning authority's application reference number		19/05253/FUL	
Site address			
<p>The Old Dairy House Dundas Home Farm South Queensferry EH30 9SS</p>			
Description of proposed development			
<p>Erection of detached one-and-a-half storey dwelling house.</p>			

Date of application	01st November 2019	Date of decision (if any)	15th April 2020
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Note. This notice must be served on the planning authority within three months of the date of decision notice or from the date of expiry of the period allowed for determining the application.

4. Nature of Application

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

5. Reasons for seeking review

Refusal of application by appointed officer	<input checked="" type="checkbox"/>
Failure by appointed officer to determine the application within the period allowed for determination of the application	<input type="checkbox"/>
Conditions imposed on consent by appointed officer	<input type="checkbox"/>

6. Review procedure

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

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

Further written submissions	<input checked="" type="checkbox"/>
One or more hearing sessions	<input type="checkbox"/>
Site inspection	<input checked="" type="checkbox"/>
Assessment of review documents only, with no further procedure	<input type="checkbox"/>

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

We reserve the right to respond to any submissions made on the Review Request by the Planning Officer, Consultees and/or Third Parties.

7. Site inspection

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

Can the site be viewed entirely from public land?	<input type="checkbox"/>
Is it possible for the site to be accessed safely, and without barriers to entry?	<input checked="" type="checkbox"/>

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

Application site can be accessed through The Old Dairy House adjacent.

8. Statement

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

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

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

Please refer to attached Review Statement

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

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

N/A

9. List of Documents and Evidence

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

Please refer to attached Review Statement

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

10. Checklist

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

Full completion of all parts of this form ☒

Statement of your reasons for requesting a review ☒

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

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

DECLARATION

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

Signature

Name:

Derek Scott

Date:

29th June 2020

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



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 100197340-001

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

Type of Application

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

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

Description of Proposal

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

Erection of 1.5 storey, detached, 5 bedroomed family home

Is this a temporary permission? *

☐ Yes ☒ No

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

☐ Yes ☒ No

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

☒ No ☐ Yes – Started ☐ Yes - Completed

Applicant or Agent Details

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

☒ Applicant ☐ Agent

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="Jo"/>	Building Number:	<input type="text" value="92"/>
Last Name: *	<input type="text" value="Mayland"/>	Address 1 (Street): *	<input type="text" value="Avalon Gardens"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text" value="Linlithgow Bridge"/>
Telephone Number: *	<input type="text" value=""/>	Town/City: *	<input type="text" value="Linlithgow"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH49 7PL"/>
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="THE OLD DAIRY HOUSE"/>
Address 2:	<input type="text" value="DUNDAS HOME FARM"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="SOUTH QUEENSFERRY"/>
Post Code:	<input type="text" value="EH30 9SS"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="677034"/>	Easting	<input type="text" value="312638"/>
----------	-------------------------------------	---------	-------------------------------------

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

☐ Yes ☒ No

Site Area

Please state the site area:

1302.11

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)

Garden belonging to The Old Dairy House

Access and Parking

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

☒ Yes ☐ No

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

Are you proposing any change to public paths, public rights of way or affecting any public right of access? *

☐ Yes ☒ No

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

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

0

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)? *

5

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).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? *

☒ Yes ☐ No

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

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

As you have indicated that you are proposing to make private drainage arrangements, please provide further details.

What private arrangements are you proposing? *

- ☐ New/Altered septic tank.
☒ Treatment/Additional treatment (relates to package sewage treatment plants, or passive sewage treatment such as a reed bed).
☐ Other private drainage arrangement (such as chemical toilets or composting toilets).

Please explain your private drainage arrangements briefly here and show more details on your plans and supporting information: *

Intend to use a domestic treatment plant leading to a soakaway within the curtilage of the site

Do your proposals make provision for sustainable drainage of surface water?? *
(e.g. SUDS arrangements) *

☐ Yes ☒ No

Note:-

Please include details of SUDS arrangements on your plans

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

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

☒ Yes

☐ No, using a private water supply

☐ No connection required

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

Assessment of Flood Risk

Is the site within an area of known risk of flooding? *

☐ Yes ☒ No ☐ Don't Know

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

Do you think your proposal may increase the flood risk elsewhere? *

☐ Yes ☒ No ☐ Don't Know

Trees

Are there any trees on or adjacent to the application site? *

☒ Yes ☐ No

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

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? *

☒ Yes ☐ No

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

Space for garbage and recycling bins has been allocated and shown on the plans

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? *	<div style="border: 1px solid black; width: 50px; height: 20px; margin: 0 auto; line-height: 20px;">1</div>	Please provide full details of the number and types of units on the plans. Additional information may be provided in a supporting statement.
<h2 style="margin: 0;">All Types of Non Housing Development – Proposed New Floorspace</h2>		
Does your proposal alter or create non-residential floorspace? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 		
<h2 style="margin: 0;">Schedule 3 Development</h2>		
Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013 * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No <input type="checkbox"/> 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.		
<h2 style="margin: 0;">Planning Service Employee/Elected Member Interest</h2>		
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? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 		
<h2 style="margin: 0;">Certificates and Notices</h2>		
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? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 		
Is any of the land part of an agricultural holding? * <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No 		
Are you able to identify and give appropriate notice to ALL the other owners? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> No 		
<h2 style="margin: 0;">Certificate Required</h2>		
The following Land Ownership Certificate is required to complete this section of the proposal:		
Certificate B		

Land Ownership Certificate

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

I hereby certify that

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

or –

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

Name:

Mrs Jane Gilbert

Address:

The Old Dairy House, Dundas Home Farm, Edinburgh, EH30 9SS

Date of Service of Notice: *

03/01/2020

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

or –

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

Name:

Address:

Date of Service of Notice: *

Signed: Mrs Jo Mayland

On behalf of:

Date: 01/11/2019

☒ Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

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

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

Town and Country Planning (Scotland) Act 1997

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

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

☐ Yes ☐ No ☒ Not applicable to this application

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

- ☒ Site Layout Plan or Block plan.
- ☒ Elevations.
- ☒ Floor plans.
- ☒ Cross sections.
- ☐ Roof plan.
- ☐ Master Plan/Framework Plan.
- ☐ Landscape plan.
- ☒ Photographs and/or photomontages.
- ☐ Other.

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

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. *

☐ Yes ☒ N/A

A Design Statement or Design and Access Statement. *

☒ Yes ☐ N/A

A Flood Risk Assessment. *

☐ Yes ☒ N/A

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

☐ Yes ☒ N/A

Drainage/SUDS layout. *

☐ Yes ☒ N/A

A Transport Assessment or Travel Plan

☐ Yes ☒ N/A

Contaminated Land Assessment. *

☐ Yes ☒ N/A

Habitat Survey. *

☐ Yes ☒ N/A

A Processing Agreement. *

☐ Yes ☒ N/A

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

Declare – For Application to Planning Authority

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

Declaration Name: Mrs Jo Mayland

Declaration Date: 01/11/2019

Payment Details

Online payment: 1715726181351847

Payment date: 01/11/2019 14:22:00

Created: 01/11/2019 14:22

REVIEW STATEMENT

**19/05253/FUL - ERECTION OF DETACHED ONE-AND-A-HALF STOREY
DWELLING HOUSE**

At

**THE OLD DAIRY HOUSE
DUNDAS HOME FARM
SOUTH QUEENSFERRY
EH30 9SS**

Prepared by

**Derek Scott Planning
Planning and Development Consultants**



**21 Lansdowne Crescent
Edinburgh
EH12 5EH
Tel No: 0131 535 1103
E-Mail: enquiries@derekscottplanning.com**

On behalf of

Mr. P & Mrs. J Mayland

Executive Summary

19/05253/FUL - ERECTION OF DETACHED ONE-AND-A-HALF STOREY DWELLING HOUSE AT THE OLD DAIRY HOUSE, DUNDAS HOME FARM, SOUTH QUEENSFERRY EH30 9SS

- The application site, which measures approximately 1302 sq. metres in area, lies beyond the M90 to the south of South Queensferry. It forms part of the garden ground at and is located to the east of the Old Dairy House to the south of Dundas Home Farm; the latter comprising a former farm house and steading complex which was converted to residential use in the mid-2000s. Planning permission exists for a further dwelling house immediately to the east with the result that the site represents a ‘gap’ or ‘infill’ opportunity. The land to the south comprises a mature woodland which forms part of the policies associated with Dundas Castle and its estate.
- The application submitted and subsequently refused by the Appointed Planning Officer had sought detailed planning permission for the erection of a 1½ storey detached dwelling house employing traditional design characteristics. Designed as a family home for our clients and their three children the house also incorporates a number of accessibility and disabled features to future proof it for residency by elderly parents.
- The application was refused by the Appointed Officer for the following reasons:
 - The proposal was considered to represent an inappropriate use in the Green Belt as it was unrelated to any form of countryside use or activity that would justify its existence and as such was contrary to the terms of Policy Env 10 in the Edinburgh Local Development Plan and the Council’s Non-Statutory Guidance for Development in the Countryside and Green Belt;
 - The dwelling proposed was considered to be suburban in style and would have an adverse impact on the rural character and appearance of the area rendering it in contravention of Policies Des 1 and 4 of the Edinburgh Local Development Plan;
 - The proposed dwelling house was considered to have an over provision of car parking spaces, contrary to the terms of Policy Tra 2 of the Edinburgh Local Development Plan; and
 - It was considered that there was insufficient information provided to assess the impact of the proposal on trees and protected species.

- The reasons for the refusal of the application are contested on the following grounds:
 - The site in its present condition does not fulfil any of the recognised purposes or functions of Green Belt designation.
 - The Council has previously granted planning permission for the erection of a dwelling house on the site immediately adjacent to the application site notwithstanding its location in the Green Belt, thus creating a precedent in support of development on sites of this nature in the area.
 - The dwelling house is proposed on a ‘gap’ or ‘infill’ site located between the Old Dairy House to the west; the other dwelling house previously granted by the Council to the east; and a mature woodland to the south thus rendering it compliant with the Council’s Non-Statutory Guidance on Development in the Countryside and Green Belt.
 - The development of a dwelling house on the site will contribute positively to the character and appearance of the area by reinforcing the compact and cohesive nature of the group of properties at and adjacent to Dundas Home Farm with a resultant spatial pattern and density which is respectful to the existing built form.
 - Great care and attention has been given by the project architects to incorporate traditional features within the design including dormer and vertically proportioned windows; appropriately pitched roofs and a palate of materials (e.g. slate roof) to blend and harmonise with the surrounding architectural vernacular.
 - Our clients would happily accept a condition on any permission granted which required one of the proposed external car parking spaces to be removed from the scheme thus leaving two external car parking spaces and associated space for manoeuvring/turning vehicles within the curtilage. Such arrangements would be consistent with the permission granted for the dwelling house on the adjacent plot under the terms of Permission Reference Number 17/00681/AMC.
 - The application proposals involve the loss of a single small rowan tree; the removal of which is required to facilitate the formation of the required access arrangements to the proposed dwelling house. That said tree is not considered to be worthy of retention. There are no other trees on the site itself requiring removal. Our client would be happy to plant a replacement tree in the garden area to the front of the proposed dwelling house if required as a condition of any permission granted.

- Neither our clients, nor the site owners are aware of any protected species roosting in the trees next to or in the vicinity of the site and as a consequence we do not consider that a bat survey is required to be undertaken. This position is further supported by comments made in the Report of Handling on the application relating to the dwelling house on the site immediately adjacent which was deemed acceptable from a nature conservation perspective without such a survey having been undertaken.
- Other points in support of the application include the following:
 - The development of the site will contribute to the supply of land for housing development and to the mix and range of house types available within the Edinburgh Housing Market Area.
 - The development of a dwelling house on the site will bring positive benefits to the economy through the creation of employment opportunities for locally based tradespeople. Such benefits are particularly important at this time given the pressures imposed on those involved in the construction industry as a result of the implications arising from the coronavirus pandemic.
 - Although the site is located in the Countryside and Green Belt it is located in a highly sustainable location being in close proximity to bus and rail based public transport services; the M90; and benefitting from easy access to foot and cycle paths.
- In light of the considerations outlined above it is respectfully requested that the review request made be upheld and that planning permission be granted for the proposal as applied for.

REVIEW STATEMENT

**19/05253/FUL - ERECTION OF DETACHED ONE-AND-A-HALF STOREY DWELLING HOUSE
AT THE OLD DAIRY HOUSE, DUNDAS HOME FARM, SOUTH QUEENSFERRY EH30 9SS**

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3.	Description of Proposed Development	Page 7.
4.	Planning Policy	Page 11.
5.	Comment on Reasons for Refusal	Page 35.
6.	Summary & Conclusions	Page 39.

LIST OF DOCUMENTS

**19/05253/FUL - ERECTION OF DETACHED ONE-AND-A-HALF STOREY DWELLING HOUSE AT
THE OLD DAIRY HOUSE, DUNDAS HOME FARM, SOUTH QUEENSFERRY EH30 9SS**

Document 1 - Review Request Form

Document 2 - Planning Application Documents Relating to Planning Application
Reference Number 19/05253/FUL

2(a) – Planning Application Forms

2(b) – Location Plan

2(c) – Site Plan

2(d) – Ground Floor Plan

2(e) – First Floor Plan

2(f) – East & West Elevations

2(g) – North & South Elevations

2(h) – Sections

2(i) – Rendered Images 1

2(j) – Rendered Images 2

2(k) – Design & Access Statement

Document 3 – Report of Handling relating to 19/05253/FUL

Document 4 – Decision Notice relating to 19/05253/FUL

REVIEW STATEMENT

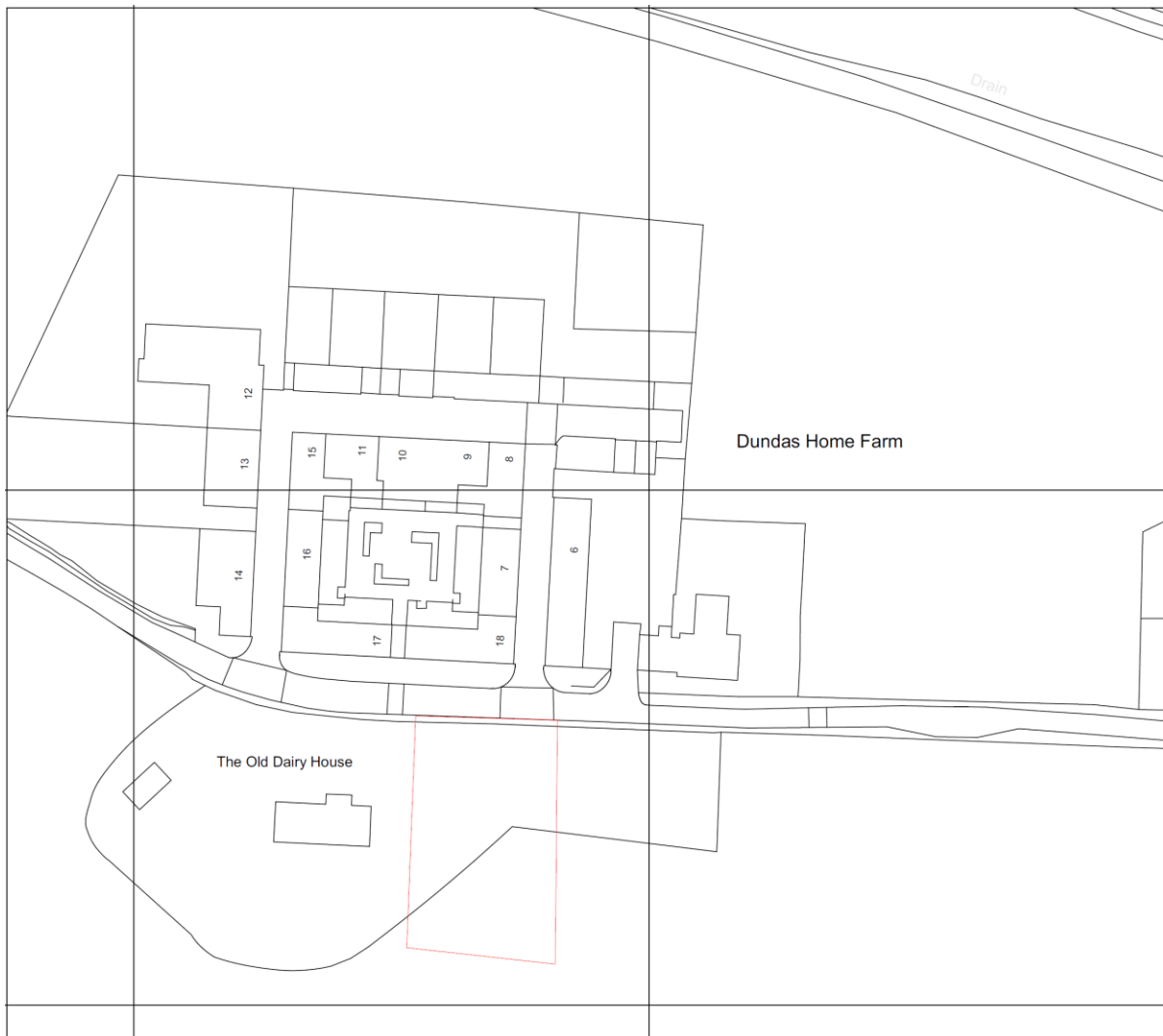
**19/05253/FUL - ERECTION OF DETACHED ONE-AND-A-HALF STOREY DWELLING HOUSE AT
THE OLD DAIRY HOUSE, DUNDAS HOME FARM, SOUTH QUEENSFERRY EH30 9SS**

1. INTRODUCTION

- 1.1 This statement has been prepared by Derek Scott Planning, Chartered Town Planning and Development Consultants and is in support of a request to review the decision of the Appointed Officer in relation to a Planning Application which had sought detailed planning permission for the erection of a one-and-a-half storey dwelling house at The Old Dairy House, Dundas Home Farm, South Queensferry.
- 1.2 The application was refused permission under delegated powers on 15th April 2020 (Planning Application Reference Number 19/05253/FUL). The Review Request has been prepared on behalf of the applicant, Mrs. Jo Mayland and her husband Mr. Paul Mayland, who are proposing to purchase the site from the current owner, Mrs. Jane Gilburt.

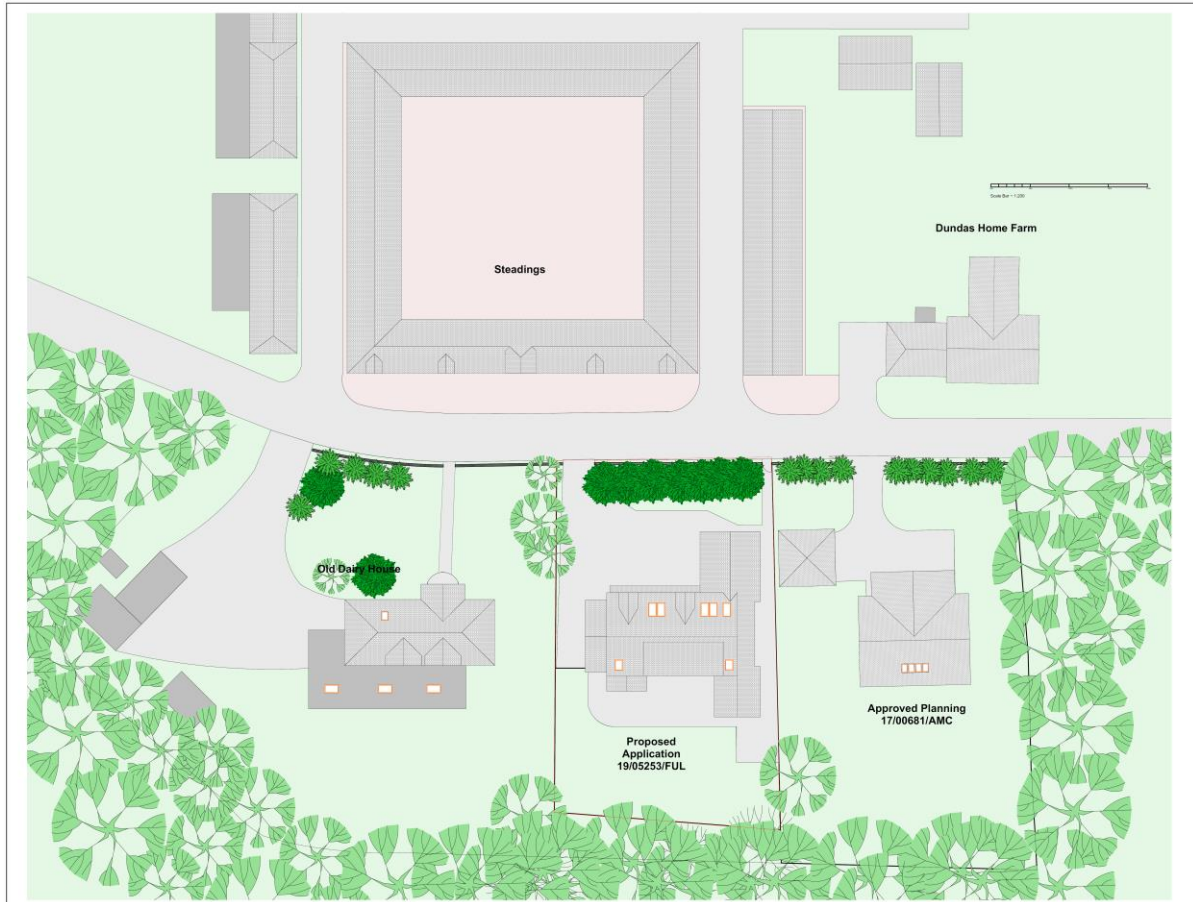
2. LOCATION AND DESCRIPTION OF SITE

- 2.1 The application site which measures approximately 1302 sq. metres in area lies beyond the M90 to the south of South Queensferry. It is located to the east and forms part of the garden ground of The Old Dairy House and to the south of Dundas Home Farm. There are a small number of trees on the site itself and a woodland of mature trees associated with Dundas Castle Estate to the south. A number of other trees on the site were removed some time ago. A low stone wall and hedge (4.5 metre high) forms the site's northern boundary, beyond which is an unnamed access road leading to and from the B800. Dundas Home Farm, to the north of the access road referred to, was converted to residential use in the mid-2000s; planning permission having been granted for the conversion in August 2001 under Planning Application Reference Number 01/00258/FUL. Dundas Home Farm (former Newbigging Farm House) is a Category 'C' Listed Building and its associated steading (now residential) is a Category 'B' Listed Building.



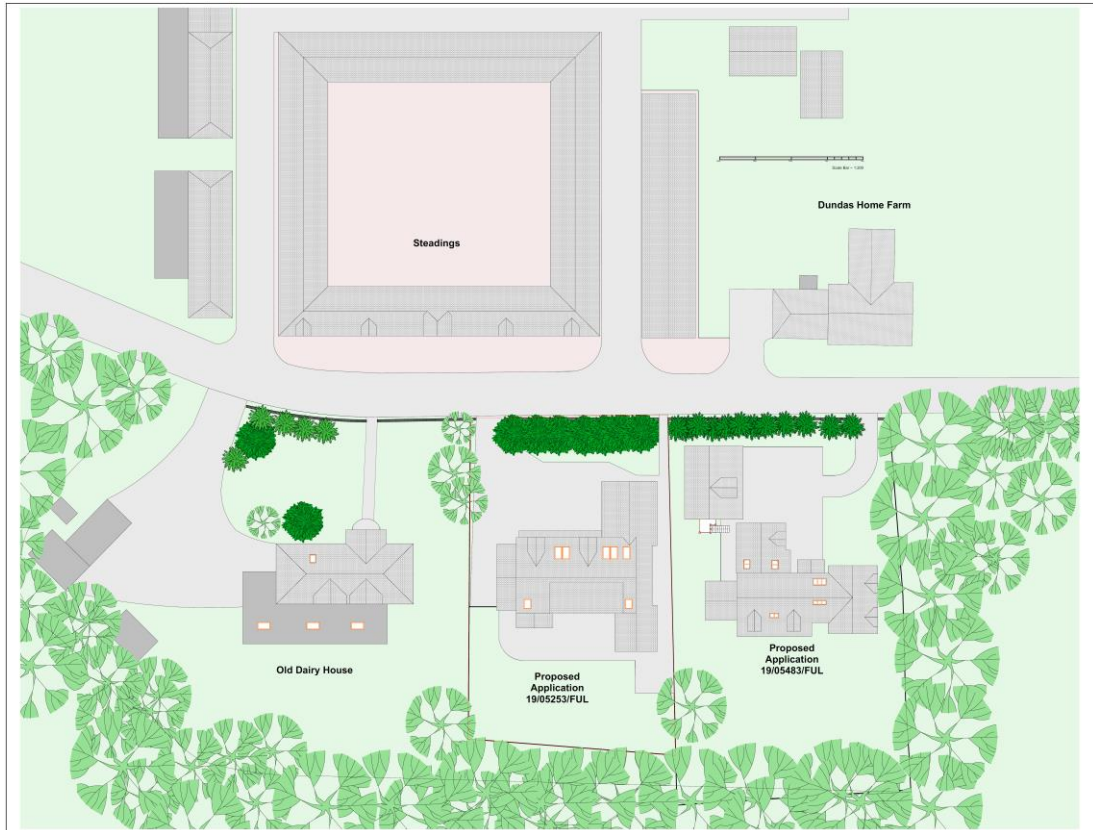
Location Plan

- 2.2 Permission has previously been granted for the erection of a one and a half storey dwelling house on the site immediately to the east of the current application/appeal site. Planning Permission in Principle was granted by the Council's Local Review Body on 25th April 2016 under Planning Application Register Reference Number 15/05159/PPP with Approval of Matters Specified in Conditions granted on 13th April 2017 under Planning Application Reference Number 17/00681/AMC. A '*Notice of Initiation of Development*' relating to these consents and dated 12th March 2019 was served on the Council indicating a development commencement date of 19th March 2019.



