

Kirsty Watson.
95 Dolphin Road
Currie
EH14 5SA

Grooming By Lee.
FAO: Mrs L Duncan
23 Hutchison Park
Edinburgh
EH14 1RG

Decision date: 28 January 2021

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

Change of use from dwelling house to mixed use of dwelling house and dog grooming business.

At 23 Hutchison Park Edinburgh EH14 1RG

Application No: 20/04618/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 2 November 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:-

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the proposed use would be inappropriate on a residential street due to increased noise and disturbance.

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

Drawings 1,2, 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:

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 Jennifer Zochowska directly at jennifer.zochowska@edinburgh.gov.uk.

D R Leech

Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

**Application for Planning Permission 20/04618/FUL
At 23 Hutchison Park, Edinburgh, EH14 1RG
Change of use from dwelling house to mixed use of dwelling
house and dog grooming business.**

Item	Local Delegated Decision
Application number	20/04618/FUL
Wards	B09 - Fountainbridge/Craiglockhart

Summary

Links

<u>Policies and guidance for this application</u>	LDPP, LHOU07, LDES12, NSG, NSBUS,
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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

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

Site Description

The site lies on the west side of Hutchinson Park and relates to a terraced residential property within a group of four properties. There is a parking area to the rear of the properties.

Description Of The Proposal

The proposal is for a change of use from dwelling house to mixed use of dwelling house and dog grooming business.

The timber shed would be for part dog grooming business and part garden use. It would measure 4.1 metres wide, 2.1 metres deep and have a height of 2.1 metres at its highest point.

The salon would be operated by the homeowner only. It would open Tuesday - Saturday 9am to 6pm and groom 20-25 dogs per week averaging at 4-5 dogs a day.

The dog grooming business would be accessed from a parking area to the rear of the property.

The main house would remain within residential use.

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 the proposal is acceptable in this location;
- b) the proposed scale, design and materials are acceptable;
- c) the proposal will result in an unreasonable loss of neighbouring amenity;
- d) the proposal affects road safety;
- e) any impacts on equalities and human rights are acceptable; and
- f) any comments have been addressed.

a) Principle of Development

LDP policy Hou 7 considers inappropriate uses in residential areas.

Although the area to the south at West Gorgie Park is commercial in nature, Hutchison Park and the neighbouring streets are wholly residential in character.

The Council's Guidance for Businesses offers further guidelines on working from home. The proposal does not fall within the parameters within which permission would not be required.

The guidance considers factors which impact upon neighbouring residents. In this regard the proposal would create additional pedestrian and/or vehicle movement relating to the use and the numbers of these could not be restricted. This additional pedestrian/vehicle movement would cause a loss of residential amenity to neighbours.

The proposed use has potential for barking dogs and subsequently may cause a noise nuisance beyond normal domestic expectations for pet dogs. This would cause a loss of residential amenity.

Although the proposed development is for a small scale commercial use, owing to the nature of the proposed use and the proximity of neighbouring dwellings, the overall amenity afforded to neighbouring residents has the potential to be detrimentally affected.

The proposal does not comply with LDP Policy Hou 7.

b) Scale, design and materials

The property has an existing shed in the rear garden area. The proposal would see this removed and replaced by a larger unit covering about one third of the rear garden area. The proposal is compatible with the character of the existing building.

The proposal complies with LDP policy Des 12.

c) Residential Amenity

As set out above, given the nature of the business and proximity to neighbouring properties the proposal is likely to have a detrimental impact on existing amenity.

d) Traffic and Car parking

There is parking to the rear of the house in a parking area to serve adjacent residential properties.

e) Equalities and human rights

The proposal has been assessed in terms of equalities and human rights. No impact has been identified.

f) Public comment

one letter of support was received.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the proposed use would be inappropriate on a residential street due to increased noise and disturbance.

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

Following neighbour notification one letter of support was received.

Background reading / external references

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

**Statutory Development
Plan Provision**

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?

Date registered

2 November 2020

**Drawing
numbers/Scheme**

1,2,

Scheme 1

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

Contact: Jennifer Zochowska, Senior Planning Officer
E-mail:jennifer.zochowska@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

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

Relevant Non-Statutory Guidelines

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

Appendix 1

Consultations

No consultations undertaken.

END

Comments for Planning Application 20/04618/FUL

Application Summary

Application Number: 20/04618/FUL

Address: 23 Hutchison Park Edinburgh EH14 1RG

Proposal: Change of use from dwelling house to mixed use of dwelling house and dog grooming business.

Case Officer: Jennifer Zochowska

Customer Details

Name: Mrs Ruth Duncan

Address: 22 HUTCHISON PARK Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

Comment Reasons:

Comment: The Grooming Room will have no impact on my property. It will be in keeping with all other gardens as it looks like a shed/ summer house.

Parking/ traffic won't be a problem because my neighbour can only groom one dog at a time. We work during the day away from home, my neighbour will work daytime hours. My neighbour is very respectful towards others.

Comments for Planning Application 20/04618/FUL

Application Summary

Application Number: 20/04618/FUL

Address: 23 Hutchison Park Edinburgh EH14 1RG

Proposal: Change of use from dwelling house to mixed use of dwelling house and dog grooming business.

Case Officer: Jennifer Zochowska

Customer Details

Name: Not Available

Address: Not Available

Comment Details

Commenter Type: Neighbour

Stance: Customer made comments in support of the Planning Application

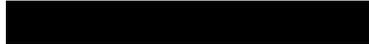
Comment Reasons:

Comment: The Grooming Room will have no impact on my property. It will be in keeping with all other gardens as it looks like a shed/ summer house.

Parking/ traffic won't be a problem because my neighbour can only groom one dog at a time. We work during the day away from home, my neighbour will work daytime hours. My neighbour is very respectful towards others.

From: RUTH Duncan
Sent: Thu, 18 Mar 2021 21:29:17 +0000
To: Local Review Body
Subject: Planning Application 20/04618/FUL

We are the neighbours of Lee Duncan, No. 22 HUTCHISON PARK. We couldn't believe that her Planning Permission had been rejected. If it is noise that was the concern, she has 2 dogs of her own that she has been grooming at home and we have never heard any noise. She can only groom one dog at time. We have factory units only metres away from the back of our houses and the noise we hear everyday is far greater. It is a residential area, however these units were allowed to be built. We also have a retail park at the end of the road. As for parking, we have enough space at the front of our houses for owners to drop off their dog and a designated parking space at the rear, so there would be no problems there. We hope this helps with her appeal.

Mr & Mrs Duncan


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To: Jennifer Zochowska
From: Ann Connolly, Environmental Protection, Place.

Date: 27/01/21

TOWN AND COUNTRY PLANNING SCOTLAND ACT 1997 CHANGE OF USE FROM DWELLINGHOUSE TO MIXED USE OF DWELLINGHOUSE AND DOG GROOMING BUSINESS AT 23 HUTCHISON PARK, EDINBURGH, EH14 1RG REFERENCE NUMBER: 20/04618/FUL

The proposed development will involve the operation of a dog grooming business from a garden room located to the rear of the applicant's property. There are residential properties located on either side of the applicant's property and commercial property located to the rear.

It is noted that the current proposals would involve operation of this business from Wednesday to Saturday between 9am and 6pm and that an average of 20 to 25 dogs a week would be groomed. Appointments will be spaced so that only one dog will be on site for grooming at any one time and access by clients and dogs will be gained directly to the rear garden. It is understood that any changes relating to the hours or intensification of the business would not be able to be controlled by condition. Therefore, although the proposals are fairly small scale Environmental Protection have concerns that development of the business could potentially impact on the amenity of neighbouring residents.

Should you wish to discuss the above, please do not hesitate to contact me on 0131 469 5806.

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 100320212-005

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:	<input type="text"/>		
Ref. Number:	<input type="text"/>	You must enter a Building Name or Number, or both: *	
First Name: *	<input type="text" value="Kirsty"/>	Building Name:	<input type="text"/>
Last Name: *	<input type="text" value="Watson"/>	Building Number:	<input type="text" value="95"/>
Telephone Number: *	<input type="text" value="REDACTED"/>	Address 1 (Street): *	<input type="text" value="Dolphin Road"/>
Extension Number:	<input type="text"/>	Address 2:	<input type="text"/>
Mobile Number:	<input type="text"/>	Town/City: *	<input type="text" value="Currie"/>
Fax Number:	<input type="text"/>	Country: *	<input type="text" value="Scotland"/>
		Postcode: *	<input type="text" value="EH14 5SA"/>
Email Address: *	<input type="text" value="REDACTED"/>		

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="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="L"/>	Building Number:	<input type="text" value="23"/>
Last Name: *	<input type="text" value="Duncan"/>	Address 1 (Street): *	<input type="text" value="Hutchison Park"/>
Company/Organisation	<input type="text" value="Grooming by Lee"/>	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="EH14 1RG"/>
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="23 HUTCHISON PARK"/>
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="EH14 1RG"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="671597"/>	Easting	<input type="text" value="322371"/>
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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)

Dog grooming salon with adjoining garden store to the rear garden of 23 Hutchison Park.