Site Plan showing existing buildings, dwelling house with planning permission (17/00681/AMC) and proposed dwelling (19/05253/FUL)

- 2.3 As a consequence of the decision referred to the application site forms and has the characteristics of an '*infill*' or '*gap*' site sandwiched between The Old Dairy House to the west; the consented dwelling house to the east; Dundas Home Farm to the north; and woodland to the south.
- 2.4 An application for a dwelling house (amended design) was submitted to the Council on 26th November 2019 and registered under Planning Application Reference Number 19/05483/FUL. It has not yet been determined.



Site Plan showing existing buildings, dwelling house featuring in 19/05483/FUL and proposed dwelling (19/05253/FUL)



The Dairy House



Dundas Home Farm



Former Newbigging Farm House



Site Frontage looking West



Woodland at rear (south of site)



Hedge at front of site as viewed within Plot from south



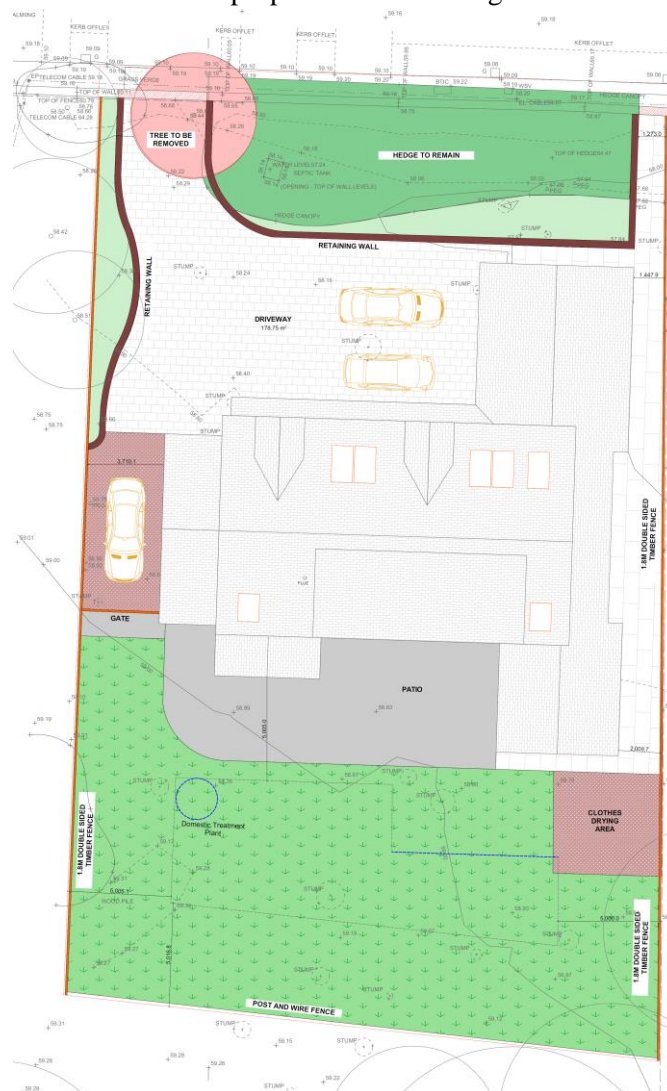
View from south east corner looking towards north west



Proposed access point and existing trees

3. DESCRIPTION OF PROPOSED DEVELOPMENT

- 3.1 The application submitted (**See Document 2**) and subsequently refused by the Appointed Officer under delegated powers had sought detailed planning consent for the erection of a 1½ storey, five bedroomed family home. Accommodation comprised within the proposed dwelling included; on the ground floor, an open plan kitchen/dining/living area, 2 no. bedrooms with an accessible bathroom and dressing room, WC, study, utility, pantry, snug and integral double garage; and on the first floor, three further bedrooms, bathroom, dressing room and a games room. In addition to the proposed stairwell both floors would also be connected with the provision of a lift. The accessibility facilities proposed are required to future proof the dwelling for residency by elderly parents.
- 3.2 The proposed dwelling house which is set on a footprint of c260 sq. metres employs a traditional design in terms of style and materials with the latter comprising rendered walls, a slate roof, fibre cement weatherboard and timber/windows/doors. A single small rowan tree requires removal to facilitate the proposed access arrangements.



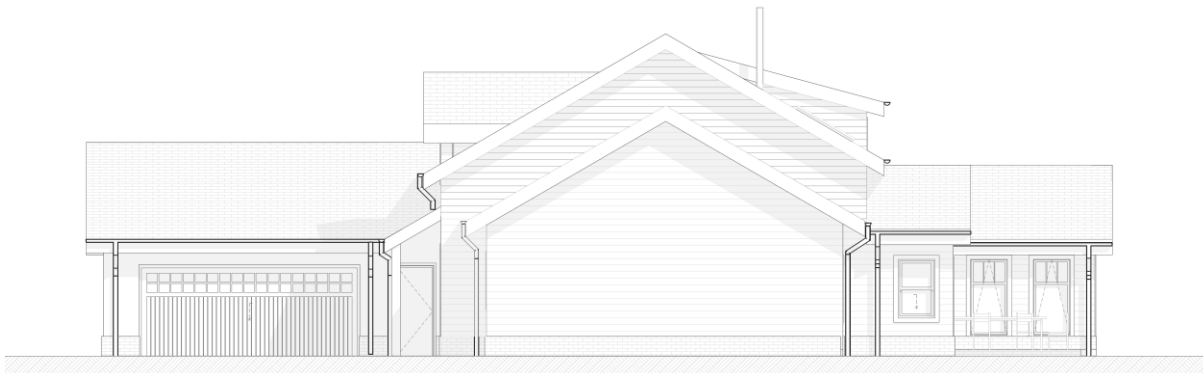
Proposed Site Plan



North Elevation



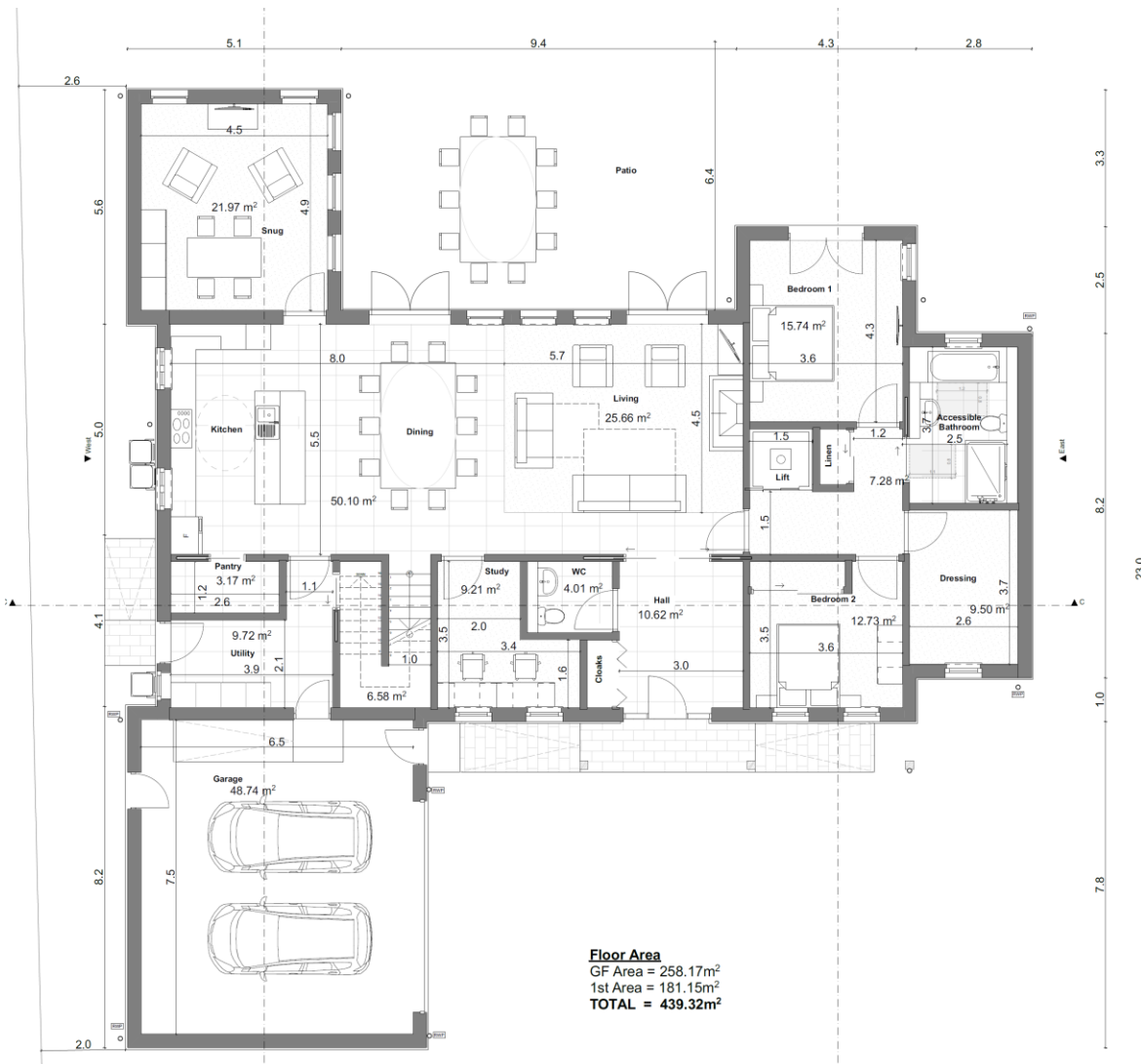
South Elevation



East Elevation



West Elevation



Proposed Ground Floor Plan



Proposed First Floor Plan

4. PLANNING POLICY

- 4.1 Section 25 of the Town and Country Planning (Scotland) Act 1997 (as amended) (hereinafter referred to as '*the Planning Act*') states that:

'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 development plan unless material considerations indicate otherwise.'

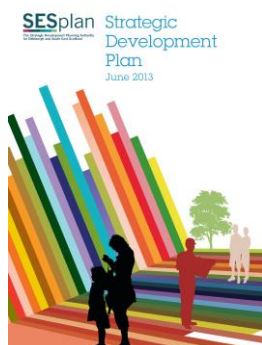
- 4.2 Section 59 (1) of the Town and Country Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that:

'In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, 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 possess.'

- 4.3 In the context of the Planning Act referred to above, it is important to make reference to the House of Lord's Judgement on the case of the City of Edinburgh Council v the Secretary of State for Scotland 1998 SLT120. It sets out the following approach to deciding an application under the Planning Acts:

- *identify any provisions of the development plan which are relevant to the decision;*
- *interpret them carefully, looking at the aims and objectives of the plan as well as detailed wording of policies;*
- *consider whether or not the proposal accords with the development plan;*
- *identify and consider relevant material considerations, for and against the proposal; and*
- *assess whether these considerations warrant a departure from the development plan.*

- 4.4 The relevant development plan for the area within which the application site lies comprises the Strategic Development Plan for Edinburgh and South East Scotland (SESPlan) 2015 and the Edinburgh Local Development Plan 2016. Other material considerations which should be considered in the determination of the appeal include Scottish Planning Policy, Planning History, Consultation Responses and Third Party Representations.



Strategic Development Plan for Edinburgh and South East Scotland

- 4.5 The Strategic Development Plan for Edinburgh and South East Scotland (SESPlan) was approved by Scottish Ministers on 27th June 2013. This plan provides the strategic framework for the determination of planning applications and for the preparation of local development plans. As the application site is located within the Green Belt as defined in the Edinburgh Local Development Plan (referred to below), the terms of Policy 12 on the subject of ‘Green Belts’ is of relevance. This states the following:

‘Local Development Plans will define and maintain Green Belts around Edinburgh and to the south west of Dunfermline for the following purpose to:

- a. Maintain the identity and character of Edinburgh and Dunfermline and their neighbouring towns, and prevent coalescence, unless otherwise justified by the Local Development Plan settlement strategy;*
- b. Direct planned growth to the most appropriate locations and support regeneration;*
- c. Maintain the landscape setting of these settlements; and*
- d. Provide opportunities for access to open space and the countryside.*

Local Development Plans will define Green Belt boundaries to conform to these purposes, ensuring that the strategic growth requirements of the Strategic Development Plan can be accommodated.

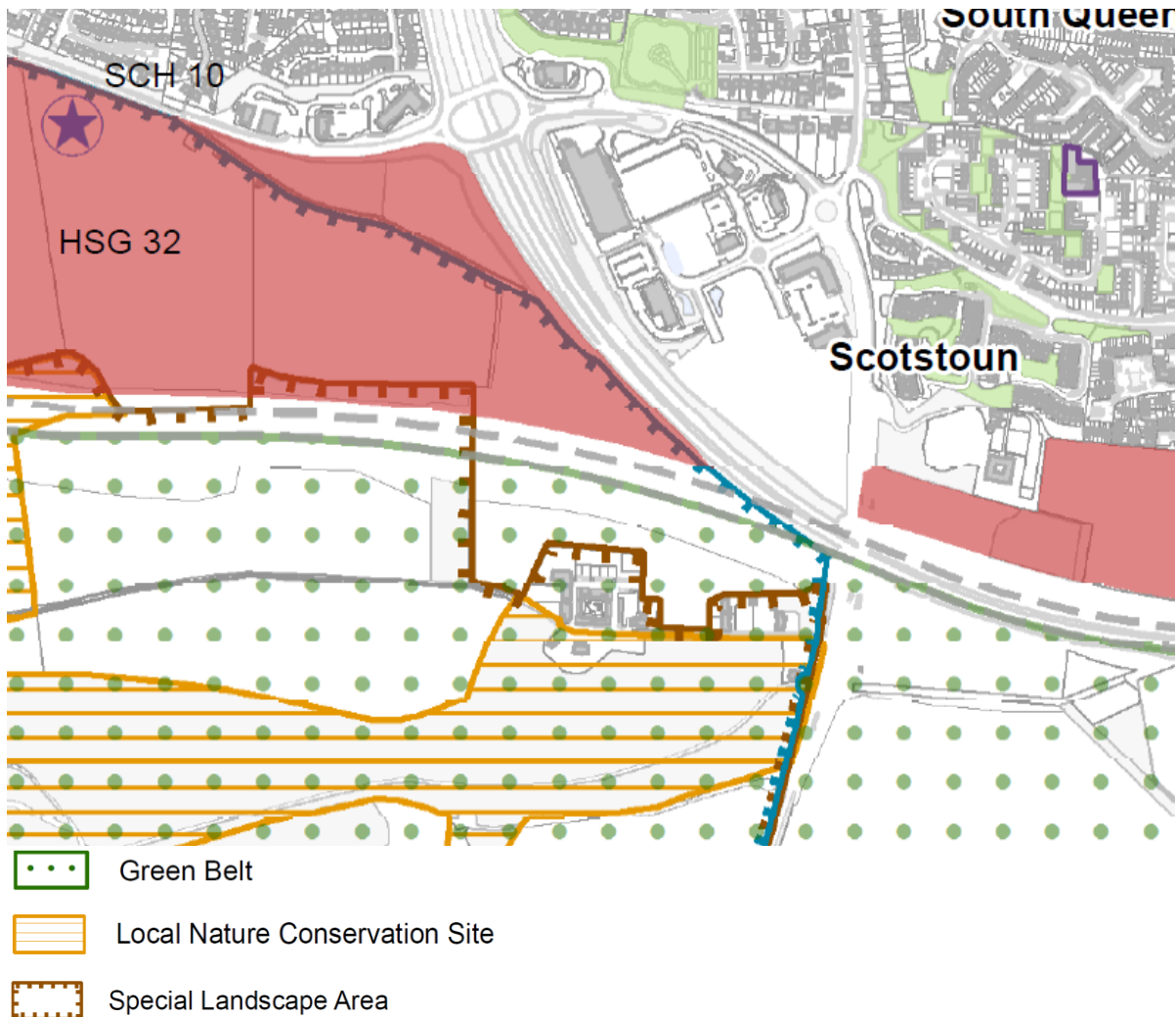
Local Development Plans should define the types of development appropriate within Green Belts. Opportunities for contributing to the Central Scotland Green Network proposals should also be identified in these areas.’

- 4.6 Whilst the application site is clearly located within the Green Belt as defined in the Local Development Plan it is important to determine if the site itself contributes to the specific purposes of Green Belt Designation under the terms of Criteria (a-d) above. We are very firmly of the opinion that the site does not so contribute for the following reasons:

- As noted in Paragraph 2.3 previously the application site forms and has the characteristics of an ‘infill’ or ‘gap’ site sandwiched between The Old Dairy House to the west; the consented dwelling house to the east; Dundas Home Farm to the north; and woodland to the south. As a consequence of this the site
 - does not contribute to the identity or character of Edinburgh (a);
 - it will not result in the coalescence of separate settlements (a);
 - whilst the site does not form part of a defined settlement it will form part of a recognisable group or hamlet of dwelling houses which have the characteristics of a small settlement (b);
 - the development of the site will not detract from the landscape setting of any settlement or existing cluster of houses (c); and
 - the site in its present condition does not provide for access for others to the open countryside (d).

Edinburgh Local Development Plan

- 4.7 The Edinburgh Local Development Plan was adopted by the City of Edinburgh Council in November 2016. The application site lies within the Green Belt on the edge of the South Queensferry Settlement Envelope as defined in the Proposals Map accompanying the Plan. The site also lies within a Special Landscape Area and a Local Nature Conservation Area. Dundas Castle is also recorded within the Inventory of Gardens and Designed Landscapes in Scotland.



Extract from Local Development Plan – Proposals Map

- 4.8 Policy Env 10 on 'Development in the Green Belt and Countryside' states the following:

'Within the Green Belt and Countryside shown on the Proposals Map, development will only be permitted where it meets one of the following criteria and would not detract from the landscape quality and/or rural character of the area:

- a) *For the purposes of agriculture, woodland and forestry, horticulture or countryside recreation, or where a countryside location is essential and provided any buildings,*

structures or hard standing areas are of a scale and quality of design appropriate to the use.

- b) *For the change of use of an existing building, provided the building is of architectural merit or a valuable element in the landscape and is worthy of retention. Buildings should be of domestic scale, substantially intact and structurally capable of conversion.*
- c) *For development relating to an existing use or building(s) such as an extension to a site or building, ancillary development or intensification of the use, provided the proposal is appropriate in type in terms of the existing use, of an appropriate scale, of high quality design and acceptable in terms of traffic impact.*
- d) *For the replacement of an existing building with a new building in the same use provided:*
 - 1) *the existing building is not listed or of architectural / historic merit;*
 - 2) *the existing building is of poor quality design and structural condition,*
 - 3) *the existing building is of domestic scale, has a lawful use and is not a temporary structure; and*
 - 4) *the new building is of a similar or smaller size to the existing one, lies within the curtilage of the existing building and is of high design quality.'*

4.9 Whilst it is accepted that the application proposals are contrary to the Green Belt designation pertaining to the site, the position and premise for advancing the proposals are based on the fact that the site represents an infill development which does not contribute in any way to the principles and objectives of green belt designation as has been outlined previously in Paragraph 4.6 under our assessment of Policy 12 in SESPlan. The development proposals advanced within the application will, in contrast, result in benefits to the landscape quality and character of the area by infilling a gap and therefore creating a more cohesive and compact group of buildings than would otherwise be the case. It is worth stressing at this juncture that in granting planning permission for the erection of the dwelling house to the east of the application site in 2016 under Planning Permission Reference Number 15/05159/PPP the Council's Local Review Body concluded, inter-alia, that:

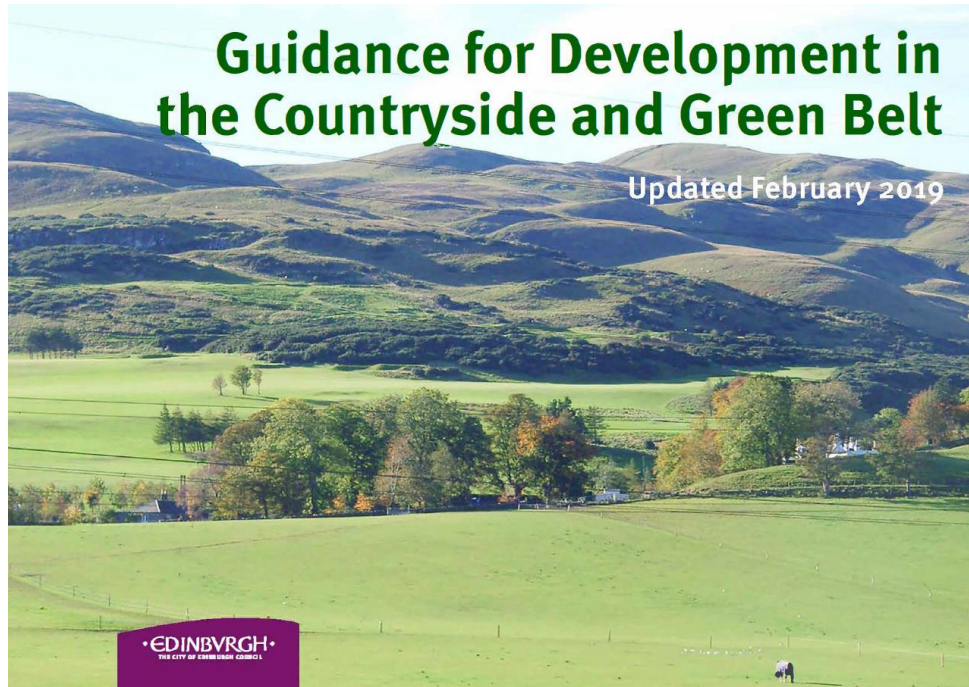
- 1. *The application was for a single house in a part of the Green Belt which has other houses nearby. There would be no harm to the Green Belt provided the new house was of a design and form that suitably integrated with the surrounding houses.'*

Although the decision referred to was made within the context of an earlier and now superseded local development plan (The Rural West Edinburgh Local Plan) the policies pertaining to the area have remained precisely the same, thus creating a precedent in support of the granting of planning permission for the proposal now applied for, by our clients.



Series of images demonstrating that the proposed dwelling represents the development of an infill/gap site.

- 4.10 The Council's associated Guidance for 'Development in the Countryside and Greenbelt' (February 2019) is also of relevance in the context of Policy Env10. It states, inter-alia that 'the key test for all proposals in the countryside and green belt will be to ensure that the development does not detract from the landscape quality and/or rural character of the area.' It further states that 'new houses not associated with countryside use will not be acceptable unless there are exceptional planning reasons for approving them. **These reasons include the reuse of brownfield land and gap sites within existing clusters of dwellings.**' (highlighting added) As already noted our client's proposal involves the development of an infill site within a cluster of existing dwellings and as such will not detract from the landscape quality and/or rural character of the wider area within which it is located.



4.11 Other policies within the local development plan against which the application must be considered and assessed include the following:

- Policy Del 1 - Developer Contributions and Infrastructure Delivery
- Policy Des 1 - Design Quality and Context
- Policy Des 2 - Co-ordinated Development
- Policy Des 3 - Development Design - Incorporating and Enhancing Existing and Potential Features
- Policy Des 4 - Development Design – Impact on Setting
- Policy Des 5 - Development Design – Amenity
- Policy Des 6 - Sustainable Buildings
- Policy Des 7 - Layout Design
- Policy Des 8 - Public Realm and Landscape Design
- Policy Des 9 - Urban Edge Development
- Policy Env 3 – Listed Buildings (Setting)
- Policy Env 7 – Historic Gardens and Designed Landscapes
- Policy Env 11 – Special Landscape Areas
- Policy Env 12 - Trees
- Policy Env 15 – Sites of Local Importance
- Policy Env 16 - Species Protection
- Policy Env 22 - Pollution and Air, Water and Soil Quality
- Policy Hou1 - Housing Development
- Policy Hou 2 - Housing Mix
- Policy Hou 3 - Private Green Space in Housing Development
- Policy Hou 4 - Housing Density

- Policy TRA2 – Private Car Parking
- Policy RS1 - Sustainable Energy
- Policy RS6 - Water and Drainage

4.12 Policy Del 1 on ‘*Developer Contributions and Infrastructure Delivery*’ states the following:

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. In order to provide further detail on the approach to implementation of this policy and to provide the basis for future action programmes Supplementary Guidance will be prepared to provide guidance including on:*
 - a) *The required infrastructure in relation to specific sites and/or areas*
 - b) *Approach to the timely delivery of the required infrastructure*
 - c) *Assessment of developer contributions and arrangements for the efficient conclusion of legal agreements*
 - d) *The thresholds that may apply*
 - e) *Mapping of the cumulative contribution zones relative to specific transport, education, public realm and green space actions.*
 - f) *The Council’s approach should the required contributions raise demonstrable commercial viability constraints and/or where forward or gap funding may be required.’*

4.13 Our client has no difficulty with the principle of considering contributions towards any infrastructure requirements which arise as a result of the direct impacts of the proposal and provided any such requests are entirely compliant with the terms of Scottish Government Circular 3/2012 on ‘*Planning Obligations and Good Neighbour Agreements.*’ We would obviously expect this application to be treated consistent with the approved application in 2017 in respect of these and any other requirements

Planning Obligations and Good Neighbour Agreements

Circular 3/2012



- 4.14 Policy Des 1 on '*Design Quality and Context*' states the following:

'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.'

- 4.15 The Design Statement (**Document 2k**) submitted in support of the application clearly demonstrates that the proposal will contribute to a very strong sense of place and character to the benefit of the site and the entire context within which it is located. As noted previously and notwithstanding the zoning provisions pertaining to it, the site exhibits the characteristics of an '*infill*' or '*gap*' site within an established cluster or hamlet of existing buildings thus enabling it to integrate seamlessly in an entirely sustainable and coherent manner. The design itself is traditional in character and sympathetic to those proposed and existing properties surrounding it.

- 4.16 Policy Des 2 on '*Co-ordinated Development*' states the following:

'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.'*

- 4.17 As noted in our response to Policy Des 1 above, the site is of an '*infill nature*' and will neither impact nor compromise the development of adjacent land.



Proposed Dwelling House – Rendered Image

- 4.18 Policy Des 3 on ‘*Development Design - Incorporating and Enhancing Existing and Potential Features*’ states the following:

‘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.’

- 4.19 The existing hedging and stone walling to the north of the site have been identified as features worthy of retention and have been incorporated within the overall design (except for that area to be removed to facilitate access arrangements) duly assisting with the integration of the proposed dwelling within its context. Only one small tree (a Rowan) is proposed to be removed, again to facilitate the proposed access arrangements.

- 4.20 Policy Des 4 on ‘*Development Design – Impact on Setting*’ states the following:

‘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’*

- 4.21 As noted previously the application proposals involve the infilling of a ‘gap’ site between existing and consented dwelling houses. The dwelling house proposed is respectful in terms of its scale, proportions and height to its immediate neighbours to the north, east and west and backs onto a mature woodland which helps contain it within a natural setting. The materials and detailing proposed are reflective of and sympathetic with the established vernacular prevalent in the immediate area. It should also be noted that the hedging to the front will largely screen views of the house from the access road.



4.22 Policy Des 5 on ‘*Development Design – Amenity*’ states the following:

‘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.’*

4.23 The proposed dwelling house, as noted in the Report of Handling on the application, meets the requirements of the Edinburgh Design Guidance in terms of the provision of adequate floor space and the internal living environment for future occupiers. The proposal also provides for sufficient garden ground to ensure satisfactory amenity levels.

4.24 It lies within c1.5-2.0m of the boundary on the east elevation and around 3m from the west boundary. The proposal satisfies the 25-degree daylighting criterion outlined in the Edinburgh Design Guidance document and furthermore will not result in the loss of daylight to neighbouring windows. Given the height of the proposal and its orientation in relation to neighbouring properties, it will not overshadow neighbouring private garden space. The relevant Guidance states that where windows will look on to neighbours that a minimum distance of 9 metres should be maintained from common boundaries. The proposed dwelling would not overlook other residential properties as there are no upper level windows on the east and west elevations. In short the proposal would not result in an unreasonable loss of neighbouring amenity and is acceptable in this regard rendering it compliant with the terms of Policy Des 5.

4.25 Policy Des 6 on ‘*Sustainable Buildings*’ states the following:

‘Planning permission will only be granted for new development where it has been demonstrated that:

- a) the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low and zero carbon generating technologies.*

- b) *other features are incorporated that will reduce or minimise environmental resource use and impact, for example:*
 - i. *measures to promote water conservation*
 - ii. *sustainable urban drainage measures that will ensure that there will be no increase in rate of surface water run-off in peak conditions or detrimental impact on the water environment. This should include green roofs on sites where measures on the ground are not practical*
 - iii. *provision of facilities for the separate collection of dry recyclable waste and food waste*
 - iv. *maximum use of materials from local and/or sustainable sources*
 - v. *measures to support and encourage the use of sustainable transport, particularly cycling, including cycle parking and other supporting facilities such as showers.'*

4.26 Our client's will carry out a detailed SAP assessment in order to be guided towards the best practice possible for creating a low carbon dwelling. They have already decided on using a SIPs construction method, concentrating on a highly efficient Fabric First approach, which will limit the amount of heating required. By using a SIPs highly airtight panel system they will be required to use an MVHR system as the perceived air infiltration rate will be lower than $5\text{m}^3/\text{h.m}^2$ @ 50 Pa. In addition the following points are also of relevance to the terms of the policy:

- (a) Water Efficient Fittings will be used to prevent undue water consumption;
- (b) Soakaways will be provided on site for both surface and foul water so as not to overburden the urban drainage system;
- (c) SIPs Industries use whitewood timber which is sourced from managed plantations through a recognised timber supplier and sawmills. This timber is vacuum treated, a process that uses no solvents. FSC and PEFC accredited. SIPs panels are typically jointed at 1200mm centres, giving a saving of approximately 50% in timber, when compared to standard timber frame construction. The scheme will also be valued engineered size the structure to 1200mm panel sizes as much as possible so as to reduce unwanted cut-off; and
- (d) The proposed garage will be used for the storage of bicycles. Cycling and/or walking will be used to access Dalmeny train station whenever possible. A Bus stop at the end of Dundas Home Farm Road is also available. Our clients also intend to install an electric car charging station with the intention of moving to electric vehicles in the future.

4.27 Policy DES 7 on '*Layout Design*' states the following:

'Planning permission will be granted for development where:

- a) *a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths, public and private open spaces, services and SUDS features has been taken*
- b) *new streets within developments are direct and connected with other networks to ensure ease of access to local centres and public transport and new public or focal spaces are created where they will serve a purpose*
- c) *the layout will encourage walking and cycling, cater for the requirements of public transport if required and incorporate design features which will restrict traffic speeds to an appropriate level and minimise potential conflict between pedestrians, cyclists and motorised traffic*
- d) *car and cycle parking areas and pedestrian and cycle paths are overlooked by surrounding properties*
- e) *safe and convenient access and movement in and around the development will be promoted, having regard especially to the needs of people with limited mobility or special needs*
- f) *public open spaces and pedestrian and cycle routes are connected with the wider pedestrian and cycle network including any off-road pedestrian and cycle routes where the opportunity exists.'*

4.28 Whilst Policy Des 7 is, in essence, more applicable to residential developments involving the erection of multiple units than it is to the erection of single dwelling houses in rural locations, it is worth noting that the current application does not compromise in any materially adverse way the existing form, layout and relationship between the existing and consented properties at Dundas Home Farm.

4.29 Policy Env 3 on '*Listed Buildings – Setting*' states the following:

'Development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building, or to its setting.'

4.30 As noted previously, the former farm house and converted steading to the north of the application site are Category C and B listed buildings respectively. The retention of the hedge and stone wall to the north of the site combined with the traditional characteristics of the dwelling house proposed will ensure that the setting of these listed buildings will be protected and not in any way adversely affected.

4.31 Policy Env 7 on '*Historic Gardens and Designed Landscapes*' states the following:

'Development will only be permitted where there is no detrimental impact on the character of a site recorded in the Inventory of Gardens and Designed Landscapes, adverse effects on its setting or upon component features which contribute to its value. Elsewhere, adverse effects on historic landscape features should be minimised. Restoration of Inventory sites and other historic landscape features is encouraged.'

4.32 The proposed development site is located within the Dundas Castle Inventory site, situated to the south of Dundas Castle Home Farm and set within the garden ground of the Old Dairy House, part of which has previously received permission for the erection of a dwelling house. Development in this location, which in effect is a ‘gap’ or ‘infill’ site will not have an adverse impact on the Inventory designed landscape. The development will group with existing estate buildings and will not be visible from the core of the designed landscape or its approaches.

4.33 Policy 9 on the ‘*Development of Sites with Archaeological Potential*’ states the following:

‘Planning permission will be granted for development on sites of known or suspected archaeological significance if it can be concluded from information derived from a desk-based assessment and, if requested by the Council, a field evaluation, that either: a) no significant archaeological features are likely to be affected by the development or b) any significant archaeological features will be preserved in situ and, if necessary, in an appropriate setting with provision for public access and interpretation or c) the benefits of allowing the proposed development outweigh the importance of preserving the remains in situ. The applicant will then be required to make provision for archaeological excavation, recording, and analysis, and publication of the results before development starts, all to be in accordance with a programme of works agreed with the Council.’

4.34 As the garden grounds to the east of the Dairy House have been significantly cultivated and landscaped during the 19th and 20th centuries, the potential for disturbing significant archaeological remains through the development of the application site for the dwelling house applied for is considered to be exceptionally low as per the conclusions arrived at on the adjacent site under Planning Permission Reference Number 17/00681/AMC.

4.35 Policy Env 11 on ‘*Special Landscape Areas*’ states the following:

‘Planning permission will not be granted for development which would have a significant adverse impact on the special character or qualities of the Special Landscape Areas shown on the Proposals Map.’

4.36 Our comments on Policy Env7 as noted in Paragraph 4.32 are equally applicable to the terms of Policy Env 11. In short it is not considered that the proposal will have an adverse impact on the special character or qualities of the designated Special Landscape Area.

4.37 Policy Env 12 on ‘*Trees*’ states the following:

‘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.’

4.38 The application proposals involve the loss of a single small rowan tree (25 cm diameter); the removal of which is required to facilitate the formation of the required access arrangements

to the proposed dwelling house. That said tree is not considered to be worthy of retention, viewed in the context of the wider benefits deriving from the site's development. There are no other trees on the site. Our client would be happy to plant a replacement tree in the garden area to the front of the proposed dwelling house, if deemed necessary to compensate for the loss of the exiting tree referred to.



Single tree to be removed to facilitate access arrangements

4.39 Policy Env 16 on '*Species Protection*' states the following

'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.'*

4.40 Neither our clients, nor the site owners are aware of any bats roosting in the trees next to or in the vicinity of the site and as a consequence we do not consider that a bat survey is required to be undertaken. This position is further supported by comments made in the Report of Handling on the application relating to the proposed dwelling house adjacent (Planning Application Reference Number 15/05159/PPP) where the following is stated:

'The proposed development site is within the Dundas Estate Site of Importance for Nature Conservation (SINC). On assessment the location of the development within the garden grounds of the Old Dairy House are not considered likely to cause any significant effect on

the nature conservation value for the SINC. The applicant confirms that no trees will be removed as part of the proposal.

The proposal complies in principle with RWELP policies E22 (Nature Conservation - Protected Species) and E15 (Trees - Development Impact).'

Providing the application is treated consistently and equitably with the approved adjoining application in 2017, should the members of the Local Review body be of a mind to support the application in principle, then a bat survey could be commissioned if it is deemed necessary in this area.

4.41 Policy Hou 1 on '*Housing Development*' states the following:

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.*
 - e) *The proposal contributes to the principles of sustainable development.*

** This should be addressed in the context of Policy Del 1, Tra 8 and the associated Supplementary Guidance.*

4.42 Whilst it is acknowledged that the site is not specifically allocated for residential development in the local development plan due to its location outwith the South Queensferry Settlement Envelope, it has been conclusively demonstrated that the dwelling proposed will not compromise or conflict with the purposes of that Green Belt designation and will make a small but nonetheless worthwhile contribution to the supply of land for housing development and the diversity of choice for such housing within the Council area.

4.43 Policy Hou 2 on ‘*Housing Mix*’ states the following:

‘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.’

4.44 Whilst the application relates to a single house only it will nevertheless contribute to the mix and size of house types available in the area and provides welcome relief from the mundanity associated with the products generally produced by volume housebuilders.

4.45 Policy Hou 3 on ‘*Private Green Space in Housing Development*’ states the following:

‘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.’*

4.46 Appropriate levels of private open space have been provided within the site to ensure that the occupants will have sufficient space in terms of quantity and quantity to satisfy their functional and recreational requirements.

4.47 Policy Hou 4 on ‘*Housing Density*’ states the following:

‘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.’

4.48 The dwelling house proposed respects and is in keeping with the spatial character and density of the area and as noted previously will contribute, through the development of a gap/infill site, to the cohesiveness and compact nature of the wider group of existing and proposed housing at Dundas Home Farm.

4.49 Policy Tra 2 on ‘Private Car Parking’ states the following:

‘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. Lower provision will be pursued subject to consideration of the following factors:

- a) whether, in the case of non-residential developments, the applicant has demonstrated through a travel plan that practical measures can be undertaken to significantly reduce the use of private cars to travel to and from the site*
- b) whether there will be any adverse impact on the amenity of neighbouring occupiers, particularly residential occupiers through on-street parking around the site and whether any adverse impacts can be mitigated through control of on-street parking*
- c) the accessibility of the site to public transport stops on routes well served by public transport, and to shops, schools and centres of employment by foot, cycle and public transport*
- d) the availability of existing off-street parking spaces that could adequately cater for the proposed development*
- e) whether the characteristics of the proposed use are such that car ownership and use by potential occupiers will be low, such as purpose-built sheltered or student housing and ‘car free’ or ‘car reduced’ housing developments and others providing car sharing arrangements*
- f) whether complementary measures can be put in place to make it more convenient for residents not to own a car, for example car sharing or pooling arrangements, including access to the city’s car club scheme.’*

4.50 The Council’s Roads Guidance requires the provision of a maximum of 2 no. car parking spaces (inclusive of garage spaces) in association with the development of a dwelling house of the scale proposed. The site plan submitted with the application shows a double garage (2 spaces) and a further three spaces within the grounds. Our clients would be prepared to accept a condition on any permission granted which required the external car parking space (eastern side of house) to be removed from the scheme. This would leave two spaces remaining in the garage with the associated driving and hard standing area being kept for turning and manoeuvring vehicles so that they can enter and leave the site in a forward gear. Any further reduction in this area would not be practical given the semi-rural location of the house proposed and its likely number of occupants. The level of car parking suggested is consistent with the number of spaces proposed in the consented scheme adjacent (Planning Permission Reference Number 17/00681/AMC).

4.51 Policy RS 1 on ‘Sustainable Energy’ states the following:

‘Planning permission will be granted for development of low and zero carbon energy schemes such as small-scale wind turbine generators, solar panels and combined heat and power/district heating/energy from waste plants and biomass/wood fuel energy systems provided the proposals:

- a) do not cause significant harm to the local environment, including natural heritage interests and the character and appearance of listed buildings and conservation areas*
- b) will not unacceptably affect the amenity of neighbouring occupiers by reason of, for example, noise emission or visual dominance.’*

4.52 Our response to Policy Des 6 in Paragraph 4.26 previously are equally applicable to the terms of Policy RS1 on ‘Sustainable Energy.’

4.53 Policy RS6 on ‘Water and Drainage’ states the following:

‘Planning permission will not be granted where there is an inadequate water supply or sewerage available to meet the demands of the development and necessary improvements cannot be provided.’

4.54 The application site can be satisfactorily served with water and drainage infrastructure.

Other material considerations

4.55 As noted previously, in addition to the development plan, due consideration must also be given in the determination of planning applications to other material considerations. Such considerations in this instance include Scottish Planning Policy, Planning History, Consultation Responses and Third Party Representations.



Scottish Planning Policy

4.56 The current version of Scottish Planning Policy was published by the Scottish Government in 2014. Its purpose is to set out national planning policies which reflect Scottish Ministers’

priorities for the operation of the planning system and for the development and use of land. The SPP aims to promote consistency in the application of policy across Scotland whilst allowing sufficient flexibility to reflect local circumstances. It directly relates to:

- the preparation of development plans;
- the design of development, from initial concept through to delivery; and
- the determination of planning applications and appeals.

4.57 The SPP (Paragraph 27) introduces a presumption in favour of development that contributes to sustainable development. The SPP states that *'the planning system should support economically, environmentally and socially sustainable places by enabling development that balances the costs and benefits of a proposal over the longer term. The aim is to achieve the right development in the right place; it is not to allow development at any cost.'* (Paragraph 28)

4.58 The SPP (Paragraph 29) states that policies and decisions should be guided by the following principles:

- *giving due weight to net economic benefit;*
- *responding to economic issues, challenges and opportunities, as outlined in local economic strategies;*
- *supporting good design and the six qualities of successful places;*
- *making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;*
- *supporting delivery of accessible housing, business, retailing and leisure development;*
- *supporting delivery of infrastructure, for example transport, education, energy, digital and water;*
- *supporting climate change mitigation and adaptation including taking account of flood risk;*
- *improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;*
- *having regard to the principles for sustainable land use set out in the Land Use Strategy;*
- *protecting, enhancing and promoting access to cultural heritage, including the historic environment;*
- *protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;*
- *reducing waste, facilitating its management and promoting resource recovery; and*
- *avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.*

4.59 Paragraph 32 of the SPP advises that *'the presumption in favour of sustainable development does not change the statutory status of the development plan as the starting point for decision-making. Proposals that accord with up-to-date plans should be considered acceptable in principle and consideration should focus on the detailed matters arising. For*

proposals that do not accord with up-to-date development plans, the primacy of the plan is maintained and this SPP and the presumption in favour of development that contributes to sustainable development will be material considerations.



4.60 The proposed development adjacent to the Old Dairy House is considered to contribute to sustainable development when assessed against the principles outlined in Paragraph 29 of the SPP for the reasons stated below:

- *giving due weight to net economic benefit;*

The proposed development will generate socio-economic benefits in the area by providing housing choice, stimulating job creation and boosting economic investment – all positive attributes as we face up to the anticipated impacts caused by the coronavirus pandemic.

- *supporting good design and the six qualities of successful places;*

The design proposals for the dwelling house are of a high quality and support the six qualities of successful places. The proposals are distinctive, safe and pleasant, welcoming, adaptable, resource efficient and easy to move around.



- *making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;*

The development is proposed on an infill site sandwiched between established areas of built development to the east, west and north and contained by a mature woodland to the south.

- *supporting delivery of accessible housing, business, retailing and leisure development;*

The development proposed will facilitate the development of a bespoke individually designed dwelling house. The site is in an inherently accessible location in close proximity to South Queensferry and benefitting from existing facilities and services within it and in close proximity to it including access to public transport (train and bus services), footpaths and cycleways.



- *supporting delivery of infrastructure, for example transport, education, energy, digital and water;*

It is intended that the dwelling proposed will maximise the use of innovative design technology to ensure that it is inherently sustainable and energy efficient.

- *supporting climate change mitigation and adaptation including taking account of flood risk;*

The proposed development will introduce a range of measures which will support climate change mitigation. This will be achieved through enhanced levels of insulation and efficient heating systems/low carbon energy sources. The location of the house and its relationship to South Queensferry will contribute to sustainable transport movements all of which supports climate change mitigation. The site is not at risk of flooding.

- *improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;*

The site enjoys good access to the existing public path network and therefore ease of access to sport and recreational facilities.

- *having regard to the principles for sustainable land use set out in the Land Use Strategy;*

The application proposals have been developed in due cognisance of the principles of sustainable land use with particular reference to the following:

- the proposal will deliver a number of benefits including the development of a bespoke family home.
- The land on which the development is being proposed forms part of a garden area attached to an existing house and not used for any particular purpose. As a consequence its proposed use for the development of a new house is not significant.
- The proposals for the site, have evolved through a thorough understanding and appreciation of the area's eco-system.
- The development proposal will appear as an integral part of the existing cluster of housing at Dundas Home Farm located as it is within a gap/infill site and contributing towards the cohesiveness of the group.
- *protecting, enhancing and promoting access to cultural heritage, including the historic environment;*

The development of the site will not result in an adverse effect on the area's cultural heritage.

- *protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;*

The retention of existing landscape features and the provision of further planting and landscaping will ensure that the character and appearance of the area is improved and its biodiversity credentials enhanced.

- *reducing waste, facilitating its management and promoting resource recovery;*

Recycling and refuse facilities will be incorporated into the design. Collection of waste will be undertaken in line with local authority procedures. Every effort will be made to ensure that waste is minimised on site and recycled in accordance with sound principles of sustainability where possible.

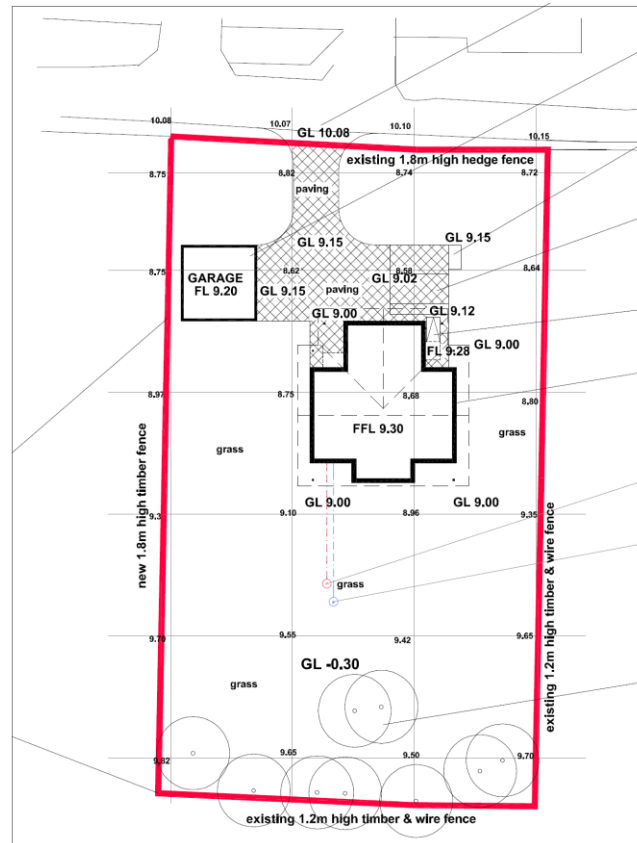
- *avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.*

The site will be developed at an appropriate density befitting of the locality and the landscape context within which it is proposed. The amenity of existing development bordering the site will be protected in accordance with Council standards with particular reference to issues such as privacy, overlooking, loss of light, overshadowing etc.

- 4.61 In view of the above the application proposals represent a sustainable form of development; a consideration to which significant weight should be given to in the determination of this review request.