Type of Application

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

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

What does your review relate to? *

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

Statement of reasons for seeking review

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

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

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

See Covering Letter.

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)

Covering Letter; PR06 - P01 A; Plans & Elevations PR06 - P02; Location; Supporting Statement; Planning Application; Neighbour Notification List; Report of Handling; Decision Notice

Application Details

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

20/04618/FUL

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

24/10/2020

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

28/01/2021

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)

Existing garden fence encloses rear garden of 23 Hutchison Park.

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: Miss Kirsty Watson

Declaration Date: 01/03/2021

Proposal Details

Proposal Name	100320212
Proposal Description Hutchison Park.	Dog grooming salon to the rear garden of 23
Address 1RG	23 HUTCHISON PARK, EDINBURGH, EH14
Local Authority	City of Edinburgh Council
Application Online Reference	100320212-005

Application Status

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

Attachment Details

Notice of Review	System	A4
Covering Letter for LRB Appeal	Attached	A4
Decision Notice	Attached	A4
Neighbour Notification List	Attached	A4
Planning Application	Attached	A4
PR06 - P02 Location	Attached	A4
PR06 P01 A Plans and Elevations	Attached	A3
Report of Handling	Attached	A4
Supporting Statement to Planning Application	Attached	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-005.xml	Attached	A0

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 100320212-001

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)

Dog grooming salon with adjoining garden store to the rear garden of 23 Hutchison Park.

Is this a temporary permission? *

Yes No

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

Yes No

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

No Yes – Started Yes - Completed

Applicant or Agent Details

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

Applicant Agent

Agent Details

Please enter Agent details

Company/Organisation:

Ref. Number:

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

First Name: *

Building Name:

Last Name: *

Building Number:

Telephone Number: *

Address 1
(Street): *

Extension Number:

Address 2:

Mobile Number:

Town/City: *

Fax Number:

Country: *

Postcode: *

Email Address: *

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

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:

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

Other Title:

Building Name:

First Name: *

Building Number:

Last Name: *

Address 1
(Street): *

Company/Organisation

Address 2:

Telephone Number: *

Town/City: *

Extension Number:

Country: *

Mobile Number:

Postcode: *

Fax Number:

Email Address: *

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

23 HUTCHISON PARK

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH14 1RG

Please identify/describe the location of the site or sites

Northing

671597

Easting

322371

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

100.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

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

Residential dwelling

Access and Parking

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

Yes No

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

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?

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)? *

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

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

Note:-

Please include details of SUDS arrangements on your plans

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

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

Yes

No, using a private water supply

No connection required

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

Assessment of Flood Risk

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

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

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

Trees

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

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

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)

Not necessary for new use.

Residential Units Including Conversion

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

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Not in a Use Class

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (If class 7, 8 or 8a): *

6

If Class 1, please give details of internal floorspace:

Net trading spaces:

6

Non-trading space:

0

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Sui Generis - Dog grooming Salon

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

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

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

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

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

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

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

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

Certificate A

Land Ownership Certificate

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

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

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

Signed: Kirsty Watson

On behalf of: Mrs L Duncan

Date: 24/10/2020

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 principal 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: Miss Kirsty Watson

Declaration Date: 24/10/2020

Payment Details



Local Review Body
The City of Edinburgh Council
Planning and Transport
Waverley Court
4 East Market Street
Edinburgh
EH8 8BG

23 February 2021

Dear Sirs,

Planning Ref no. 20/04618/FUL

In regard to the above Planning Application, we would like to appeal this planning refusal dated the 28th January 2021. On behalf of the Applicants, Grooming By Lee, we would like to include our written appeal for your consideration. The Planning Application is for a new dog grooming salon to act as the new location for a well-established business within the garden ground of the Applicants home.

Background

The Applicant has been a dog groomer within Edinburgh for many years, working up to be a manager within a local salon before becoming self-employed in January 2020. Grooming By Lee was initially based within a pet shop in Edinburgh, where a grooming room was rented out to the Applicant. At first this appeared to be an ideal location to allow the new business to gain clientele. However, with the lockdown and ensuing Covid-19 restrictions, the impact of being located in a pet shop created constraints on the Applicants business further than those imposed by the government in response to Coronavirus.

While the long-term ambition was always to have independent premises, the need in having a personal working space was intensified due to the Coronavirus pandemic. Like many people who are now working from home, the Applicant wished to have the ability to work in a secure and safe location while having full control over her work and business.

Planning Application

The salon is located to the rear of the garden to replace an existing shed while minimising impact to the house. The salon is adequate for one groomer to work on one dog at a time, with a small area of garden storage to the side to be utilised by the dwelling. The site is fortunate to have a parking area to the rear with a private parking space for the exclusive use of the dwelling.

In the supporting statement enclosed with the Application it was confirmed that the opening hours of the salon would be 9am to 6pm, Tuesday to Saturday. The Applicant anticipated 20-25 dogs a week, averaging 4-5 a day. This workload is not only supported by the Applicants current business model but has also been planned to minimise any overlap between appointments.

The Planning Application was due for determination on January 1st 2021. The Planner requested a one month extension, which the Applicant agreed to, with a final decision date of January 31st 2021. During the Application process we contacted the Planner on several occasions to ascertain if there were any concerns that we could clarify. We were never asked for further information on the application or contacted to discuss any issues.

Cont.

23 February 2021

Planning Ref no. 20/04618/FUL

Planning Refusal

The application was decided on January 28th 2021 and was refused planning. The singular reason for the refusal was:

'The proposal is contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the proposed use would be inappropriate on a residential street due to increased noise and disturbance.'

The Handling Report provides further information in relation to the refusal stating the proposals create *'additional pedestrian/vehicle movement [that] would cause a loss of residential amenity to neighbours'*. In addition, the report states the application has *'potential for barking dogs and subsequently may cause noise nuisance beyond normal domestic expectations for pet dogs'*.

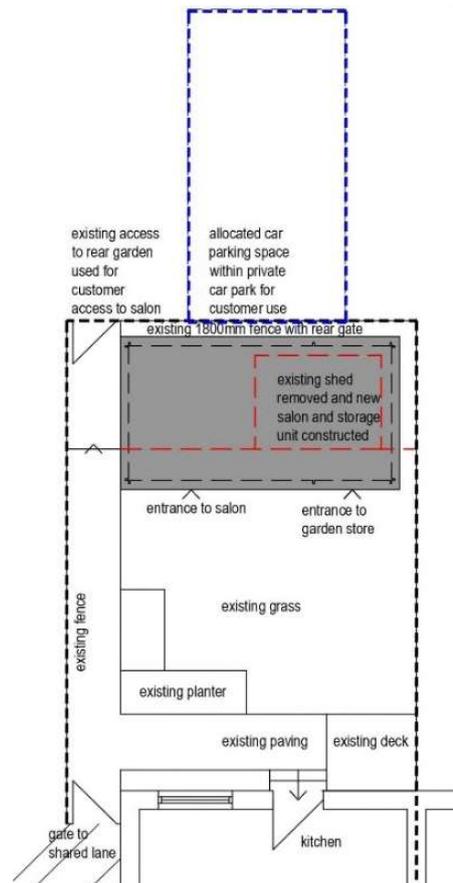
Considering the number of attempts to contact the Planner to discuss the Application it is a regrettable that we were never given the opportunity to satisfy the concerns over the impact this application has on neighbouring amenity. Correspondence could have alleviated the concerns raised in the refusal and prevented the need in this appeal process.

Addressing Planners Comments on Refusal

The main concern for from the Planner was the impact the grooming salon would have on the neighbouring residents. Through the application process 18 neighbouring properties were contacted in relation to the Application. This, as always, gives the immediate neighbours of the site an opportunity to consider the full impact of the proposals and contact the Planning Department with any concerns they may have. The Application was also advertised in local publications, at an additional fee on the Applicant, as a dog grooming salon is deemed a *'bad neighbour'*. This makes the wider community aware of the application and again creates an opportunity for comments to be made on the application.