Planning History

- 4.62 As noted originally in Paragraph 2.2 the Council has previously granted permission for the erection of a dwelling house on the plot of land immediately to the east of the current application site, concluding in the process, that the site had other houses nearby and that there would be no harm caused to the integrity of the Green Belt as a result of it. The decision referred to, although made under the context of the previous local plan, established a precedent in support of dwelling houses being erected in Green Belt and Countryside locations where they related well to existing dwelling houses and did not detract from the landscape quality or rural character of an area. Similar advice is now contained within the Council's Guidance for the erection of new houses in the Countryside and Green Belt as referred to previously in Paragraph 4.10.



Approved Site Plan under 17/00681/AMC

Consultation Responses

- 4.63 The Council has consulted and received responses from its Archaeology and Transportation Departments and from Edinburgh Airport. No objections have been raised from these parties. Transportation have suggested that the proposed number of car parking spaces should be reduced to two. As noted in our response to Policy TRA 2 in Paragraph 4.50 our clients would be prepared to accept a condition on any permission granted which required the external car parking space (eastern side of house) to be removed from the scheme allowing for the retention of two external car parking spaces.

Third Party Representations

- 4.64 Only one party submitted objections to the Council on the application raising concerns about the dwelling house not being in keeping with the character of the area and that the plans submitted were inaccurate as they did not show the neighbouring plot. We have responded previously to issues relating to the character of the area and have nothing further to add at this juncture on that particular point. As far as the adjoining plot is concerned there is no requirement under statute to show an approved scheme on a plan unless it has been implemented. Notwithstanding this we have included drawings showing the current proposals and the consented scheme within this document.
- 4.65 Having considered the application proposal against the terms of the development plan and all other material considerations we are firmly and unequivocally of the view that the development of the application site for the single house proposed will contribute to rather than detract from the character of the area by consolidating, through the development of a gap/infill site, the cohesiveness of the established (existing and proposed) group of buildings at Dundas Home Farm. The advantages of developing the site for the scheme proposed, in terms of the improvements it will bring to the character and appearance of the area far outweigh any disadvantages associated with it.

5. RESPONSE TO REASONS FOR REFUSAL

- 5.1 Our client's planning application was refused for a total of five reasons. Copies of the Planning Officer's Report of Handling on the application and the Decision Notice are attached as **Documents 3 and 4** respectively. Those reasons and our responses to them are outlined below:

Reason 1 – *The proposal is contrary to policy Env 10 of the Edinburgh Local Development Plan (LDP) in that it does not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal does 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. It would introduce a further dwelling house into the garden of the Old Dairy House without any justification of exceptional circumstances, and would harm the rural character of the site.*

- 5.2 **Response** - Whilst it is accepted that our client's personal circumstances are not such as would allow their proposal for the erection of a dwelling house to be justified under any exception existing to the general presumption against the development of new housing in the Edinburgh Green Belt, it is not accepted that the dwelling house proposed would harm the character of the site or the wider area within which it is located. We have advanced the view throughout this statement that the application site is of a 'gap/infill' nature and that its development for the dwelling house proposed would improve the character of the area by contributing to the cohesiveness and compact nature of the established group of dwellings at and in the vicinity of Dundas Home Farm. The principle of such development being allowed in the Green Belt has previously been established through the granting of planning permission for a dwelling house on the plot to the east under the terms of Planning Permission Reference Numbers 15/05159/PPP and 17/00681/AMC.

Reason 2 – *'The proposal is contrary to non-statutory Guidance for Development in the Countryside and Green Belt as no functional need for such a dwelling has been established; it does not relate to meeting the needs of one or more workers employed in agriculture; it is not related to a rural activity or business, and it is not a brownfield site or a gap site.'*

- 5.3 The terms of the second reason for the refusal of the application follow a similar vein to those in the first. Whilst it is again accepted that an agricultural or other rural/countryside activity have not been put forward in support of the application it is not accepted that the application site does not exhibit the characteristics of a gap site. The Planning Officer in his assessment of the application has failed to give due cognisance to the fact that permission has been granted for the erection of a dwelling house on the site adjacent and that the current application site is located between that site and the Old Dairy House. As a consequence of this we do not consider the proposal to be contrary to the terms of the Council's Non-Statutory Guidance on Development in the Countryside and Green Belt, which as we have noted in Paragraph 4.10 previously, states the following :-

'the key test for all proposals in the countryside and green belt will be to ensure that the development does not detract from the landscape quality and/or rural character of the

area.....new houses not associated with countryside use will not be acceptable unless there are exceptional planning reasons for approving them. These reasons include the reuse of brownfield land and gap sites within existing clusters of dwellings.'
(highlighting added)

Reason 3 – *'The proposal is contrary to design policies Des 1 and Des 4 of the LDP as the creation of another suburban style house into this rural setting adversely impacts on the rural character of the area.'*

- 5.4 The Planning Officer states the following in his Report of Handling on the application insofar as Scale, Form and Design issues are concerned:

'The proposed development would not be a dwelling modest in size. It is substantially bigger than the new house approved to the east of the site (200 sq.) but will be a similar scale to the Old Dairy House. In general, the site is characterised by an agricultural feel. Despite the redevelopment of the farmhouse and the old steadings for mixed business and residential use, the buildings have retained a sense of their former use as agricultural buildings and the rural character of the area is generally preserved. The traditional relationships of farmhouse to steading and other ancillary buildings will be lost with the introduction of this large suburban looking house. Fitting another house into the grounds of the Dairy House will create a mini housing estate with suburban characteristics when read with the existing building and the new house approved to the east. The proposal does not draw on the positive open rural character of the green belt and does not have regard to the open green character and spacing of the site. It represents an overdevelopment of the garden ground of the Old Dairy House and is contrary to policies Des 1 and Des 4.'

- 5.5 Whilst it is accepted that the dwelling house proposed has a larger footprint than that for which planning permission has been granted on the adjacent plot, it does, as noted by the Planning Officer, have a similar footprint to the former Dairy House itself and in that respect is not, in our opinion, out of character with the established pattern of development at Dundas Home Farm. We strongly refute and would challenge the suggestion made that the proposed dwelling house is 'suburban' in appearance. Great care and attention has been given by the project architects to incorporate traditional features within the design including dormer and vertically proportioned windows; appropriately pitched roofs and a palette of materials (e.g. slate roof) to blend and harmonise with the surrounding architectural vernacular. Whilst it is accepted that there is a historical relationship between the Old Dairy House and the steading buildings at Dundas Home Farm that relationship is not a visually obvious one in terms of functionality or design connotations particularly since the property has been extended and substantially altered in its appearance over the years. It is therefore quite wrong to suggest that the dwelling house proposed would result in the relationship referred to being lost. Any such relationship, had it existed was lost following the Council's earlier approval for the dwelling on the adjacent plot. The suggestion that the proposed dwelling would create a mini housing estate is entirely disingenuous and gives no cognisance to the fact that the site is a gap or infill opportunity between a proposed and existing house which is contained in the landscape by a mature woodland to the rear and a strong established hedge to the front. As we have noted on numerous occasions previously the dwelling proposed will result in a

cohesive and compact group of buildings within a contained landscape setting and with a spatial pattern and density which is respectful to the existing built form. It does not constitute overdevelopment of the site and is not contrary to the terms of Policies Des 1 or Des 4.

Reason 4 – *‘The proposal is contrary to policy Tra 2 as it exceeds the Council's parking standards which seek to limit private car parking and encourage active travel.’*

- 5.6 We have addressed the terms of Policy Tra 2 on ‘*Private Car Parking*’ within Section 4 previously (Paragraphs 4.49 & 4.50 respectively). As noted then our clients would be prepared to accept a condition on any permission granted which required the external car parking space (eastern side of house) to be removed from the scheme thus leaving two external car parking spaces only. Any further reduction in this area would not be practical given the semi-rural location of the house proposed, its likely number of occupants and turning/manoeuvring requirements. Such arrangements would be consistent with the permission granted for the dwelling house on the adjacent plot under the terms of Permission Reference Number 17/00681/AMC. We note from the Planning Officer’s Report of Handling on the application that this particular reason for refusal could be addressed through the imposition of an appropriately worded condition.

Reason 5 - *‘There is insufficient information provided to assess the impact on trees and protected species.’*

- 5.7 We have addressed the impacts on trees and protected species within paragraphs 4.37-4.40 previously. As far as the trees are concerned, the application proposals involve the loss of a single small rowan tree; the removal of which is required to facilitate the formation of the required access arrangements to the proposed dwelling house. That said tree is not considered to be worthy of retention in any event and furthermore is not benefit from any special protection. There are no other trees on the site requiring removal. Our client would be happy to plant a replacement tree in the garden area to the front of the proposed dwelling house if required as a condition of any permission granted.
- 5.8 As far as protected species and specifically bats are concerned, neither our clients, nor the site owners are aware of any such species roosting in the trees next to or in the vicinity of the site and as a consequence we do not consider that a bat survey is required to be undertaken. This position is further supported by comments made in the Report of Handling on the application relating to the proposed dwelling house adjacent (Planning Application Reference Number 15/05159/PPP) where the following was stated:

‘The proposed development site is within the Dundas Estate Site of Importance for Nature Conservation (SINC). On assessment the location of the development within the garden grounds of the Old Dairy House are not considered likely to cause any significant effect on the nature conservation value for the SINC. The applicant confirms that no trees will be removed as part of the proposal.’

The proposal complies in principle with RWELP policies E22 (Nature Conservation - Protected Species) and E15 (Trees - Development Impact).'

- 5.9 In view of all considerations outlined above we do not consider that any of the reasons for refusal as issued by the Planning Officer stand up to close scrutiny. The advantages of this proposal clearly outweigh any perceived or other disadvantages and as a consequence permission should be granted for the proposal as applied for.

6. SUMMARY AND CONCLUSIONS

6.1 The following provides a summary of the key points made in this Supporting Statement:

- The application site, which measures approximately 1302 sq. metres in area, lies beyond the M90 to the south of South Queensferry. It forms part of the garden ground at and is located to the east of the Old Dairy House to the south of Dundas Home Farm; the latter comprising a former farm house and steading complex which was converted to residential use in the mid-2000s. Planning permission exists for a further dwelling house immediately to the east with the result that the site represents a 'gap' or 'infill' opportunity. The land to the south comprises a mature woodland which forms part of the policies associated with Dundas Castle and its estate.
- The application submitted and subsequently refused by the Appointed Planning Officer had sought detailed planning consent for the erection of a 1½ storey detached dwelling house employing traditional design characteristics. Designed as a family home for our clients and their three children the house also incorporates a number of accessibility and disabled features to future proof it for residency by elderly parents.
- The application was refused by the Appointed Officer for the following reasons:
 - The proposal was considered to represent an inappropriate use in the Green Belt as it was unrelated to any form of countryside use or activity that would justify its existence and as such was contrary to the terms of Policy Env 10 in the Edinburgh Local Development Plan and the Council's Non-Statutory Guidance for Development in the Countryside and Green Belt;
 - The dwelling proposed was considered to be suburban in style and would have an adverse impact on the rural character and appearance of the area rendering it in contravention of Policies Des 1 and 4 of the Edinburgh Local Development Plan;
 - The proposed dwelling house was considered to have an over provision of car parking spaces contrary to the terms of Policy Tra 2 of the Edinburgh Local Development Plan; and
 - It was considered that there was insufficient information provided to assess the impact of the proposal on trees and protected species.
- The reasons for the refusal of the application are contested on the following grounds:
 - The site in its present condition does not fulfil any of the recognised purposes or functions of Green Belt designation.
 - The Council has previously granted planning permission for the erection of a dwelling house on the site immediately adjacent to the application site

notwithstanding its location in the Green Belt, thus creating a precedent in support of development on sites of this nature in the area.

- The dwelling house is proposed on a ‘gap’ or ‘infill’ site located between the Old Dairy House to the west; the other dwelling house previously granted by the Council to the east; and a mature woodland to the south thus rendering it compliant with the Council’s Non-Statutory Guidance on Development in the Countryside and Green Belt.
 - The development of a dwelling house on the site will contribute positively to the character and appearance of the area by reinforcing the compact and cohesive nature of the group of properties at and adjacent to Dundas Home Farm with a resultant spatial pattern and density which is respectful to the existing built form.
 - Great care and attention has been given by the project architects to incorporate traditional features within the design, including dormer and vertically proportioned windows; appropriately pitched roofs and a palate of materials (e.g. slate roof) to blend and harmonise with the surrounding architectural vernacular.
 - Our clients would happily accept a condition on any permission granted which required one of the proposed external car parking spaces to be removed from the scheme thus leaving two external car parking spaces and associated space for manoeuvring/turning vehicles within the curtilage. Such arrangements would be consistent with the permission granted for the dwelling house on the adjacent plot under the terms of Permission Reference Number 17/00681/AMC.
 - The application proposals involve the loss of a single small rowan tree; the removal of which is required to facilitate the formation of the required access arrangements to the proposed dwelling house. That said tree is not considered to be worthy of retention. There are no other trees on the site requiring removal. Our client would be happy to plant a replacement tree in the garden area to the front of the proposed dwelling house if required as a condition of any permission granted.
 - Neither our clients, nor the site owners are aware of any protected species roosting in the trees next to or in the vicinity of the site and as a consequence we do not consider that a bat survey is required to be undertaken. This position is further supported by comments made in the Report of Handling on the application relating to the dwelling house on the site immediately adjacent which was deemed acceptable from a nature conservation perspective without such a survey having been undertaken. .
- Other points in support of the application include the following:

- The development of the site will contribute to the supply of land for housing development and to the mix and range of house types available within the Edinburgh Housing Market Area.
- The development of a dwelling house on the site will bring positive benefits to the economy through the creation of employment opportunities for locally based tradespeople. Such benefits are particularly important at this time given the pressures imposed on those involved in the construction industry as a result of the implications arising from the coronavirus pandemic.
- Although the site is located in the Countryside and Green Belt it is located in a highly sustainable location being in close proximity to bus and rail based public transport services; the M90; and benefitting from easy access to foot and cycle paths.

6.2 In light of the considerations outlined above it is respectfully requested that the review request made be upheld and that planning permission be granted for the proposal as applied for. We reserve the right to provide additional information in support of the request prior to its determination by the Council's Local Review Body.

Signed



Derek Scott

Date

29th June 2020



ALL DIMENSIONS TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION

N

DATE

INITIAL

REVISION

SUFFIX

Allan Corfield Architects
The Self Build Experts

CLIENT

Mr & Mrs Mayland

PROJECT

New Dairy House, Dundas Home Farm, South Queensferry, EH30 9SS

TITLE

Location Plan

Planning

SCALE @ A3

START DATE

DRAWN

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Jan 2019

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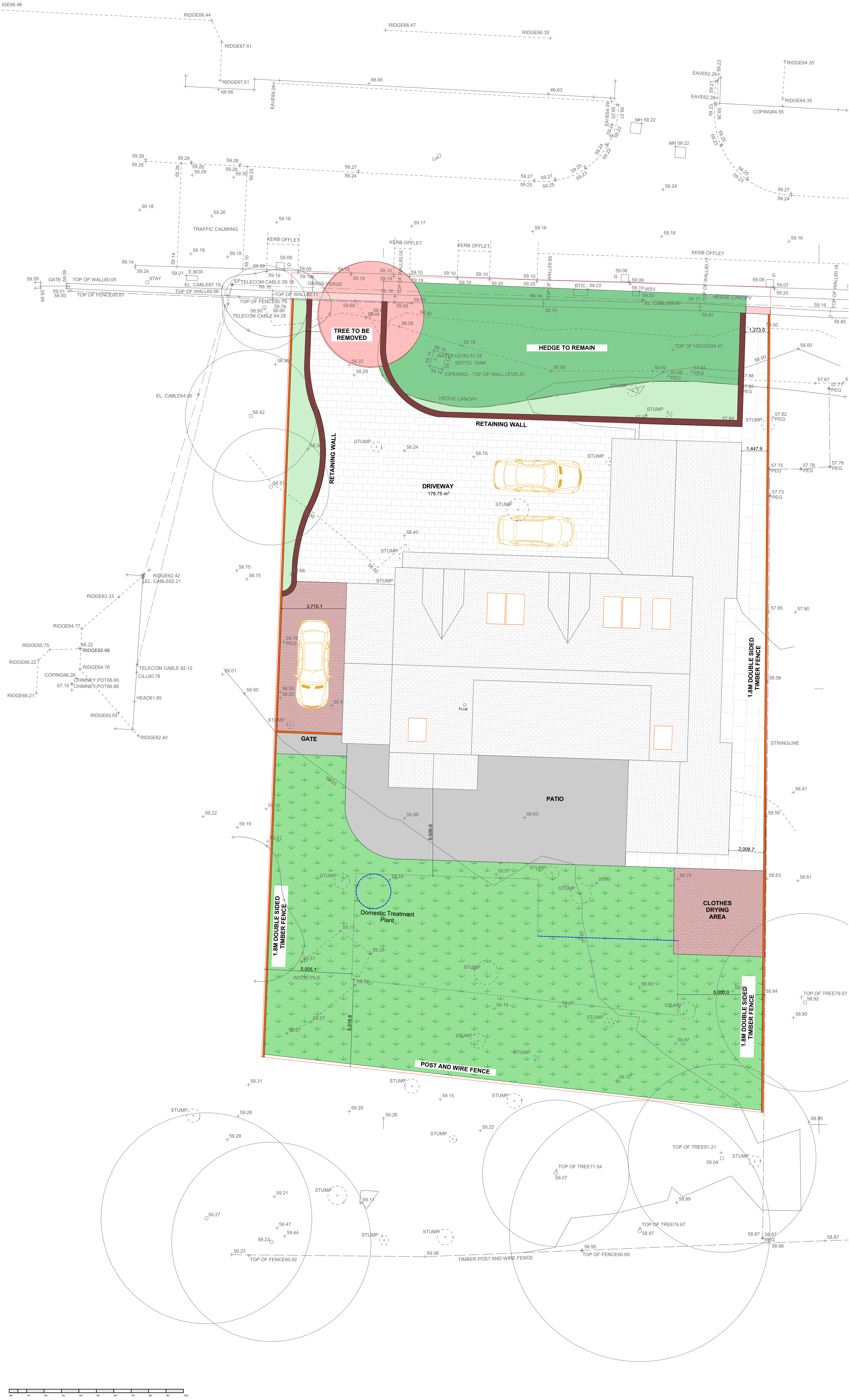
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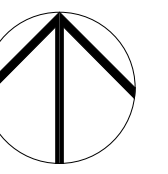
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ALL DIMENSIONS TO BE CONFIRMED ON
SITE PRIOR TO CONSTRUCTION

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- Tree to be removed
- Existing hedge to remain
- Planting
- Decorative gravel
- Monoblock
- Ceramic Tile Patio
- Slabs
- Grass & Shrubs
- Existing wall to be removed

DATE INITIAL REVISION SUFFIX

AC Allan Corfield Architects
The Self Build Experts

CLIENT
Mr & Mrs Mayland

PROJECT
New Dairy House, Dundas Home Farm, South Queensferry, EH30 9SS

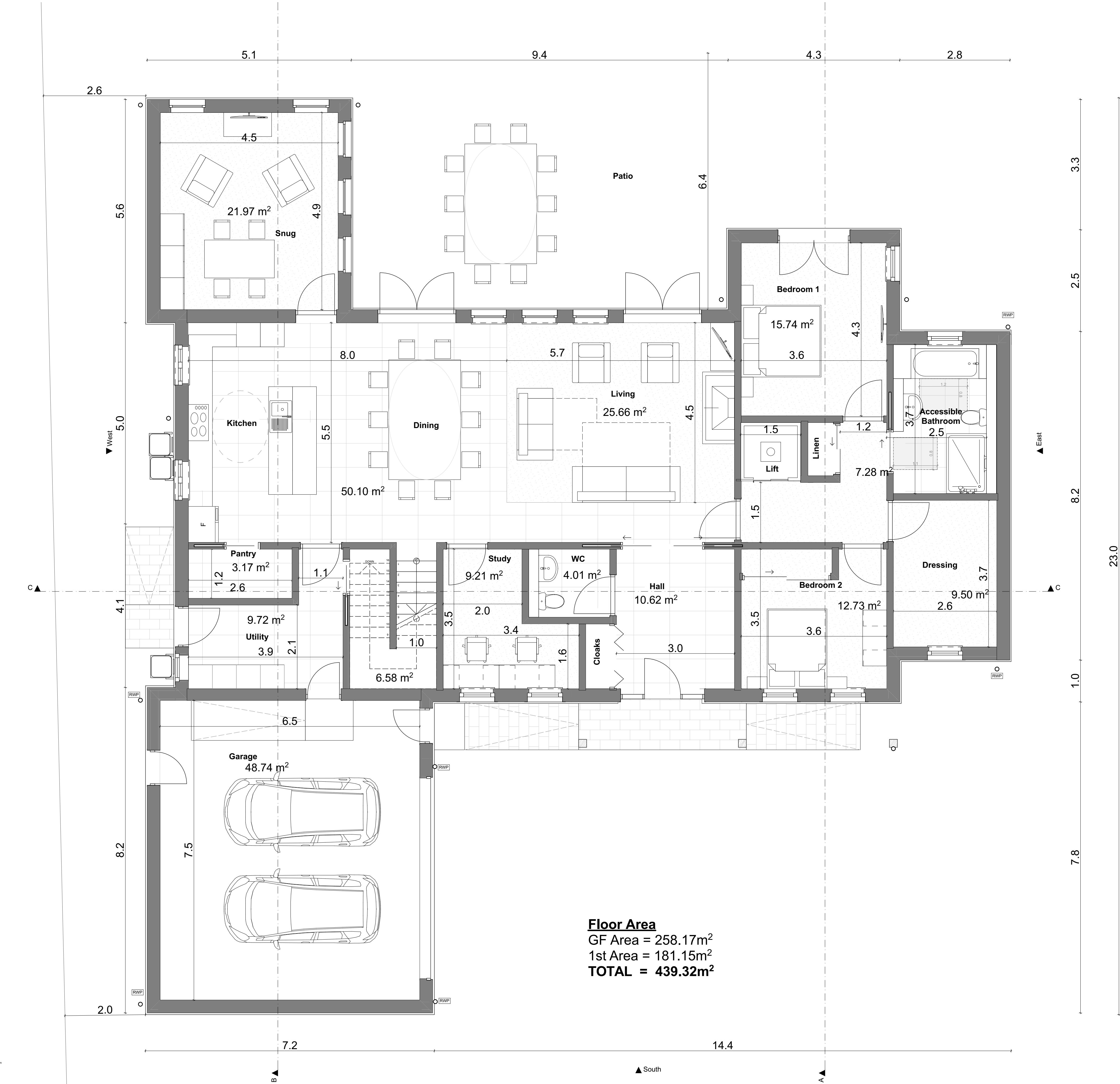
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Floor Area
GF Area = 258.17m²
1st Area = 181.15m²
TOTAL = 439.32m²

ALL DIMENSIONS TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION

N

DATE	INITIAL	REVISION	SUFFIX

Allan Corfield Architects
The Self Build Experts

CLIENT
Mr & Mrs Mayland

PROJECT
New Dairy House, Dundas
Home Farm, South
Queensferry, EH30 9SS

TITLE
GF Floor Plan
Planning

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SITE PRIOR TO CONSTRUCTION



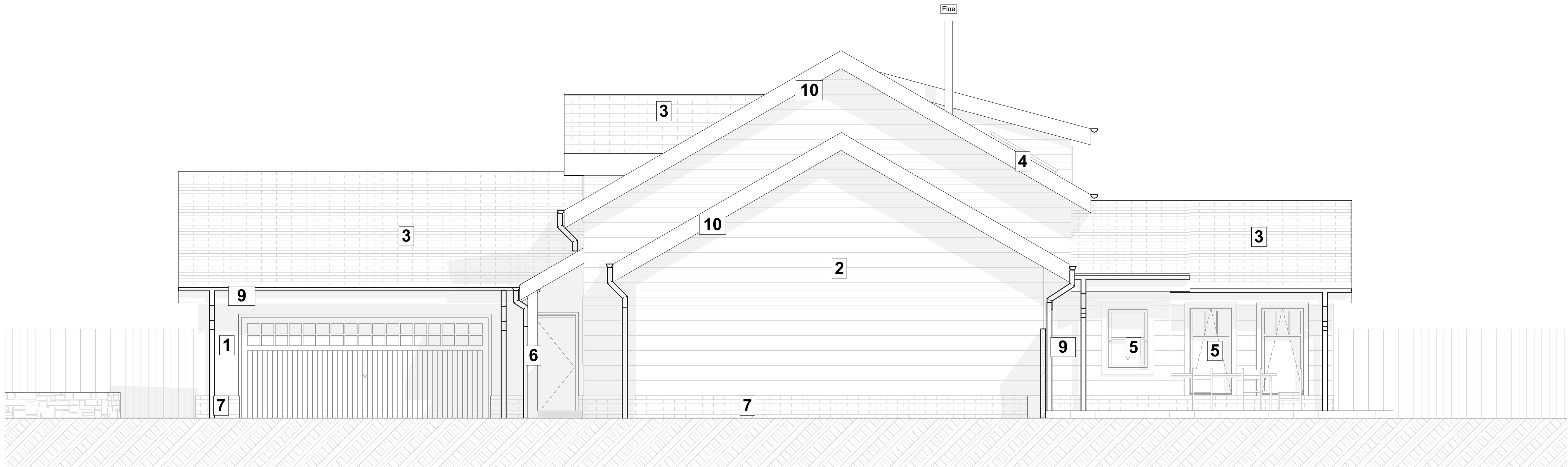
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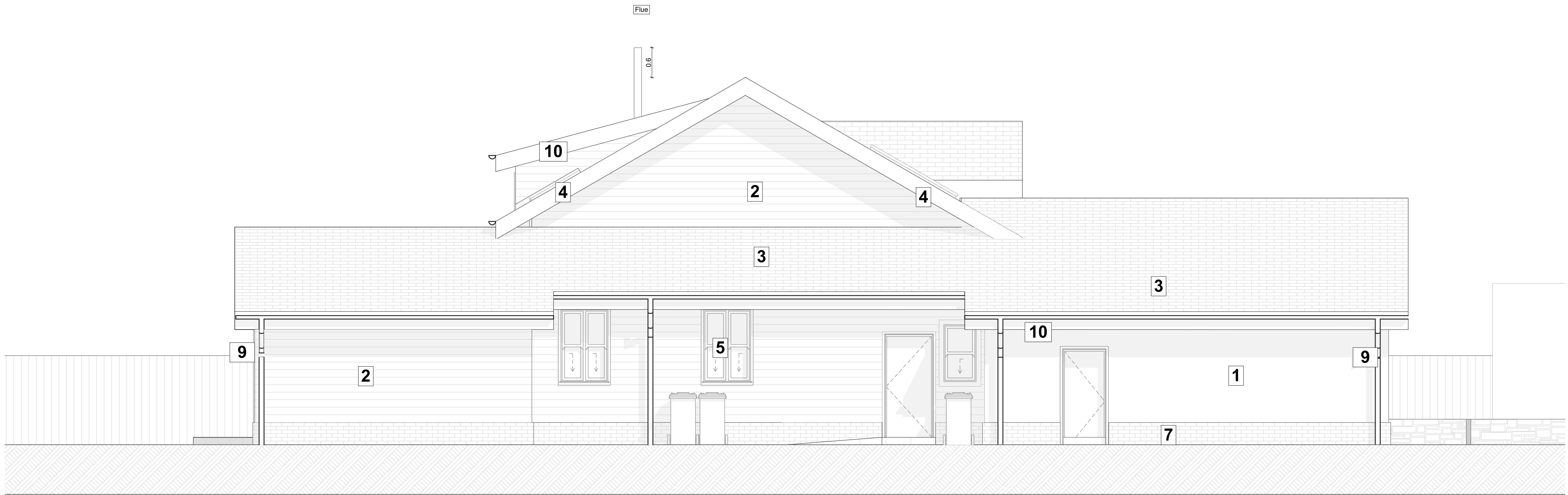
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PROJECT	New Dairy House, Dundas Home Farm, South Queensferry, EH30 9SS
TITLE	1st Floor Plan Planning

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West Elevation 1:50



East Elevation 1:50



ALL DIMENSIONS TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION

- 1 White STO Render, or similar
- 2 White Fibre Cement Horizontal plank e.g. Cembrit or similar
- 3 Slate effect tiles
- 4 Windows RAL 7016 or similar
- 5 Timber window RAL 9010 or similar
- 6 White column
- 7 Brick slip basecourse
- 8 White French Doors
- 9 White UPVC rainwater gutters and downpipes
- 10 White Fascia

DATE	INITIAL	REVISION	SUFFIX



CLIENT
Mr & Mrs Mayland

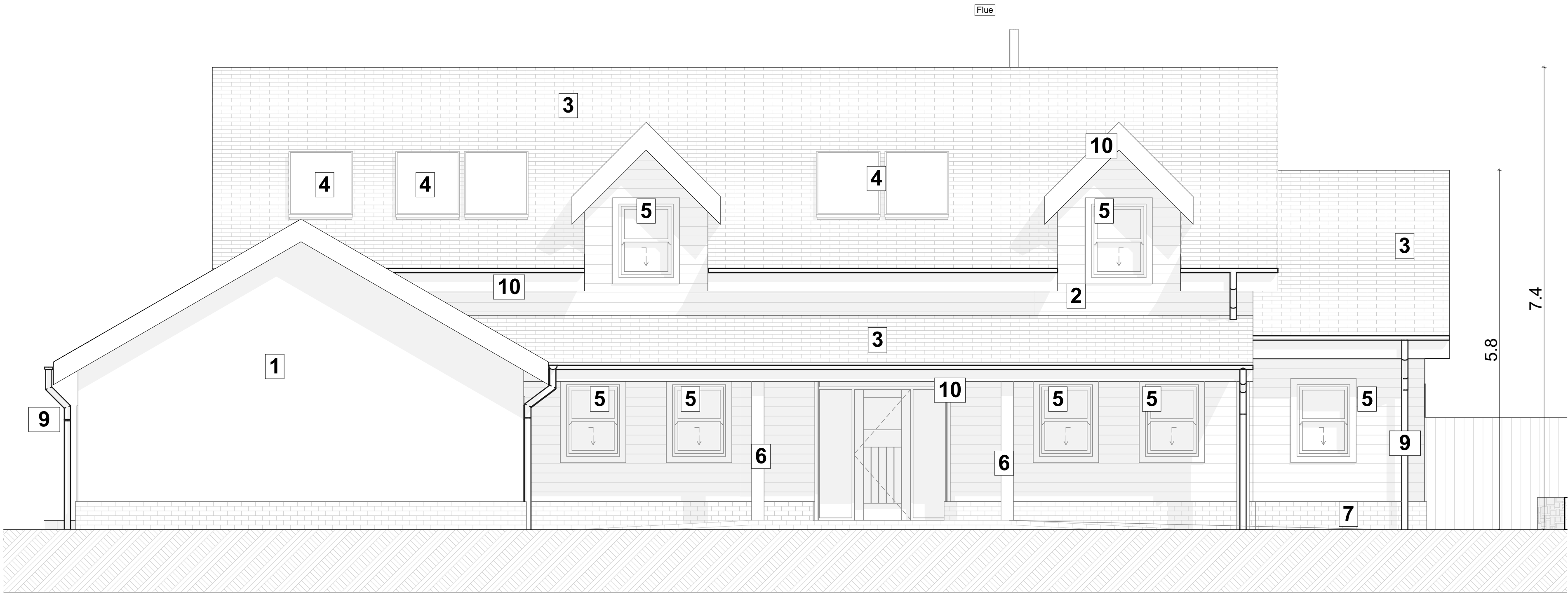
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TITLE
Elevations
Planning

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North Elevation 1:50



South Elevation 1:50

ALL DIMENSIONS TO BE CONFIRMED ON SITE PRIOR TO CONSTRUCTION

- 1 White STO Render, or similar
- 2 White Fibre Cement Horizontal plank e.g. Cembrit or similar
- 3 Slate effect tiles
- 4 Windows RAL 7016 or similar
- 5 Timber window RAL 9010 or similar
- 6 White column
- 7 Brick slip basecourse
- 8 White French Doors
- 9 White UPVC rainwater gutters and downpipes
- 10 White Fascia

DATE	INITIAL	REVISION	SUFFIX



CLIENT
Mr & Mrs Mayland

PROJECT
New Dairy House, Dundas Home Farm, South Queensferry, EH30 9SS

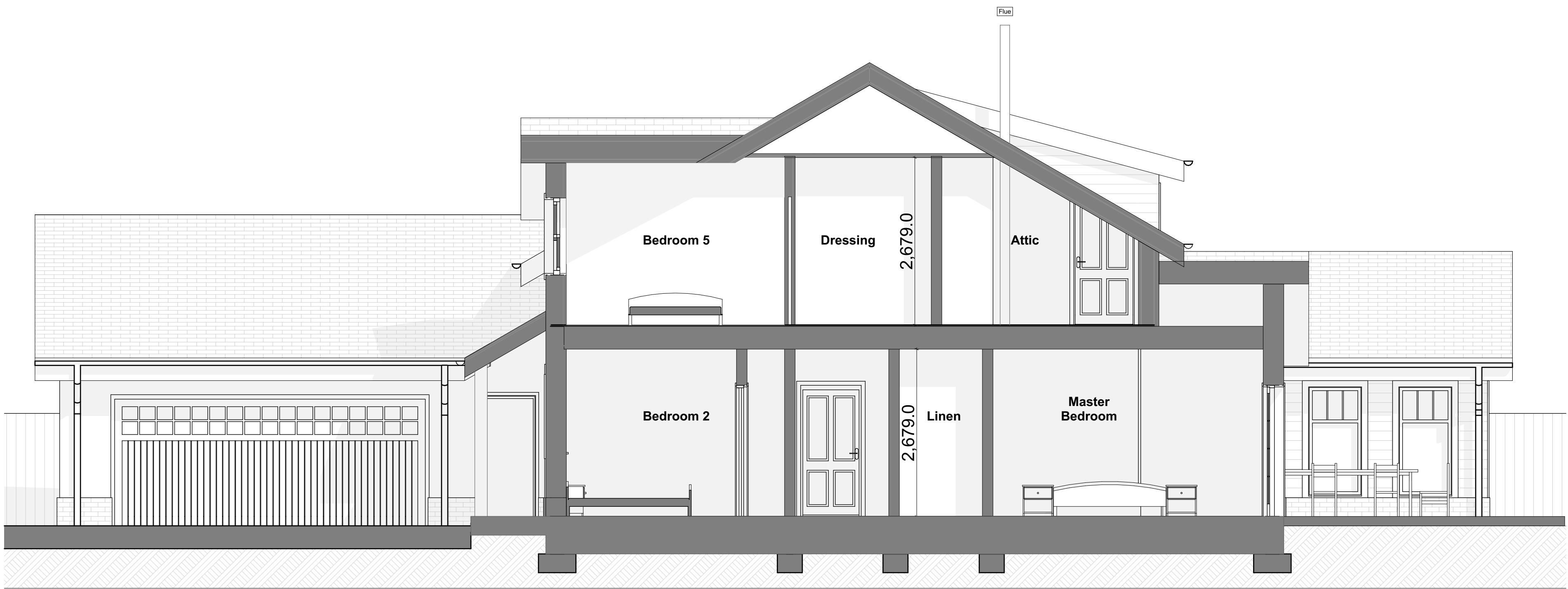
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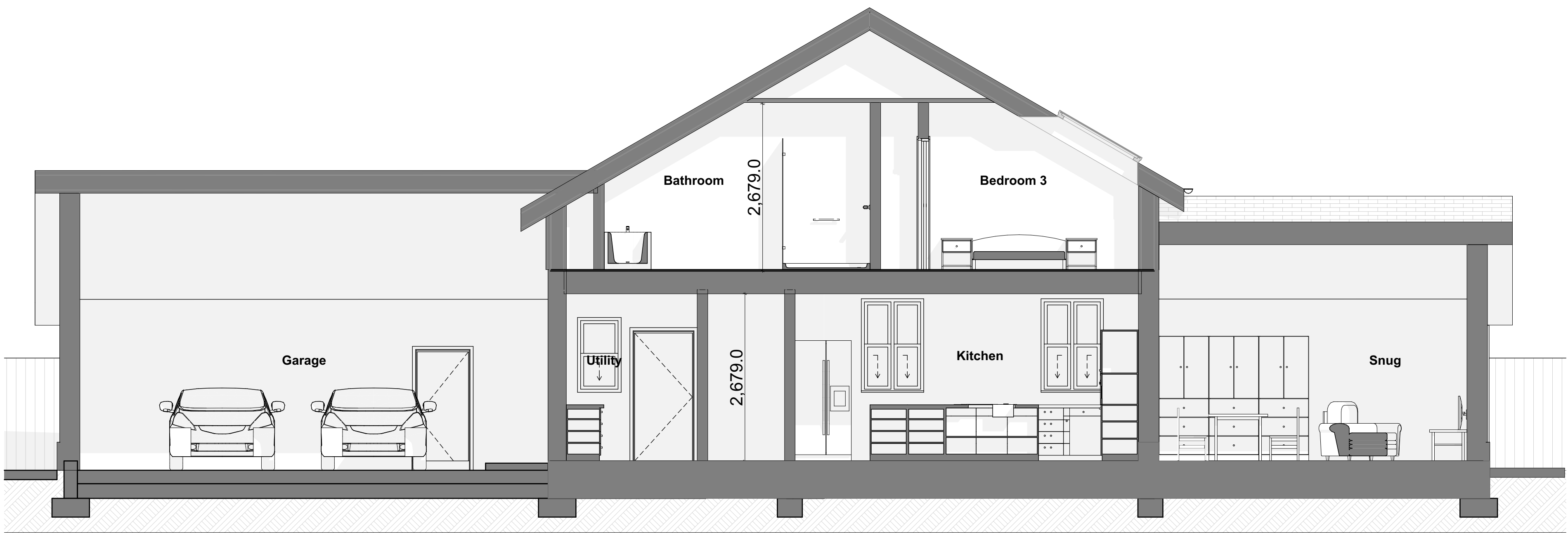
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A Building Section 1:50



B Building Section 1:50



C Building Section Site 1:50

DATE	INITIAL	REVISION	SUFFIX



CLIENT
Mr & Mrs Mayland

PROJECT
New Dairy House, Dundas Home Farm, South Queensferry, EH30 9SS

TITLE
Sections
Planning

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START DATE
Jan 2019

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ALL DIMENSIONS TO BE CONFIRMED ON
SITE PRIOR TO CONSTRUCTION

DATE	INITIAL	REVISION	SUFFIX



CLIENT
Mr & Mrs Mayland

PROJECT
New Dairy House, Dundas Home Farm, South Queensferry, EH30 9SS

TITLE
Renders
Planning

SCALE @ A3	PRINTED DATE	DRAWN	CHECKED
1:1	Jan 2019	JM	ACC

No. 700

REV.

LEWIS HOUSE, UNIT 213, EAST WAY
HILLEND IND EST, DUNFERMLINE
FIFE, KY11 9JF, SCOTLAND

t - 01383 737101
e - info@acarchitects.biz
w - www.acarchitects.biz



DATE	INITIAL	REVISION	SUFFIX



CLIENT
Mr & Mrs Mayland

PROJECT
New Dairy House, Dundas Home Farm, South Queensferry, EH30 9SS

TITLE
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Planning

SCALE @ A3	PRINTED DATE	DRAWN	CHECKED
1:1	Jan 2019	JM	ACC

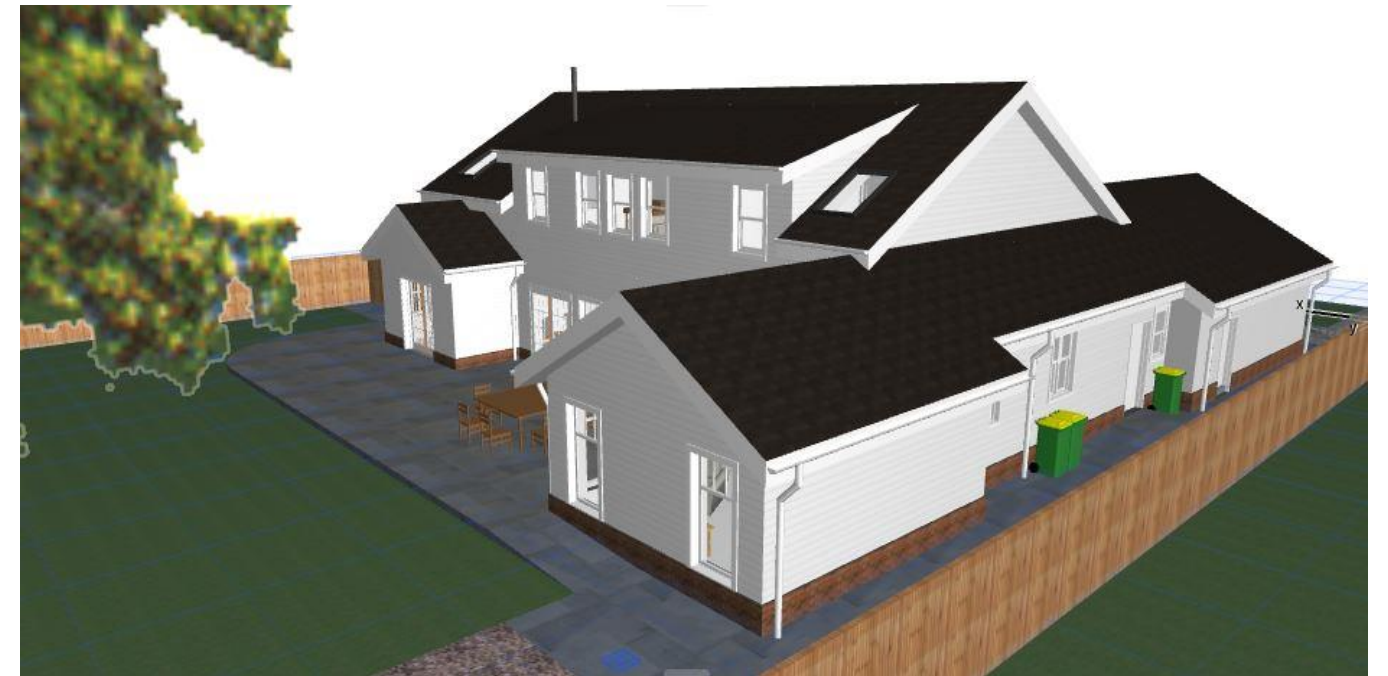
No. 701

REV.
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HILLEND IND EST, DUNFERMLINE
FIFE, KY11 9JF, SCOTLAND
t - 01383 737101
e - info@acarchitects.biz
w - www.acarchitects.biz

DESIGN AND ACCESS STATEMENT

PROPOSED DWELLING

NEW DAIRY HOUSE, DUNDAS HOME FARM, EH30 9SS



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1.0 Introduction

1.1 Site Context

1.2 Context Photos

2.0 The Proposal

2.1 Design & Material Statements

3.0 Conclusion

1.0 Introduction

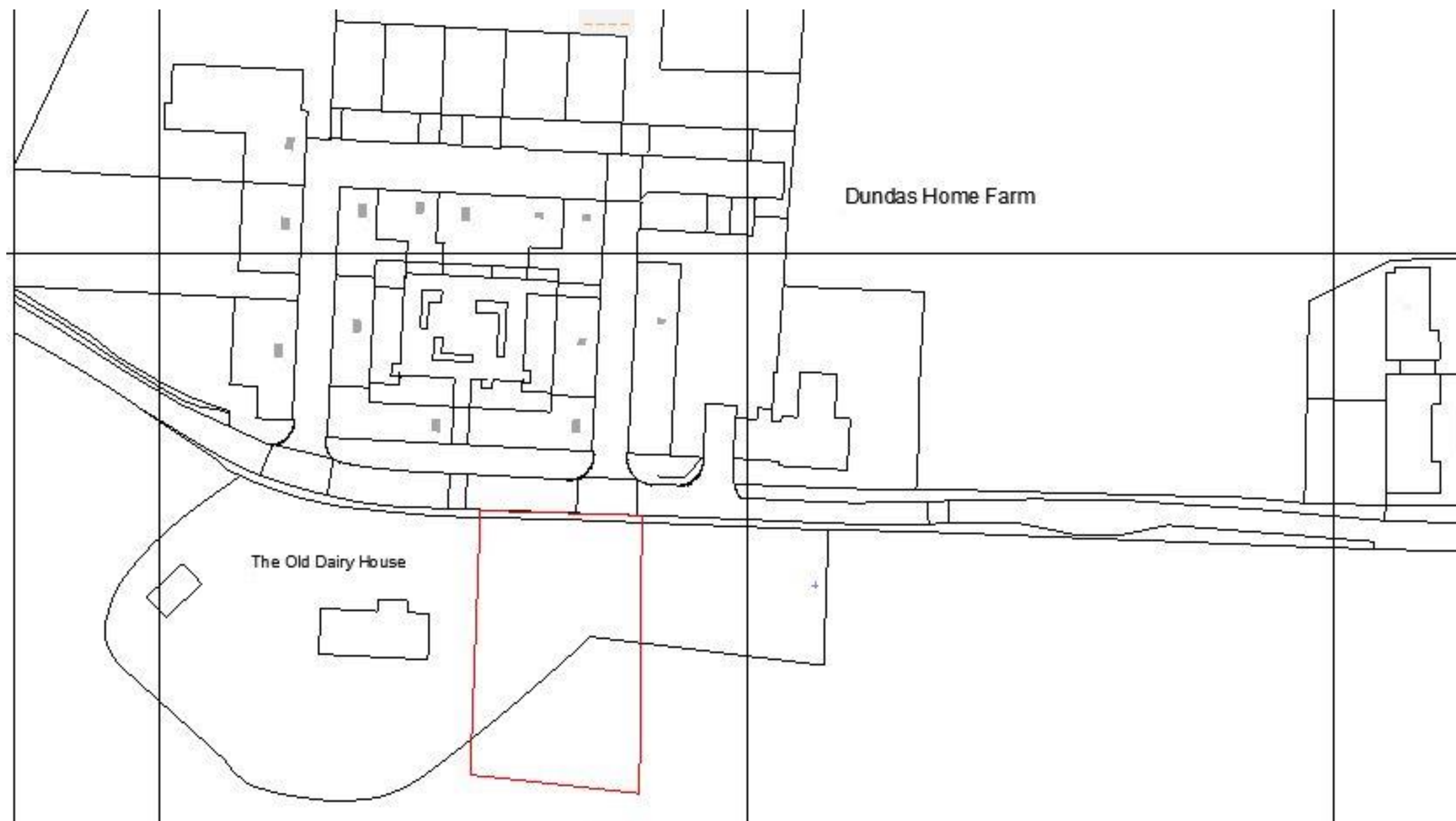
This application refers to the proposed erection of a dwelling adjacent to The Old Dairy House, Dundas Home Farm. The site was formerly garden belonging The Old Dairy House. Planning Permission (15/05159/PPP) and Building Warrant (17/00681/AMC) was obtained, in 2017, for a new dwelling on a similar plot belonging to The Old Dairy House.

1.1 Site Context

The site is located to the west of the City of Edinburgh, immediately south of the town of South Queensferry and the access to the new Queensferry Crossing. The Dundas Home Farm complex lies immediately to the north of the proposed development site, on the other side of the minor road which links the B800 with Dundas Home Farm and Dundas Mains. The site itself is bordered to the west, south and east by mature deciduous woodland, with a large hedge separating the site from view from the minor road.

The proposed development area comprises a roughly rectangular plot of land to the east of The Old Dairy House, with the footprint of the proposed dwelling house extending to 258.17m². The style of architecture in the vicinity is redolent of the historical past of the area, with the conversion of the Dundas Home Farm complex being sympathetic to its history.

The proposed detached 1 and a half storey dwelling will have minimal impact on neighboring buildings due to the trees, hedge and distance between the plot and neighboring properties. The proposed roof ridge height will be similar to that of the neighboring buildings. The external finishes will mirror other dwellings on the street: white walls and slate roofs, with the desired external cladding design being of the farmhouse architectural style.



1.2 Site Context Photos



Hedge separating site from minor road



Site view South West



Looking North at hedge separating site from minor road



Tree to be removed to create access to site

2.0 The Proposal

Our proposal has been designed carefully, focusing on the quality of interior spaces and their connection to the outdoor spaces, providing a versatile living arrangement for changing family life; the ground floor provides living quarters for ourselves but the first floor allows overflow space for children returning home, extended family events and visitors, and has been designed with access for all and future proofing in mind. This design ensures the privacy of residents and neighbours alike, by purposely retaining as much of the established vegetation and orientating rooms to eliminate overlooking.