There is no doubt that both the immediate neighbours and wider community were made aware of the application and their right to comment, either positively or negatively, on the application. Yet, the application did not receive a single objection. This would suggest that the neighbours of the site do not deem a new dog grooming salon to be detrimental to their residential street or their amenity. The application did receive one comment from the sites adjoining neighbour, which was in support of the application and new business. While a dog grooming salon may be deemed a *'bad neighbour'* the lack of objections suggests this residential street did not agree. Therefore, to determine the application is *'inappropriate on a residential street'* is lacking consideration in that the immediate neighbours to the property were not only tolerant but in support of the application.

Cont.



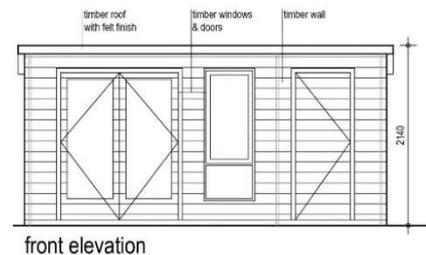
23 February 2021

Planning Ref no. 20/04618/FUL

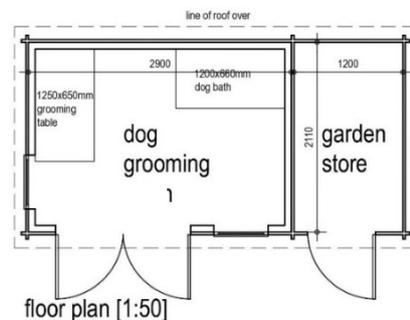
At this point it is worth noting that the site and neighbouring properties backs onto a commercial site at West Gorgie Park. The residents in the area, including the Applicant, are accustomed to a certain level of disturbance from compressors and power tools due to living so closely to a commercial unit that include light engineering, mechanics and joinery businesses. While the report does note the proximity of the commercial West Gorgie Park in relation to the area being 'wholly residential', the level of noise and disturbance on the nearby properties is not commented on. The residents wholly accept that there are businesses nearby that create commercial noise and are tolerant to the noise pollution within their residential area.

The report does suggest that 'barking dogs... would cause a loss in residential amenity'. Again, the surrounding properties and wider community did not consider the potential for noise disturbance to be great enough to warrant making an objection on the application. Perhaps they do not deem a dog grooming salon to make as much noise as the existing commercial neighbours.

Had we been asked to provide information on measures taken to minimise noise we could have clarified the ways in which disturbances would be placed to a minimum. The design of the salon was to look like a traditional shed to suit the situation within a private garden. This does not, however, indicate the construction would be of flimsy or lightweight material. The salon itself is going to be finished with double glazed windows and both thermal and acoustic insulation is to be added to create a long-term solution for the Applicant. By forming an appropriate and durable structure the Applicant would be retaining any noise created within the salon and minimising any impact of potential 'increased noise'.



Furthermore, potential noise disruption has been minimised by limiting the number of dogs groomed each day so there is no overlap of appointments. This means there would never be the opportunity for several dogs, with or without their owners, to be in the vicinity of the salon at any time. It is expected the noise would be no greater than a domestic pet dog being within a dwelling which is an accepted level of noise for all residential areas. The Applicants themselves already have two dogs and have never had complaints over any disruption caused by their pets. It is also not feasible for continuous noise to be heard as barking relentlessly can be a sign of stress and as such it is unethical to continue a groom of a dog in that situation.



Along with the concern of noise, the report states, 'the proposal would create additional pedestrian and/or vehicle movement' and this 'movement would cause a loss of residential amenity to neighbours'. Again, we clarify that the neighbours of the site and surrounding community did not agree as there were no objections made with concerns over increased pedestrian or vehicle movements. The proposals also minimise any impact on the Applicants home and neighbouring houses by directing all customers to a private parking area adjacent to the site. A parking space is available for the sole use of this property that will be utilised by customers during the opening hours of the salon. Customers can access the salon directly through the existing rear gate without any impact or issue to the neighbouring properties. Again, arranging the workload to prevent overlapped appointments prevents more than one customer (with or without a car) being at the salon at any time.

Cont.

23 February 2021

Planning Ref no. 20/04618/FUL

The salon opening times have also been restricted by the Applicant themselves to minimise disruption on neighbouring properties. The working hours are Tuesday to Saturday, 9am to 6pm and so there will be no disruption in the early morning, evening or on a Sunday. These self-imposed measures have been offered to limit any interruption caused by the salon and prevent any loss of residential amenity.

In addition, the Applicant is aware of a dog groomer already working from their garden, without Planning Permission, on Eltringham Gardens. This salon is a 3 minute walk from the site and only 75 metres as the crow flies. That salon has been working from a residential garden, without permission, for almost 3 years. This shows that a small dog grooming business can be successful within a residential area and that the noise and disruption is minimal. The Applicant wants to create a similar business but is being punished for following the correct procedure in applying to Planning.

Conclusion

With the unprecedented times we find ourselves in the Applicant is wanting to create a stable environment to grow her business. A small salon in the rear garden provides the opportunity for continued safe working within current and future restrictions. Every effort has been made to limit any impact on the neighbouring properties within the design, construction, location and use of the proposed grooming salon. The lack of any objections being received confirms the neighbours are tolerant of the Application and do not see the salon would be detrimental to their amenity. Furthermore, the note of support from the adjoining neighbour confirms that the Application is agreeable to those who could be most immediately impacted by the salon.

We disagree that the proposal of a dog grooming salon is inappropriate in this residential setting or that it would negatively impact the amenity of the neighbouring properties. This application should not be refused as a new dog grooming salon has the potential to coexist with the community while greatly advancing the existing dog grooming business. As such, we wish to appeal the decision of this application Ref no. 20/04618/FUL being refused.

Kind regards,

A large black rectangular redaction box covering the signature area.

Kirsty Watson RIAS RIBA

Supporting Statement

Dog Grooming Salon to
23 Hutchison Park, Edinburgh
Planning Ref | 20/04618/FUL

This statement is in support of the above application for a new dog grooming salon in the rear garden of 23 Hutchison Park.

The Applicant is a highly skilled dog groomer and became self employed in January 2020 following several successful years as a Salon Manager. While a salon at home had always been the ideal scenario, the Applicant began renting space within local salons to build up her business. The unprecedented challenge of starting a business and immediately being interrupted by Covid-19 has focused the Applicant in exactly what she needs to accomplish to future proof her business, which is to create a salon in which she has total oversight.

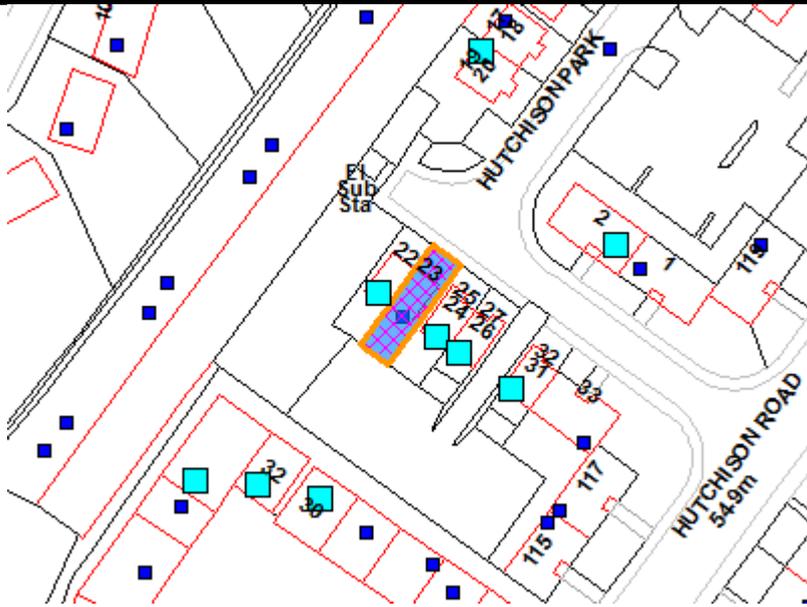
The salon will only be used by the Applicant and home owner and there will be no other staff associated with the business.

The salon will be open Tuesday to Saturday between 9am and 6pm. The Applicant currently and will continue grooming around 20-25 dogs per week, averaging 4-5 dogs per day. The salon will not be open on Sunday or Monday.

The Applicant intends to have one dog in at a time, with no overlap between drop off or collection by owners. The opening times and expected appointment levels have been arranged to allow this.

The Applicant has ownership of a parking space within a private parking area at the rear of the house, with an existing gate providing access to the garden. It is intended that customers will use this parking space and enter the salon through the rear gate, minimising impact to any neighbours.