2.1 Design and Materials Statement

The design focusses on access for all, quality and materiality. SIPs, a sustainable, highly energy efficient, high quality product, will be used to construct the house. This product will not only create a comfortable home but will also ensure low running costs for residents. Creating a low carbon footprint is a key ambition for this proposal. One of the many benefits of SIPs is also that it requires a reduced erection period, which will ensure that any disruption to roads and neighbours will be limited.

Material choices of fibre cement weatherboard, render, treated timber windows/door, brick slip and slate tiles will provide beautiful, modernly traditional and practical low maintenance finishes. We feel these materials are suitable for their purpose and location, echoing the country style of the area whilst also reflecting its contemporary era.



4.0 Conclusion

The exercise of designing this dwelling proposal has been approached sensitively and practically in response to the context, the requirements of modern family living and ensuring there's accessibility for all. For the following reasons we believe that our design should be approved:

- Planning Permission and Building Warrant has already been granted for a family home in the plot to the east of this plot.
- The proposed house will remain similar in height to the existing properties
- The proposed will be sustainable, thermally efficient, which will lower the carbon footprint of the house and enable a healthy living environment for its occupants.
- The proposed has addressed accessibility issues at all floor levels, providing a future proof solution.
- The proposed dwelling responds to its context in design and, through retaining the hedge on the north elevation, the visual impact of the building will be reduced. This will be reinforced further by the existing trees that surround the south, east and west of the site, screening the property and providing privacy on all sides. The landscape will remain and be further cultivated to ensure this continues.

We believe that we have achieved a sustainable proposal, providing not only a positive impact to existing area and site but to those who will live in it.

We trust that through the design and this supporting Design and Access Statement, you will be in a position to support this application and grant planning approval.

Mr Benjamin Fletcher.
35 Flat 20, Pepperbank
Edinburgh
EH16 4FE

Decision date: 24 April 2020

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

Change of use from class 5 to class 11.
At 29 Pepper Place Edinburgh EH16 4BB

Application No: 20/00879/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 24 February 2020, 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 policy Emp 8 of the adopted Edinburgh Local Development Plan (LDP) as it would result in the loss of business, industrial or storage floorspace and the introduction of a non-conforming use into the unit.

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 contrary to policy Emp 8 of the adopted Edinburgh Local Development Plan (LDP) as it would result in the loss of business, industrial or storage floorspace and the introduction of a non-conforming use into the unit.

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

Should you have a specific enquiry regarding this decision please contact Murray Couston directly on 0131 529 3594.



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 20/00879/FUL At 29 Pepper Place, Edinburgh, EH16 4BB Change of use from class 5 to class 11.

Item	Local Delegated Decision
Application number	20/00879/FUL
Wards	B17 - Portobello/Craigmillar

Summary

The proposal is contrary to policy Emp 8 of the adopted Edinburgh Local Development Plan (LDP) as it would result in the loss of business, industrial or storage floorspace and the introduction of a non-conforming use into the unit.

Links

<u>Policies and guidance for this application</u>	LRET08, LEMP08, LDES05, NSBUS,
---	--------------------------------

Report of handling

Recommendations

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

Background

2.1 Site description

Single storey unit located at Castlebrae Business Centre.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

Planning permission is sought for the change of use from a Class 5 to a Class 11 with the proposed use a martial arts and fitness centre.

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 in this location;
- b) any comments raised have been addressed.

a) The site is located in the Castlebrae Business Centre Business and Industry Area in the adopted Edinburgh Local Development Plan (LDP). Policy Emp 8 of the LDP states

that development, including change of use, which results in the loss of business, industrial or storage floor space or potential will not be permitted in these areas. The proposal would result in the loss of business, industrial or storage floor space and the introduction of a non-conforming use into the premises.

The proposal is contrary to LDP policy emp 8 and is not acceptable in principle.

b) One neutral comment was received in relation to parking not encroaching on other businesses on the site.

Conclusion

In conclusion, the proposal is not acceptable in principle as it would result in the loss of business, industrial or storage floor space and the introduction of a non-conforming use into the premises. The proposal is contrary to policy LDP policy Emp 8.

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 policy Emp 8 of the adopted Edinburgh Local Development Plan (LDP) as it would result in the loss of business, industrial or storage floorspace and the introduction of a non-conforming use into the unit.

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

The site is within the Urban Area and Castlebrae Business Centre.

Date registered

24 February 2020

Drawing numbers/Scheme

01-02,

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

Contact: Murray Couston, Planning Officer
E-mail:murray.couston@edinburgh.gov.uk Tel:0131 529 3594

Links - Policies

Relevant Policies:

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 8 (Business and Industry Areas) protects identified areas for business, industrial and storage development.

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

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.

Appendix 1

Consultations

Transport
No objection to the proposal.

Environmental Protection
No formal response has been received.

END

Comments for Planning Application 20/00879/FUL

Application Summary

Application Number: 20/00879/FUL

Address: 29 Pepper Place Edinburgh EH16 4BB

Proposal: Change of use from class 5 to class 11.

Case Officer: Murray Couston

Customer Details

Name: Mr George Higginson

Address: 31 Pepper Place Pepper Industrial Estate Craigmillar Edinburgh

Comment Details

Commenter Type: Neighbour-Commercial

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

Comment Reasons:

Comment: Please ensure parking spaces do not encroach on neighbouring businesses.

Comments for Planning Application 20/00879/FUL

Application Summary

Application Number: 20/00879/FUL

Address: 29 Peffer Place Edinburgh EH16 4BB

Proposal: Change of use from class 5 to class 11.

Case Officer: Murray Couston

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Neighbour-Commercial

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

Comment Reasons:

Comment: Please ensure parking spaces do not encroach on neighbouring businesses.

From: Planning VIP
Sent: 7 Jul 2020 09:49:04 +0000
To: Local Review Body
Subject: FW: Support for Planning Appeal 100274693-001

Hi

Please see below a comment in support of a review.

Thanks
Eileen

Planning and Building Standards VIP - Planning and Investigation | Customer | Department of Resources
| The City of Edinburgh Council | Waverley Court, Level G.3, 4 East Market Street, Edinburgh, EH8 8BG
eileen.haig@edinburgh.gov.uk

My working pattern is Monday – Thursday

From: SHEPPARD, Tommy <tommy.sheppard.mp@parliament.uk>
Sent: 06 July 2020 14:25
To: Planning VIP <planning.vip@edinburgh.gov.uk>
Subject: Support for Planning Appeal 100274693-001

Good afternoon

Planning Appeal reference 100274693-001 – 29 Pepper Place EH16 4BA

I am writing in support of my constituent Ben Fletcher who runs CVA Jiu-Jitsu and who is appealing against the decision not to allow a change of use for 29 Pepper Place to allow it to be used as a martial arts gym.

While I appreciate that the proposed change of use would not be in line with light industrial use (for which the site is zoned in the LDP), the Covid-19 crisis is pushing us towards a recession of unprecedented scale. It is crucial that the Council exercises discretion where appropriate to enable positive economic activity in the city. It seems to me that this is a good example. CVA Jiu-Jitsu is a successful business which has outgrown its current premises and is looking to remain in Craigmillar, an area which would benefit from more economic activity, particularly as we deal with the fallout from Covid-19.

I strongly believe that CVA Jiu-Jitsu should be enabled to continue to grow in the community it has established itself in. I hope that you will look favourably on this appeal.

Best
Tommy

Tommy Sheppard MP
SNP Shadow Leader of the House of Commons
Member of the Westminster Parliament for Edinburgh East

Constituency Office: 94 Portobello High Street, Edinburgh EH15 1AN

Tel: (0131) 661 8023

Westminster: House of Commons, London SW1A 0AA

Tel: (0207) 219 6653

www.tommysheppardmp.scot

[e-newsletter](#) | [twitter](#) | [facebook](#)

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From: Planning VIP
Sent: 31 Aug 2020 10:41:34 +0000
To: Local Review Body
Subject: FW: Planning Appeal reference 100274693-001 – 29 Peffer Place EH16 4BA

Hi

Please find below a representation for 20/00064/REVREF.

Thanks
Eileen

Planning and Building Standards VIP - Planning and Investigation | Customer | Department of Resources
| The City of Edinburgh Council | Waverley Court, Level G.3, 4 East Market Street, Edinburgh, EH8 8BG
eileen.haig@edinburgh.gov.uk

My working pattern is Monday – Thursday

From: Kate Campbell
Sent: 28 August 2020 12:50
To: Planning VIP <planning.vip@edinburgh.gov.uk>
Subject: Planning Appeal reference 100274693-001 – 29 Peffer Place EH16 4BA

Good afternoon

I'm writing in support of the planning appeal for CVA Jiu Jitsu who have applied for a change of use for 29 Peffer Place.

I've received a number of emails from constituents who support this application as they consider the Jiu Jitsu school to be a valuable community asset and have made the point that it is widely recognised as being of great benefit to the community.

Aside from the obvious health and wellbeing benefits to those in the community and beyond who are able to take part in activities at the school, it also provides local employment and valuable jobs at a time when we are facing a rise in unemployment and serious negative impacts on our economy from the coronavirus pandemic.

While I appreciate that the proposed change of use would not be in line with Emp 8 (the site is zoned in the LDP), there are strong economic and wellbeing benefits to the community and I hope this will be considered.

I don't believe a change of use would have a detrimental impact on the continued use of the surrounding area for activities as defined by Emp 8 – and this site would still be in use as place of employment.

Given the significant impact of the coronavirus on our economy, employment and wellbeing I hope the panel will give consideration to using discretion to allow this change of use so that this site can be in use, employing people and making a significant contribution to the wellbeing of the wider community.

Kind regards
Kate

Kate Campbell

SNP Councillor | Portobello-Craigmillar
Housing, Homelessness and Fair Work Convener

0131 529 4933 | 07738 116 221

Twitter - @KateC_SNP

Facebook - @KateCampbellSNP

Sign Language (BSL) users can get in touch using [contactSCOTLAND-BSL](#)



Due to Covid 19 I am unable to hold face to face surgeries at this time.

*Please get in touch by email or phone if you have an issue that you would like me to help with.
I can arrange a virtual appointment if you would prefer so please let me know what suits you best.*

Data Protection

To serve the interests of constituents I need to collect, store, use, share and dispose of personal data. In doing so, I abide by the data protection principles set out in General Data Protection Regulation and the Data Protection Act 2018. If you would like to learn more about how I manage your personal information, please see the Councillor's Privacy Notice on the Council's website <http://www.edinburgh.gov.uk/councillors/name>



From: Jamie Black
Sent: 26 Aug 2020 10:49:28 +0100
To: Local Review Body; Planning Support
Subject: Letter in support of Planning Appeal - 20/00879/FUL Appeal Ref: 100274693

Dear Sir/Madam,

Please find attached submission in relation to the above planning application and appeal. I would be grateful if you would ensure this is distributed to the appropriate colleagues for consideration of this appeal.

Please can you respond with acknowledgement of receipt of this email.

Regards, Jamie Black

Planning Application Reference Number: 20/00879/FUL (the "Application")
Address of Property: 29 Peffer Place, Edinburgh EH16 4BB (the "Property")
Change of Use from Class 5 to Class 11 (the "Proposed Development")

I write with regard to an appeal to the decision to Reject the above application.

I would urge the panel to overturn this decision to Reject for the simple reason that it is - at the most basic level - fundamentally flawed and either deliberately or through incompetence has ignored a very obvious fact.

The decision to reject this application was made solely on the below grounds:

Reason for Refusal:- 1. The proposal is contrary to policy Emp 8 of the adopted Edinburgh Local Development Plan (LDP) as it would result in the loss of business, industrial or storage floorspace and the introduction of a non-conforming use into the unit.

It MUST be noted that the Report of Handling is limited and does not enter into any more detail - the reason for refusal given is wrong - that is a fact beyond doubt. It was within the power of the authority to provide the detailed rationale within the refusal but it did not do so - neither did it explain why this business was not the type of business that was acceptable (any argument of which would in itself prove it was a business and therefore the policy is deficient, not the proposal)

The application for Change of Use would change from Storage to use a Jui Jitsu Club. It should be a source of embarrassment to the planning authority and the wider City Council that they are unable to identify what a business is and the different forms that businesses take. At the very least if the authority felt there was any doubt as to whether this was a business, they could have sought clarity at which point, they would quickly agree this was a business and therefore a straightforward granting of permission should have been

made. To go further, the is also baffling to state or imply that permitting this development would result in the loss of anything. I would have expected any rejection to explain this 'loss' and why permitting this change would result in the original use not being possible in the future. No such argument was advanced.

Whilst further more complex and nuanced arguments can (and have been) advanced , I feel there this is in many ways superfluous given that on the most basic test, the Planning Authority has erred when assessing this application. It therefore is the duty of the appeal hearing panel to ensure this basic error is righted and the integrity and credibility of the council and planning department upheld. The refusal should be overturned and permission granted without condition.

Yours sincerely,

Jamie Black
The Old Water Tank
Brisbane Glen Road
Largs KA30 8SN

From: Planning VIP
Sent: 1 Sep 2020 10:32:39 +0000
To: Local Review Body
Subject: FW: CVA jiu jitsu

Representation

Planning and Building Standards VIP - Planning and Investigation | Customer | Department of Resources
| The City of Edinburgh Council | Waverley Court, Level G.3, 4 East Market Street, Edinburgh, EH8 8BG
leileen.haig@edinburgh.gov.uk

My working pattern is Monday – Thursday

From: Kate Campbell
Sent: 31 August 2020 16:51
To: Planning VIP <planning.vip@edinburgh.gov.uk>
Subject: FW: CVA jiu jitsu

Good afternoon

Please see a statement in support of the appeal for a change of use for 29 Pepper Place that has come in from a constituent.

Kind regards
Kate

From: Steve Cole <cole.sm123@yahoo.co.uk>
Sent: 26 August 2020 11:02
To: Kate Campbell <Kate.Campbell@edinburgh.gov.uk>; Mary Campbell <Mary.Campbell@edinburgh.gov.uk>; Maureen Child <Maureen.Child@edinburgh.gov.uk>; Callum Laidlaw <Callum.Laidlaw@edinburgh.gov.uk>
Subject: CVA jiu jitsu

Good morning,

I am contacting you regarding an appeal from CVA jiu jitsu to change use of an empty business unit in Craigmillar to be used for recreational sports use.
CVA jiu jitsu was founded a few short years ago using the Jack Kane centre.
It grew in membership and following a short closure of the Jack Kane, moved to a small space. This was still in Craigmillar.
This space was only temporary as the membership grew towards 100.
Its was then looking to move to a business unit in Craigmillar at considerable expense, bring a much needed social space that incorporates exercise that promotes mental and physical well being.
However the council decided to deny permission for this much needed boost to the area.
The appeal is on the 10th September. I would ask you do whatever you can to support this appeal.

Jiu jitsu improves physical and mental well being and creates a sense of camaraderie amongst the participants.

I hope you can support this appeal withing your represented area.

Regards

Stephen Cole

[Sent from Yahoo Mail on Android](#)

From: Planning VIP
Sent: 1 Sep 2020 10:59:09 +0000
To: Local Review Body
Subject: FW: Planning Appeal - Ref - 100274693-001

Planning and Building Standards VIP - Planning and Investigation | Customer | Department of Resources
| The City of Edinburgh Council | Waverley Court, Level G.3, 4 East Market Street, Edinburgh, EH8 8BG
eileen.haig@edinburgh.gov.uk

My working pattern is Monday – Thursday

From: Kate Campbell
Sent: 31 August 2020 16:52
To: Planning VIP <planning.vip@edinburgh.gov.uk>
Subject: FW: Planning Appeal - Ref - 100274693-001

Good afternoon

Please see a statement in support of the appeal for a change of use for 29 Pepper Place that has come in from a constituent.

Kind regards
Kate

From: douglas.mcclure@openreach.co.uk <douglas.mcclure@openreach.co.uk>
Sent: 26 August 2020 10:30
To: Kate Campbell <Kate.Campbell@edinburgh.gov.uk>; Mary Campbell <Mary.Campbell@edinburgh.gov.uk>; Maureen Child <Maureen.Child@edinburgh.gov.uk>; Callum Laidlaw <Callum.Laidlaw@edinburgh.gov.uk>
Subject: Planning Appeal - Ref - 100274693-001

Good morning Kate, Mary, Maureen and Callum

I hope this finds you well?

I am emailing you today to ask for support on a planning appeal that is being heard on the 10th of September.

Ref - 100274693-001. CVA Jiu-Jitsu planning appeal for class 11 permission at 29 Pepper Place.

I have been a member of CVA Jiu Jitsu for 3 years and have seen it grow from a small group to now a large training group producing Scottish and British champions, members competing at European and World events. All these people are from Edinburgh, from within our community. I have trained Jiu Jitsu for a total of 8 years at other gyms in Edinburgh.

Ben Fletcher the owner and head coach was born in Portobello, went to primary school at St Johns and after moving to America and then Brazil has returned to Edinburgh and set up home and his business locally in your community.

He has been trying to get a new full time gym in Peffer Place to accommodate the amount of training members and keep his gym and business local, but is not having much luck in getting the permission to change the units use. We need your help please.

Ben has built a team that is welcoming to everyone. We have people all ages, backgrounds, lively hoods and countries training together and becoming life time friends. We have had people visiting us from around the world all then staying in our community when they do.

To not be able to get this appeal through to a successful conclusion will have huge impact. If it was successful the team can grow, the opportunities for more people to train and develop will grow, the pride of more success within our local community will grow. CVA Jiu Jitsu has changed lives and it will change more if given the chance to grow.

I hope I can count on your support.

Regards
Doug

From: Planning
Sent: 1 Sep 2020 13:18:24 +0000
To: Local Review Body
Subject: FW: Plead for support: 100274693-001

From: ellinor.pilquist <ellinor.pilquist@live.se>
Sent: 01 September 2020 13:58
To: Planning <planning@edinburgh.gov.uk>
Subject: Plead for support: 100274693-001

To whom it may concern,

I hope you are well and keeping safe.

I am writing with regards to the local review of Case 100274693-001 CVA Jiu-Jitsu planning appeal for class 11 permission at 29 Peffer Place. CVA plays a huge part of my life, I go (during normal times pre-covid) roughly 6 days a week. Especially now when the gym has been closed in accordance to UK guidelines have I felt the impact of not training with my team. It is my family. I go to maintain both my mental and physical wellbeing. This team means everything to me, and I hope we will get permission to start using the new space on 29 Peffer Place. Brazilian Jiu Jitsu helps people, CVA helps people. CVA has helped me and I would be extremely disappointed should the decision be upheld to reject the change of use.

I've made friends with people from almost every walk of life at CVA. When I moved to Edinburgh I didn't know anyone, but when I joined CVA that changed. CVA is a huge community and the area would be deprived if we do not get a chance to grow.

Should you require any more information from myself please do not hesitate to email me back.

Kind Regards,
Ellinor Pilquist

From: Planning VIP
Sent: 1 Sep 2020 15:10:33 +0000
To: Local Review Body
Subject: FW: [EXTERNAL] RE: 100274693-001 Planning Appeal

Rep

Planning and Building Standards VIP - Planning and Investigation | Customer | Department of Resources
| The City of Edinburgh Council | Waverley Court, Level G.3, 4 East Market Street, Edinburgh, EH8 8BG
eileen.haig@edinburgh.gov.uk

My working pattern is Monday – Thursday

From: Kate Campbell
Sent: 01 September 2020 15:31
To: Planning VIP <planning.vip@edinburgh.gov.uk>
Subject: FW: [EXTERNAL] RE: 100274693-001 Planning Appeal

Hi

Please see below, a representation from my constituent in relation to the planning appeal at 29 Pepper Place.

Thanks
Kate

From: Stuart Gordon <Stuart.Gordon@cms-cmno.com>
Sent: 01 September 2020 14:42
To: Kate Campbell <Kate.Campbell@edinburgh.gov.uk>
Subject: RE: [EXTERNAL] RE: 100274693-001 Planning Appeal

Hi Kate, thanks for coming back to me so quickly, your support is really appreciated here. If you could forward my email on to them I would be very grateful.

Thank you

Stuart Gordon

From: Kate Campbell <Kate.Campbell@edinburgh.gov.uk>
Sent: 31 August 2020 19:50
To: Stuart Gordon <Stuart.Gordon@cms-cmno.com>
Subject: [EXTERNAL] RE: 100274693-001 Planning Appeal

Hi Stuart

I totally support the change of use to enable the Jiu Jitsu School to operate on this site and recognise that it is a valuable community asset. Unfortunately I'm not on the planning

committee so definitely won't be on the panel and therefore not involved in the decision making.

I've written to the planning department in support of the application. I've copied the email below.

Unfortunately sending statements to ward councillors isn't the same as sending to the planning department so it would be great if you could either forward your email to planning@edinburgh.gov.uk or let me know that you are happy for me to forward on your behalf.

That way it will be on the record and the councillors who consider the appeal will be aware of the support that has come in from the local community and people who use the school.

I really hope that we get a positive outcome.

Kind regards
Kate

Good afternoon

I'm writing in support of the planning appeal for CVA Jiu Jitsu who have applied for a change of use for 29 Pepper Place.

I've received a number of emails from constituents who support this application as they consider the Jiu Jitsu school to be a valuable community asset and have made the point that it is widely recognised as being of great benefit to the community.

Aside from the obvious health and wellbeing benefits to those in the community and beyond who are able to take part in activities at the school, it also provides local employment and valuable jobs at a time when we are facing a rise in unemployment and serious negative impacts on our economy from the coronavirus pandemic.

While I appreciate that the proposed change of use would not be in line with Emp 8 (the site is zoned in the LDP), there are strong economic and wellbeing benefits to the community and I hope this will be considered.

I don't believe a change of use would have a detrimental impact on the continued use of the surrounding area for activities as defined by Emp 8 – and this site would still be in use as place of employment.

Given the significant impact of the coronavirus on our economy, employment and wellbeing I hope the panel will give consideration to using discretion to allow this change of use so that this site can be in use, employing people and making a significant contribution to the wellbeing of the wider community.

*Kind regards
Kate*

Kate Campbell
SNP Councillor | Portobello-Craigmillar
Housing, Homelessness and Fair Work Convener

0131 529 4933 | 07738 116 221

Twitter - @KateC_SNP

Facebook - @KateCampbellSNP

Sign Language (BSL) users can get in touch using [contactSCOTLAND-BSL](#)



Due to Covid 19 I am unable to hold face to face surgeries at this time.

Please get in touch by email or phone if you have an issue that you would like me to help with.

I can arrange a virtual appointment if you would prefer so please let me know what suits you best.

Data Protection

To serve the interests of constituents I need to collect, store, use, share and dispose of personal data. In doing so, I abide by the data protection principles set out in General Data Protection Regulation and the Data Protection Act 2018. If you would like to learn more about how I manage your personal information, please see the Councillor's Privacy Notice on the Council's website <http://www.edinburgh.gov.uk/councillors/name>

From: Stuart Gordon <Stuart.Gordon@cms-cmno.com>

Sent: 31 August 2020 19:38

To: Kate Campbell <Kate.Campbell@edinburgh.gov.uk>

Subject: 100274693-001 Planning Appeal

Dear Sir/Madam

I am a member of the CVA Jiu-Jitsu Club, who are presently engaged in acquiring facilities at 29 Pepper Place. The acquisition of these premises requires planning permission to make changes to the layout and essentially we require to move the property from a Class 5 identity to Class 11.

The original submission to the Planning Department of City of Edinburgh Council was rejected, and as a result we await the outcome of an appeal which will be held on 10 September 2020.

T

The purpose of my writing to you is to engage your help and support ahead of the appeal.

I have personally been a member of the club for two years, and during that time I have gained many benefits from attending between 4/5 days each week.

The physical benefits for myself have been amazing – I feel totally energised by the experience and have now acquired a high level of fitness. This is particularly beneficial for me, as I come from a family with a history of heart disease and diabetes.

The knock on effect on my mental health is also massive – I feel the benefits especially during my working day are fantastic.

I know that fellow members of the Club share these benefits and I think a rejection of this appeal would have a negative impact on us all.

The club will function within the heart of Niddrie and to lose this opportunity would be a blow to the local community. The Club is open 7 days a week from 9.00am to 9.00pm.

Can I please ask you to have a look at the circumstances surrounding our plight and support us in this vitally important appeal?

If you need any further information, you can contact me on 07757669350.

Kind regards

Stuart Gordon

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From: Planning
Sent: 2 Sep 2020 10:26:05 +0000
To: Local Review Body
Subject: FW: Appeal 100274693-001: CVA Jiu-Jitsu Planning Appeal for Class 11 Permission at 29 Pepper Place

From: Magnus Jeffrey <magnusjeffrey@hotmail.com>
Sent: 02 September 2020 11:17
To: Planning <planning@edinburgh.gov.uk>
Subject: Appeal 100274693-001: CVA Jiu-Jitsu Planning Appeal for Class 11 Permission at 29 Pepper Place

Dear Planning Department,

Appeal 100274693-001: CVA Jiu-Jitsu Planning Appeal for Class 11 Permission at 29 Pepper Place

I write to you as a resident of Ward 15 regarding an issue in Ward 17.

I moved to Edinburgh last August and, as a Brazilian Jiu-Jitsu (BJJ) practitioner, was quick to join CVA Jiu-Jitsu at Pepperbank. I had heard very good things about the club on the BJJ circuit in Aberdeen, and so it proved.

The club is extremely well run by Ben Fletcher and clearly provides a community focus for those wanting to develop both physically and mentally by way of a demanding martial art. The club has a diverse and inclusive membership, and I was impressed by how welcoming everyone was and how committed they were to the club. On a personal level, as an Army veteran of Iraq and Afghanistan I find the camaraderie, training, and challenge that the club provides a key part of my dealing with mental health issues. I have certainly missed it during the lockdown.

Over the last year I have watched the club grow rapidly (notwithstanding COVID-19 restrictions) and quickly outgrow its current premises. There was much excitement when new premises were identified for training at Pepper Place. This excitement was quickly replaced with disappointment when we were told planning permission would not be granted to allow the club to move to its new location.

I am quite astonished that such restrictions would exist. We are not just dealing with a club that is dearly important to its membership, but a start-up business that has shown clear growth and a very strong future. This is before we consider the physical, mental, and community benefits that an active sports organisation provides. We, as a local community, should be doing everything we can to support such endeavours, not creating obstacles or obfuscation through bureaucracy. I would urge you to do what you can to support a successful appeal against the restriction so that CVA Jiu-jitsu can continue to flourish and provide a valued service to our community.

Yours faithfully,

Magnus

MJC Jeffrey

+44 (0)7920-482-203

magnusjeffrey@hotmail.com
[linkedin.com/in/magnus-jeffrey](https://www.linkedin.com/in/magnus-jeffrey)



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@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 100274693-001

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

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="Benjamin"/>	Building Number:	<input type="text" value="35"/>
Last Name: *	<input type="text" value="Fletcher"/>	Address 1 (Street): *	<input type="text" value="Flat 20, Pefferbank"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	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="EH16 4FE"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

29 PEFFER PLACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH16 4BB

Please identify/describe the location of the site or sites

Northing

671984

Easting

328940

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)

Change of use from class 5 to class 11.

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? * <input checked="" type="checkbox"/> Refusal Notice. <input type="checkbox"/> Grant of permission with Conditions imposed. <input type="checkbox"/> No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.							
<h3>Statement of reasons for seeking review</h3> <p>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)</p> <p>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.</p> <p>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.</p> <div style="border: 1px solid black; padding: 10px; min-height: 60px;"> Please see the supporting statement appended to this application. </div>							
Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? * <input checked="" type="checkbox"/> Yes <input type="checkbox"/> 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) <div style="border: 1px solid black; padding: 10px; min-height: 60px;"> The new material arises from the refusal of the application. </div>							
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) <div style="border: 1px solid black; padding: 10px; min-height: 60px;"> Decision notice and report of handling Supporting Statement dated 29 June 2020 Letter of support from Andrew McCurrah, Investment Portfolio Officer at the City of Edinburgh Council, dated 1 May 2020. Correspondence from Cllr Callum Laidlaw dated 18 May 2020 supporting the planning application. </div>							
<h3>Application Details</h3> <table style="width: 100%; border-collapse: collapse;"> <tr> <td style="width: 60%;">Please provide the application reference no. given to you by your planning authority for your previous application.</td> <td style="border: 1px solid black; padding: 5px;">20/00879/FUL</td> </tr> <tr> <td>What date was the application submitted to the planning authority? *</td> <td style="border: 1px solid black; padding: 5px;">24/02/2020</td> </tr> <tr> <td>What date was the decision issued by the planning authority? *</td> <td style="border: 1px solid black; padding: 5px;">24/04/2020</td> </tr> </table>		Please provide the application reference no. given to you by your planning authority for your previous application.	20/00879/FUL	What date was the application submitted to the planning authority? *	24/02/2020	What date was the decision issued by the planning authority? *	24/04/2020
Please provide the application reference no. given to you by your planning authority for your previous application.	20/00879/FUL						
What date was the application submitted to the planning authority? *	24/02/2020						
What date was the decision issued by the planning authority? *	24/04/2020						

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 *

Further written submissions on specific matters

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 a local resident and business owner, I think it's important to be given an opportunity to engage directly with the Local Review Body and to answer any queries they may have.

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 Benjamin Fletcher

Declaration Date: 29/06/2020

Proposal Details

Proposal Name	100274693
Proposal Description	Appeal against planning decision to reject proposal to grant Class 11.
Address	29 PEFFER PLACE, EDINBURGH, EH16 4BB
Local Authority	City of Edinburgh Council
Application Online Reference	100274693-001

Application Status

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

Attachment Details

Notice of Review	System	A4
Supporting Statement	Attached	A4
Report of handling	Attached	Not Applicable
Decision notice	Attached	Not Applicable
Andrew McCurrach Supporting Letter	Attached	A4
Cllr Calum Laidlaw- support correspondence	Attached	Not Applicable
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

To Whom it May Concern

Date 1st May 2020

Your ref 20/00879/FUL

Send to email to:

Our ref ASM/27PP/FLETCHER

fletcher_ben@outlook.com & planning@edinburgh.gov.uk

Dear Sir / Madam,

Letter of Support

**Change of Use – Application Ref: 20/00879/FUL
29 Peffer Place, Edinburgh**

I am writing in connection with the above noted application.

I am disappointed to note that this application for Change of Use was rejected. As you will be aware, this type of use is becoming more commonplace and we have had similar uses approved within a number of our industrial type properties throughout the city.

The City of Edinburgh Council (as landlord not Local Authority), has a number of alternative properties both in the immediate vicinity and throughout the wider city. We can therefore demonstrate that alternative properties remain available (and are being actively marketed).

Market conditions have been difficult and we expect these will become even more so once the nationwide lockdown is eased. You may not be aware but this property fell vacant on 31st July 2019 and despite active marketing, it was not re-let until 17th February 2020, to Mr Fletcher.

We therefore feel that we can demonstrate that ample time was provided to more traditional occupiers and they did not express an interest in the property. We consider that this justifies the proposed alternative use.

I would be grateful if you consider these comments in conjunction with the Appeal to be raised by Mr Fletcher. Please feel free to contact me on 07500444283 if you wish to discuss this matter in greater detail.

Yours faithfully,

Andrew McCurrach
Investment Portfolio Officer
T: 0131 529 4682
E: Andrew.mccurrach@edinburgh.gov.uk

Property and Facilities Management

Business Centre 1/4, Waverley Court
4 East Market Street, Edinburgh, EH8 8BG

Mr Benjamin Fletcher
35 Flat 20
Pefferbank
Edinburgh
EH16 4FE

Email: cvajiujitsu@gmail.com

29 June 2020

The City of Edinburgh Council
Planning Local Review Body
City Chambers
High Street
Edinburgh
EH1 1YJ

Dear Sirs

Planning Application Reference Number: 20/00879/FUL (the “Application”)
Address of Property: 29 Peffer Place, Edinburgh EH16 4BB (the “Property”)
Change of Use from Class 5 to Class 11 (the “Proposed Development”)

I write to request an appeal of The City of Edinburgh Council’s (the “**Council’s**”) decision to refuse the above Application (the “**Appeal**”). The Appeal is made on the basis that the Council has failed to properly satisfy its statutory duty to take material considerations relevant to the Application into account.

Under section 25(1) of the Town and Country Planning (Scotland) Act 1997, the Council is obliged to determine applications with regard to its local development plan “**unless material considerations indicate otherwise**”. The Planning Officer who determined the Application failed to assess any material considerations, which include:

1. the exemptions to Policy EMP 8 for small scale proposals which promote local businesses;
2. the criteria for granting leisure developments provided for by Policy RET 8;
3. the significant benefits that the proposed development will bring to the local community; and
4. the personal hardship that a refusal of the Application will create.

These are explained more fully in this supporting statement.

Background

By way of background, I own a CVA Jiu-Jitsu club. The club is thriving, with over 100 regular members, despite being established only a few years ago. The club started with a few weekly classes in the local Jack Kane centre and has now expanded into a full-time business which services a large part of the Craigmillar (and wider Edinburgh) community, offering Brazilian Jiu-Jitsu classes to both children and adults. There is only one other full-time Jiu-Jitsu studio in Edinburgh (located at the foot of Leith Walk).

However, we have struggled to find a permanent home suitable to meet the growing demand from the local community. Prior to submitting the offer to lease the Property from the Council, I consulted with Andrew McCurrah (the Investment Portfolio Officer managing the property on behalf of the Council), and emailed the Council Planning Department, to make sure that the proposed change of use would be acceptable to the

Council. I was advised to proceed with the application to lease the Property. I have since ended the lease with my previous landlord and have spent a significant sum of money on fit out works at the Property.

As a small, local business trying to survive in a challenging economic environment, the decision to reject the Application without having fully assessed all of the relevant material considerations is disappointing. I hope that this statement persuades you to reconsider this decision.

Policy EMP 8

The Application was rejected on the basis that the proposal is contrary to policy EMP 8 of the Edinburgh Local Development Plan (the “LDP”). Policy EMP 8 states that:

“Planning permission will be granted for business, industrial or storage development on sites identified on the Proposals Map as part of a ‘Business and Industry Area’. Development, including change of use, which results in the loss of business, industrial or storage floorspace or potential will not be permitted in these areas.”

This policy applies to the wider designated area of Castlebrae Business Centre, which includes the Pepper Place Industrial Estate, within which the Property is located.

As a Class 11 use, the Proposed Development would result in the loss of “business, industrial or storage floorspace”, as these uses are defined under The Town and Country Planning (Use Classes) (Scotland) Order 1997 (Classes 4, 5 and 6). However, Policy EMP 8 does not specifically refer to the 1997 Order or define what is constituted by “business, industrial or storage floorspace”. The Proposed Development is a local business.

The Council’s Estates team has confirmed in a letter dated 1 May 2020 (submitted with the Appeal) that there are a number of alternative properties suitable for business, industrial or storage use in the area, but that uptake on these properties has been minimal. Granting the Application will not result in a material or significant reduction in business, industrial or storage floorspace within the area.

The explanatory notes in relation to Policy EMP 8 confirm that an exception to this policy will be made for small-scale ancillary applications:

“Small scale proposals for ancillary uses which support local businesses and provide services for their employees may be supported as an exception to this policy.” (para. 216).

The Planning Officer, in determining the Application, failed to consider this exception.

Paragraph 216 does not limit what constitutes “ancillary uses” for the purposes of this exception. My business represents one of the few local leisure units at which local employees can improve their physical and mental wellbeing. It is important, particularly in the current climate, that employees are able to exercise in a safe and local environment that requires minimal travel.

I have support from other units within the Industrial Estate, who view the Application as a positive development for the area which will support their businesses, as it will serve as an additional deterrent for anti-social behaviour. Several businesses within the Industrial Estate have retail counters within their units, and there is a concern that their premises may be targeted after operating hours. By having an active unit that is staying open later within the development, my studio serves as a deterrent to potential anti-social behaviour and crime within the Industrial Estate.

There is precedent for other non-business, industrial or storage floorspace within the Industrial Estate. Unit 4 (27 Pepper Place) is the sole premises for the Edinburgh Headway Group, a specialist organisation and charity which supports the longer-term needs of people with a brain injury after discharge from hospital. Edinburgh Headway Group hosts a range of rehabilitation activities on site, including a social club, training and a carer support network. This use does not fall within a Class 4 business use (being more appropriate

under Class 2: Financial, Professional and other services), but it has been permitted within the Industrial Estate and serves a vital and necessary service for the people of Edinburgh (not just local employees within the Estate).

Additionally, Policy EMP 8 recognises the importance of local businesses in providing jobs, investment opportunities and valued local services to the area (para. 214). The LDP acknowledges that a thriving city economy needs an adequate supply of land for business and industry. In light of the challenges created by the coronavirus pandemic, now more than ever, the Council has a duty to do all that it can to help local businesses (including those which do not fall within a Class 4 definition) thrive, and to refuse the Application would do more harm to the local economy than good.

The Planning Officer placed undue weight on Policy EMP 8 in determining the Application and failed to take account of the exception to this Policy.

Policy RET 8

The Planning Officer who determined the Application failed to consider Policy RET 8, which applies throughout the Edinburgh area, including the Castlebrae Business Centre and the Peffer Place Industrial Estate.

Policy RET 8 states:

“Planning permission will be granted for entertainment and leisure developments in other locations [i.e. those not identified within the LDP] 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.”

The Application meets these criteria, as follows:

- a) I have considered alternative sites for the businesses for some time with no success. I stay locally and the business was established locally as a result of growing demand. Accordingly, this unit is the only suitable option available to help meet the needs of my local clientele and to grow the business. There is one other full-time Jiu-Jitsu studio located in the City Centre/Leith, and it would be unsuitable for my business to be located too close to this studio.
- b) The proposed change of use will not result in an unacceptable increase in local traffic as the established client base is local. Indeed, it is for this reason that the Application should be granted, as it is important that the business remains easily accessible to my client base. Moving to an alternative location outwith the Peffer Place area will lead to an unacceptable increase in traffic in other areas of Edinburgh. While my business attracts local clientele, it also attracts clients from wider afield (e.g. East Lothian and Midlothian). The site is easily accessible to those from neighbouring local authorities via a means of transport and public transport.

- c) The nature of my business necessitates an attractive frontage of a high-quality design in order to attract interest from passers-by. I am committed to ensuring that the frontage will safeguard the existing character of the unit.
- d) The Proposed Development is unlikely to give rise to noise and disturbance within the locale. The operating hours of the business will be later than those in the immediate area, which will act as a deterrent to antisocial behaviour in the area once other businesses are closed for the evening. Peak hours for the business will not conflict with peak hours for the other businesses within the Industrial Estate. Consequently, there will not be an increase in noise or disturbance. Additionally, the nature of my business actively discourages antisocial and delinquent behaviour: at-risk youths have joined the club, and it is well-established that the existence of local and communal exercise outlets generally reduces antisocial behaviour in an area.

As such, Policy RET 8 applies in relation to the Property and is a material consideration on which weight should be placed in determining the Appeal.

Benefits to the local community

Notwithstanding the above policies, the Planning Officer failed to consider the positive impact that the Application would have on the local community, both economically and socially.

The martial arts centre will draw clients to an undeveloped area and is a local source of employment. Prior to my lease, the Property had been vacant for a significant period of time (from 31 July 2019 to 17 February 2020) despite active marketing. There are also several similar units within the area which remain available. Given the severity of the impact of the coronavirus pandemic on local employment and the economy, the ability of the Council to play a role in the safeguarding of jobs and the promotion of local businesses has never been more critical.

Furthermore, the business was established locally and there is a proven demand for martial arts classes within the local community. The martial arts club is part of the solution to ensure ongoing physical and mental health within Craigmillar, an area which has been identified as needing this support.

Additionally, my business draws in members of the wider community, with many clients travelling in from East Lothian and Midlothian. This leads to a direct economic benefit both within Craigmillar and the wider Edinburgh area, as my business serves as an encouragement for people to come in to Edinburgh from neighbouring local authorities. As classes are often in the evening hours, clients will use other facilities in the area (such as restaurant and leisure facilities) or will continue to travel into the City Centre to enjoy an evening in Edinburgh.

The Proposed Development therefore has a positive impact on the immediate community and the wider city, both socially and economically, and this is a material consideration which should weigh in favour of the Appeal being granted.

Personal hardship

It has been established that personal circumstances can be a material consideration in planning decisions where refusal would cause great hardship. The Planning Officer failed to engage with this consideration in determining the Application.

The refusal of the Application will result in a loss of money to my business that will affect its ability to survive, particularly in the current climate. I have committed to lease the Property, and the Council's own Estates Team advised that the change of use would not be an issue. I have incurred costs in submitting the Application. I have incurred significant costs in developing and fitting out the new premises as the Application was being determined to ensure that I would be able to open the new unit without delay. I have terminated the lease for my current premises (which the business had outgrown) and, consequently, I will

need to locate suitable alternative premises. Remaining in the Craigmillar area is very important to the business and to its clients. As stated above, the business had already been looking for an alternative location for some time now with no success – the Property was the first option to become available for a significant period of time. Another delay in finding an alternative location will affect the business' ability to open for its clients (which has already been affected by the coronavirus lockdown). If the Appeal were to be refused, I may be left with no other choice but to stop operating, which would deprive local residents of an essential service. The refusal of the Application will therefore cause significant financial hardship to my business and to me personally.

Conclusion

In refusing the Application, the Planning Officer simply applied Policy EMP 8 without taking into account any material considerations. It was a “rubber stamp” decision that failed to engage with the heart and soul that sat behind the Proposed Development.

In reaching a planning decision, there is an obligation to have regard to the Local Development Plan, but this obligation will be outweighed “if material considerations indicate otherwise”. As I have demonstrated above, there are such material considerations in respect of this Application, including:

1. Policy EMP 8 includes an exception for small-scale proposals that support local businesses. The Proposed Development will support local businesses (and, in fact, is supported by local businesses within the Industrial Estate).
2. Policy RET 8 allows for leisure developments to be granted in other locations throughout Edinburgh where no alternatives exist and the proposals will not lead to increased traffic or antisocial/negative impacts. There are no suitable alternatives for the Proposed Development, nor will it lead to increased traffic or impacts.
3. The Proposed Development will have a positive impact on the local community, including a positive economic and social benefit.
4. The refusal of the Application has caused great hardship to the applicant.

I have been operating my business for over four years now. It is an established and successful business, although it, like all other local and small businesses currently, will be dramatically impacted by the coronavirus crisis. My business has a crucial role to play in supporting Edinburgh's transition out of lockdown, particular in the wider Craigmillar area, as it provides a much-needed outlet for local residents to foster their physical and mental well-being. I therefore urge you to grant the Appeal and allow the Application for the change of use.

Please let me know if it would be helpful to provide any further information or supporting documents to assist with the determination of this Appeal.

Yours faithfully

Benjamin Fletcher



callum.laidlaw@edinburgh.gov.uk



6 of 6



Thanks for the prompt reply Mary. I hope so too! Ben.



Callum Laidlaw <Callum.Laidlaw@edinburgh.gov.uk>

May 18, 2020, 8:13 PM



to Kate, Maureen, kathryn.nolin@cms-cmno.com, me, Mary ▾

Dear Ben,

Thanks for getting in touch and flagging what does appear on first reading to be a strange issue, as I think the club clearly offers significant community benefit, responds to demand, offers employment and is (once we leave lockdown) part of the solution to helping ensure ongoing physical and mental health.

Let me look into this on your behalf and see what answers I can get and if there's a possible way forward.

Stay safe and well.

Best,

Callum

Cllr Callum Laidlaw

Conservative – Portobello/Craigmillar Ward

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Mr Rhys Cooper
11 Riselaw Terrace
Edinburgh
EH10 6HW

Decision date: 16 July 2020

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

Renovate and extend existing front dormer. Extend the existing rear dormer to create additional roof space in adjacent rooms.
New dormer on side elevation to allow the division of current room into two smaller bedrooms. New dormer at front to create more roof and storage space in bedroom. All dormers timber framed and rosemary tiled to match existing modern rear dormer.
Addition of timber framed porch to front elevation.
At 11 Riselaw Terrace Edinburgh EH10 6HW

Application No: 20/02039/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 18 May 2020, 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 **mixed decision** 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;

1. This permission relates to the side dormer and rear dormer. **** **.
2. This refusal relates to the front dormers and porch. **** **.

Reasons:-

1. In order to recognise the elements of the application which are compatible with the character and appearance of the existing house, and existing neighbourhood character.
2. The proposed front porch and front dormers are contrary to Edinburgh Local Development Plan policy Des 12 (Alterations and Extensions) and the non-statutory

guidance as they are not of an acceptable scale, form or design, would be detrimental to neighbourhood character and the character of the host building.

Informatives:-

It should be noted that:

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

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

Drawings 01, 03, 04, 05, 06, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

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

The front porch and front dormers are not of an acceptable scale, form or design, would be detrimental to neighbourhood character and the character of the host building. They would not comply with Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions) or the non-statutory Guidance for Householders. It is therefore recommended that the front dormers and front porch are refused.

The side dormer and rear dormer are in accordance with the Edinburgh Local Development Plan as they comply with policy Des 12 (Alterations and Extensions) and the broadly with the non-statutory guidance. They are compatible with the existing building and the character of the area and have no adverse impact on neighbouring residential amenity. It is therefore recommended that the side dormer and rear dormer are granted.

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 Lewis McWilliam directly at lewis.mcwilliam@edinburgh.gov.uk.

D R Leechie

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.

..
33

Report of Handling

Application for Planning Permission 20/02039/FUL

At 11 Riselaw Terrace, Edinburgh, EH10 6HW

Renovate and extend existing front dormer. Extend the existing rear dormer to create additional roof space in adjacent rooms.

New dormer on side elevation to allow the division of current room into two smaller bedrooms. New dormer at front to create more roof and storage space in bedroom. All dormers timber framed and rosemary tiled to match existing modern rear dormer.

Addition of timber framed porch to front elevation.

Item	Local Delegated Decision
Application number	20/02039/FUL
Wards	B10 - Morningside

Summary

The front porch and front dormers are not of an acceptable scale, form or design, would be detrimental to neighbourhood character and the character of the host building. They would not comply with Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions) or the non-statutory Guidance for Householders. It is therefore recommended that the front dormers and front porch are refused.

The side dormer and rear dormer are in accordance with the Edinburgh Local Development Plan as they comply with policy Des 12 (Alterations and Extensions) and the broadly with the non-statutory guidance. They are compatible with the existing building and the character of the area and have no adverse impact on neighbouring residential amenity. It is therefore recommended that the side dormer and rear dormer are granted.

There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDES12, NSG, NSHOU,

Report of handling

Recommendations

1.1 It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below.

Background

2.1 Site description

The proposal relates to a semi-detached bungalow located on the west side of Riselaw Terrace within a primarily residential area.

2.2 Site History

The site has the following planning history:

17 July 2018 - Porch to front elevation and additional Velux window to front roof - Granted (Ref: 18/03002/CLP)

3 April 2014 - Convert existing attic, adding one dormer to front and one dormer to rear. Add velux windows to front, side and rear. Rebuild existing rear conservatory to form garden room with solid flat roof and glazed walls. Form raised decking area to rear with steps to garden. - Granted (Ref: 14/00642/FUL)

Main report

3.1 Description Of The Proposal

The application proposes the following works;

- Two front dormers (Including renovate and extend existing); rear dormer (extension of existing) and new side dormer.
- Front porch

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 scale, form and design is acceptable
- b) There would be no unreasonable loss to neighbour's residential amenity
- c) Any public comments have been addressed.

a) Scale, form, design and neighbourhood character

The proposal site and adjacent properties comprise of semi-detached bungalows, the majority of which have accommodation in the roofspace.

The applicant's property has a front dormer at present of a modest scale and form. The position of this dormer aligns with the dormer on the adjoining property as well as other bungalows within the vicinity. There are slight design variations evident but the modest scale, form and spacing of dormers on the roofscapes appear proportionate and creates a consistent pattern on the street.

There are examples of larger dormers notably on the east side of Riselaw Terrace but again, these appear consistent in design and position on the semi-detached properties and in this regard appear uniform. The principle of front dormers within the area is well established but these are in proportion to the roofscapes.

In regard to front dormers, the non-statutory guidance states the following:

'If there are two or more dormers, their combined width should be less than 50% of the average width of the single roofplane on which they are located.'

The combined width of the proposed replacement front dormers would exceed the above guidance and occupy 60% of the average roof width. The inconsistent width of these features; 3m and 2m, in tandem with their depth would appear disproportionate on the roofscape and incongruous when viewed in the wider context of the adjoining property and those in the immediate vicinity. Whilst the materials are compatible with the existing roof, the proposed scale and position would be detrimental to the character and appearance of the existing house and existing neighbourhood character.

The front porch would project 2m in depth and width on the front elevation. Porches are not evident on these house types, except for a few modest additions of lesser scale than proposed. This enables the front bay window features to be the visually dominant element on the bungalows as viewed from the street. The porch's projected depth would come forward of the bay window feature which is consistent part of the design of the properties within the vicinity. The design, scale and proximity to the window feature

would clutter the front elevation, appearing overly-dominant to the scale of the bungalow and incongruous in the context of the street. In this respect, the scale and position of the porch would be harmful to the character and appearance of the existing house and existing neighbourhood character.

In light of the above, these elements of the scheme in scale, form and design are contrary to LDP Policy Des 12 and the non-statutory guidance.

Whilst the proposed side and rear dormers are of relatively significantly scale, visible expanses would be retained on all four sides of the roof whilst they would sit comfortably on the roofscape. The side dormer would be setback from the roof's hip at the front which in tandem with its position facing the end of the cul-de-sac would prevent any discernible impact on the character of the existing house or wider street scene.

The rear dormer would be of similar scale to the joining property, whilst it would not be readily visible from the street and in this regard would have no impact on the existing neighbourhood character.

In light of this, the scale, form and design of the side and rear dormer are acceptable, comply with LDP Policy Des 12 and the non-statutory guidance.

b) Neighbouring Amenity

The proposal would not result in an unreasonable loss of neighbouring residential amenity.

The front and rear-facing openings of the dormers comply with guidance distance to the boundary that would prevent harm in this respect. In addition, the side dormer would primarily face the adjacent property's side gable which is not afforded protection in terms of privacy under the non-statutory guidance.

In addition, whilst the side-glazing in the porch would fall short of the guidance distance to the boundary, it would face the neighbouring driveway, which by virtue of its use and position adjacent to the street has limited privacy as existing. An infringement of guidance is therefore acceptable in this context.

In regard to neighbour's amenity, the proposal complies with LDP Policy Des 12, and broadly with the non-statutory guidance.

c) Public comments

No comments have been received.

Discussion did take place with the applicant to revise the design of the front dormers and to reduce the size of the porch to within permitted development rights.

It is recommended that this application be mixed decision to part-approve and part-refuse this application subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. This permission relates to the side dormer and rear dormer. **** **.
2. This refusal relates to the front dormers and porch. **** **.

Reasons:-

1. In order to recognise the elements of the application which are compatible with the character and appearance of the existing house, and existing neighbourhood character.
2. The proposed front porch and front dormers are contrary to Edinburgh Local Development Plan policy Des 12 (Alterations and Extensions) and the non-statutory guidance as they are not of an acceptable scale, form or design, would be detrimental to neighbourhood character and the character of the host building.

Informatives

It should be noted that:

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

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

6.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading / external references

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

Statutory Development**Plan Provision**

Policies - Edinburgh Local Development Plan - Urban Area

Date registered

18 May 2020

**Drawing
numbers/Scheme**

01, 03, 04, 05, 06,

Scheme 1

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

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

Links - Policies

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

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

Relevant Non-Statutory Guidelines

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

Appendix 1

Consultations

No consultations undertaken.

END



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@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 100282969-001

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

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="Rhys"/>	Building Number:	<input type="text" value="11"/>
Last Name: *	<input type="text" value="Cooper"/>	Address 1 (Street): *	<input type="text" value="Riselaw Terrace"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text" value=""/>	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="EH10 6HW"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text" value=""/>		

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

11 RISELAW TERRACE

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH10 6HW

Please identify/describe the location of the site or sites

Northing

669614

Easting

324311

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)

Renovate and extend existing front dormer. Extend the existing rear dormer to create additional roof space in adjacent rooms. New dormer on side elevation to allow the division of current room into two smaller bedrooms. New dormer at front to create more roof and storage space in bedroom. All dormers timber framed and rosemary tiled to match existing modern rear dormer. Addition of timber framed porch to front elevation. At 11 Riselaw Terrace Edinburgh EH10 6HW

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.

Minor changes to the dimensions to front dormers and porch were requested. I do not believe these changes will make any difference to the visual impact of design, but significantly effect the cost benefit. -1m2 reduction in area will not make any difference to visual appearance of porch, but significantly reduce functionality due to door location. -Front dormers to match neighbours. The internal layouts of both houses are completely different, same dormer design doesn't use potential.

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)

Various photos - all houses on street are different.

Application Details

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

20/02039/FUL

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

18/05/2020

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

16/07/2020

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)

Inspecting the site will enable the review body to properly assess the impact of design and how the requests to match a neighbour's design are unwarranted and not justified. All houses on Riselaw Terrace are different and the request for symmetry on a 1930's semi detached, pebble dashed bungalow excessive when also considering the benefit to floor space and house utility the slightly larger dormers will allow.

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 Rhys Cooper

Declaration Date: 17/07/2020

Proposal Details

Proposal Name	100282969
Proposal Description	Appeal the mixed decision to planning app
20/02039/FUL	
Address	11 RISELAW TERRACE, EDINBURGH, EH10
6HW	
Local Authority	City of Edinburgh Council
Application Online Reference	100282969-001

Application Status

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

Attachment Details

Notice of Review	System	A4
PROPOSED_ELEVATIONS_RC_100520_v1	Attached	A0
AMENDMENT_TO_PROPOSED_ELEVATIONS_RC_030720v1	Attached	A0
Riselaw9_11_frontElevations	Attached	Not Applicable
Riselaw house variety	Attached	Not Applicable
Letter AppealJustification 170720	Attached	Not Applicable
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

17/07/20

To whom it concerns,

Appeal Justification

Following consultations with the Planning Officer minor changes to the dimensions of both the front dormers and porch were requested. I do not believe these changes will make any difference to the visual impact.

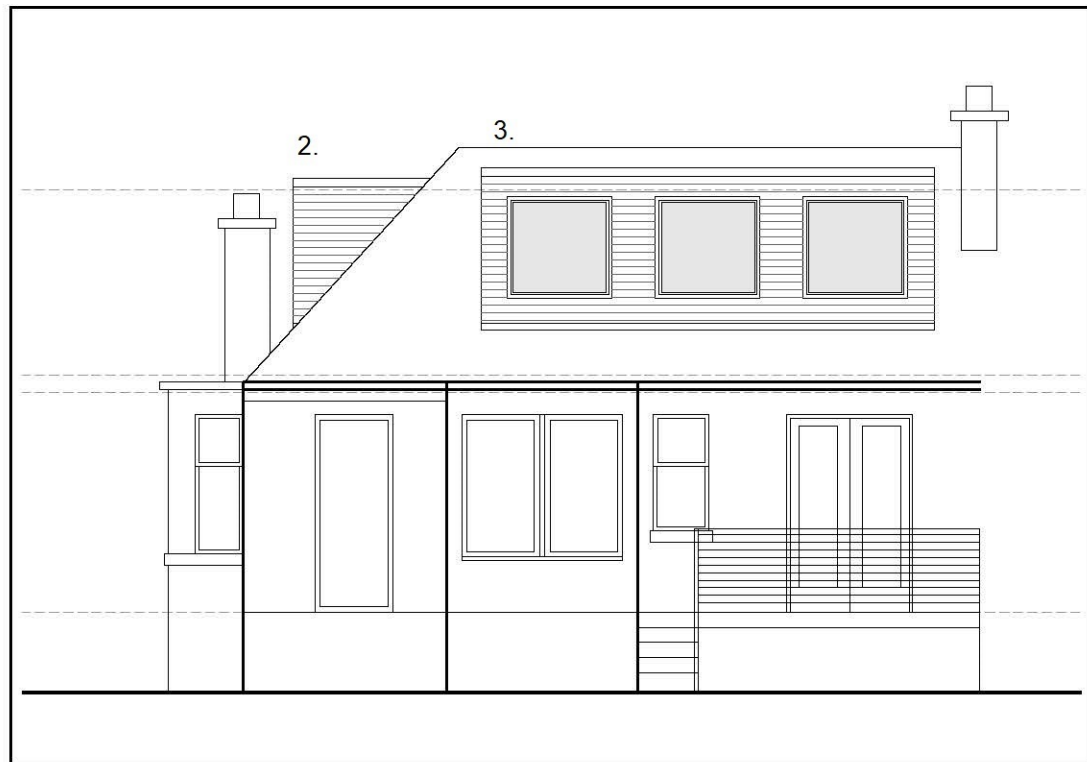
- 1m2 reduction in porch area will not make any difference to visual appearance of design, but significantly hinder its utility and purpose due to position of front door. The cost of porch per m2 is extremely high and any reduction in area further negates its cost benefit.
- The request to slightly alter our proposed dormers to match our neighbours in size and position isn't warranted. All houses on the street are different and the internal layout of our house is completely different to our neighbours. The position of stairs and room layouts means applying the same dormer design and position doesn't maximise the available space and questions the additional expense and purpose of installing dormers.

Several minor re-iterations were requested to the front dormers that obviously took time and money (see attached amendments pdf). At no point did the planning officer mention the porch. The porch was always going to be the most contentious item, but I was relieved when this was not commented on / or further recommendations made. It was only at the final stage prior to consent being given and a recommendation for planning permission that the porch questioned and the reduction to 3m2 requested.

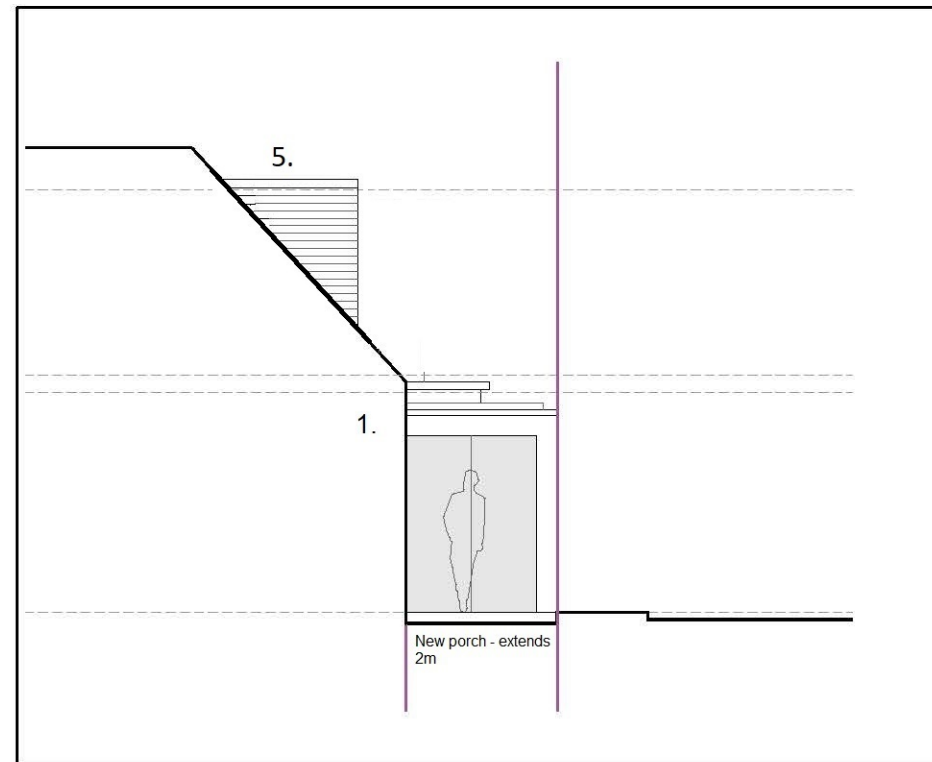
It is this human error that has led me to question the decision and rationale behind the requests for dormer reduction and escalate to a local review body to get a second opinion, which I will gratefully accept.

Rgds,

Rhys Cooper



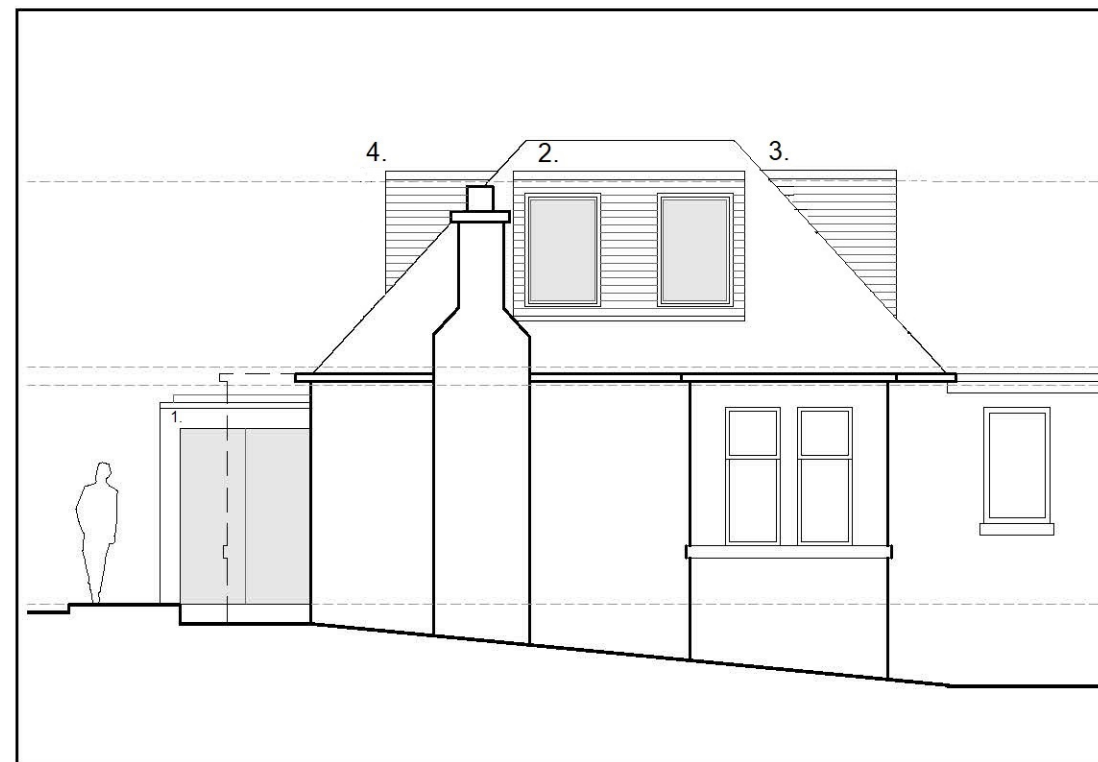
CD-012
3 PROPOSED / ELEVATION / REAR (WEST)
1:100 A3 SCALE



CD-012
4 PROPOSED / ELEVATION / SIDE (SOUTH)
1:100 A3 SCALE



CD-012
1 PROPOSED / ELEVATION / FRONT (EAST)
1:100 A3 SCALE



CD-012
2 PROPOSED / ELEVATION / SIDE (NORTH)
1:100 A3 SCALE

1. New timber framed, double glazed porch (depth 2m, width 2.2m, height 2.9m)
Current front door to remain & act as thermal break.
Foundations, DPM
EPDM single ply roof membrane.
Drainage channeled down existing downpipe.
Final design by architect/contractor submitted at building warrant
2. New side elevation timber dormer to match existing dormer at rear.
Clad in Rosemary tiles. Timber Rationel window to match existing.
3. Extend existing rear timber dormer into both attic bedrooms. Two additional windows.
Clad in Rosemary tiles. Timber Rationel window to match existing.
4. New timber dormer to replace and extend original front facing dormer.
Clad in Rosemary Tiles. Timber Rationel window to match existing.
5. New front elevation timber dormer to match existing dormer at rear.
Clad in Rosemary tiles. Timber Rationel window to match existing.

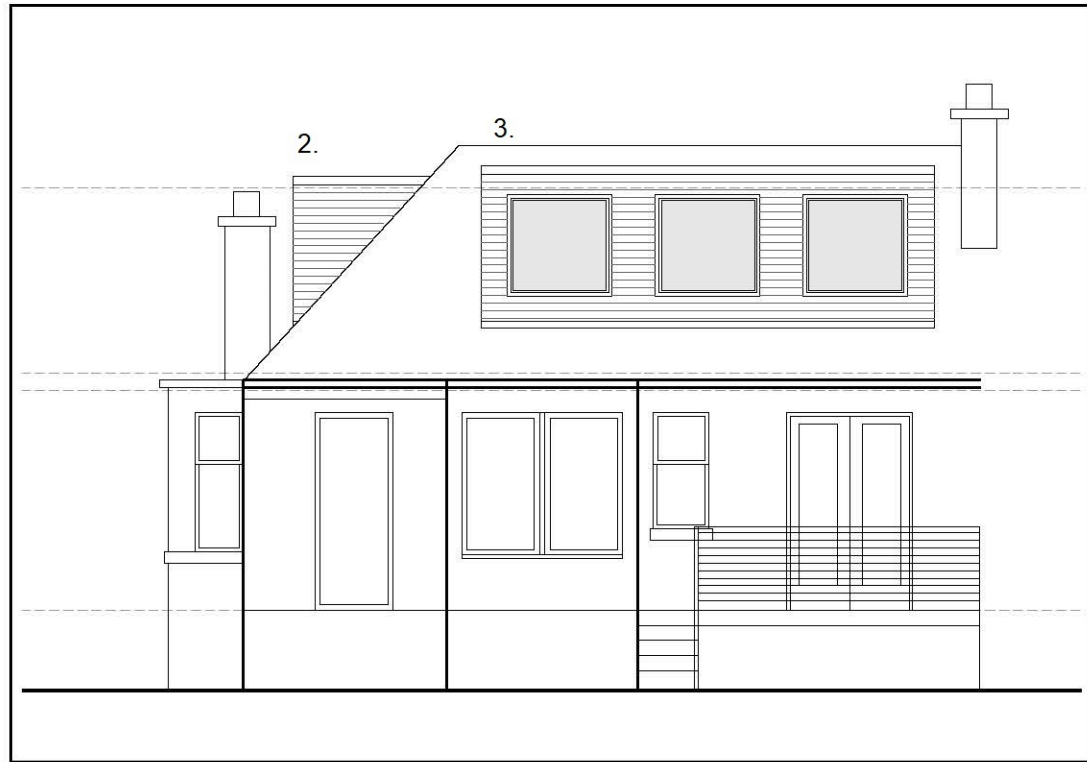
1:100

A3

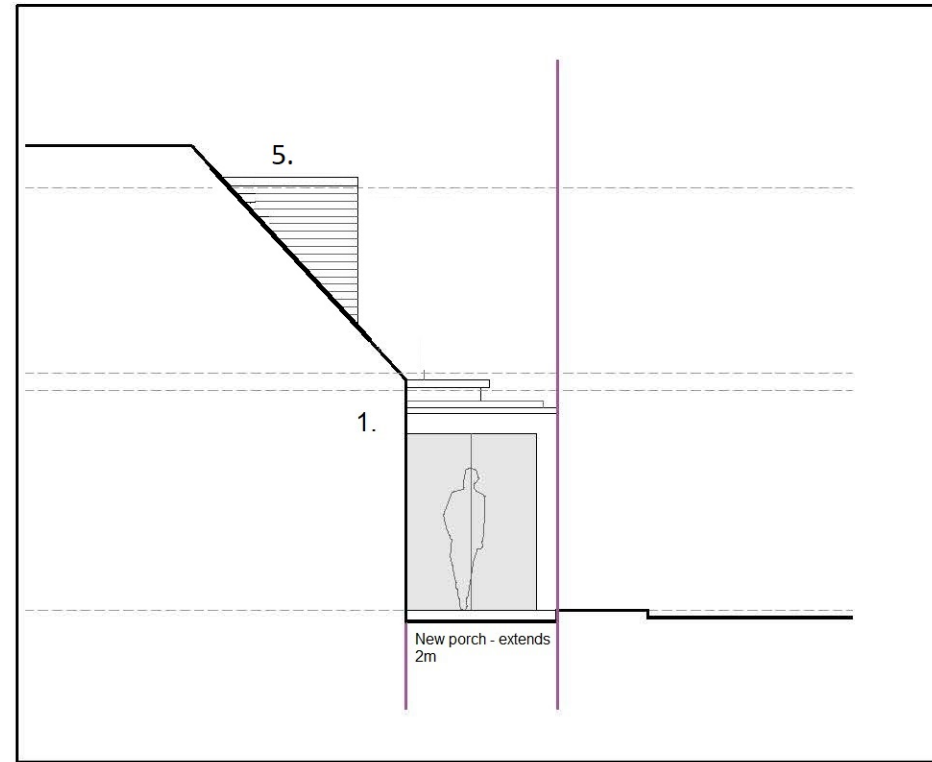
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11 RISELAW TERRACE / EDINBURGH

PROPOSED / ELEVATIONS



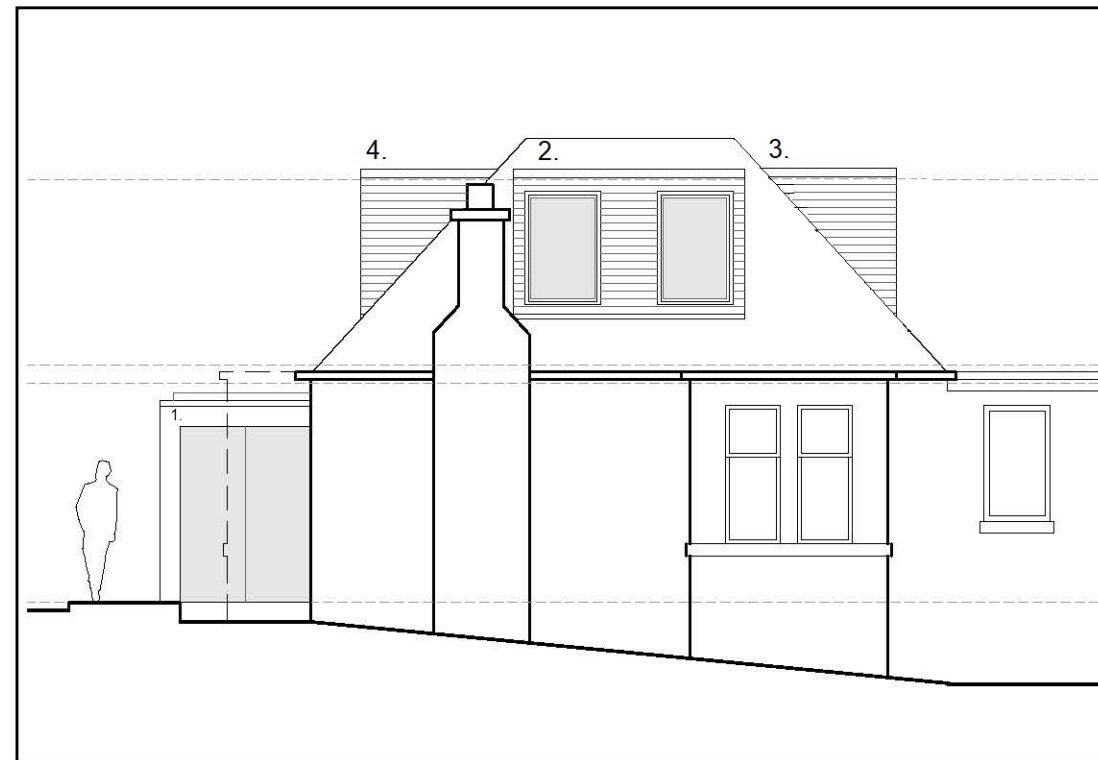
CD-012
3 PROPOSED / ELEVATION / REAR (WEST)
1:100 A3 SCALE



CD-012
4 PROPOSED / ELEVATION / SIDE (SOUTH)
1:100 A3 SCALE



CD-012
1 PROPOSED / ELEVATION / FRONT (EAST)
1:100 A3 SCALE



CD-012
2 PROPOSED / ELEVATION / SIDE (NORTH)
1:100 A3 SCALE

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EPDM single ply roof membrane.
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1:100

A3

000m 001m 002m 003m 004m 005m

11 RISELAW TERRACE / EDINBURGH

PROPOSED / ELEVATIONS





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