Neighbours Notified for 20/04618/FUL Date 5 November 2020



Location Plan

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Number 100023420 The City of Edinburgh Council 2012.

30 West Gorgie Parks EdinburghEH14 1UT

34 West Gorgie Parks EdinburghEH14 1UT

32 West Gorgie Parks EdinburghEH14 1UT

Flat 6 2 Hutchison ParkEdinburghEH14 1RG

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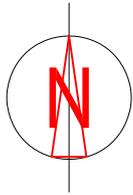
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22 Hutchison Park EdinburghEH14 1RG



location plan [1:1250]

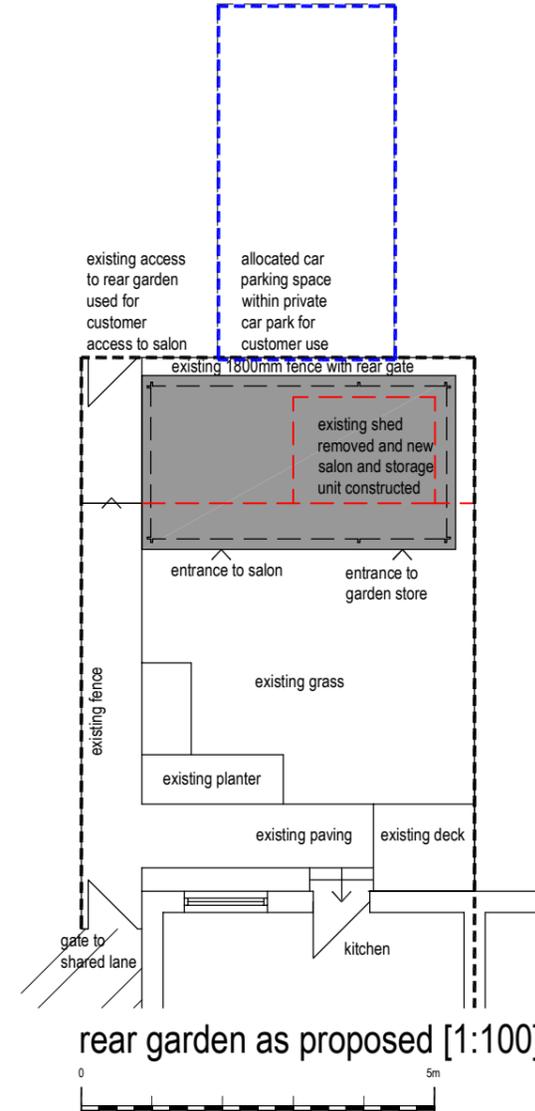
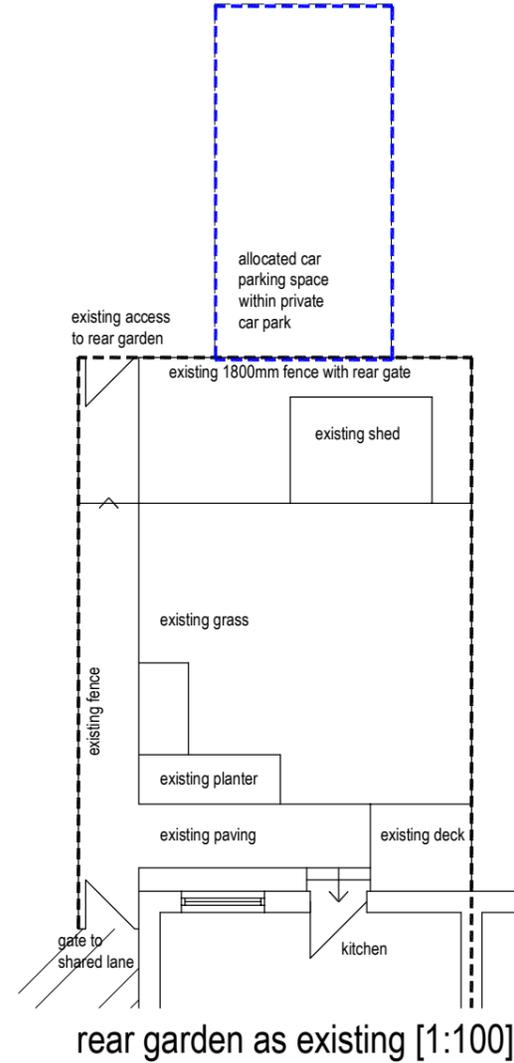
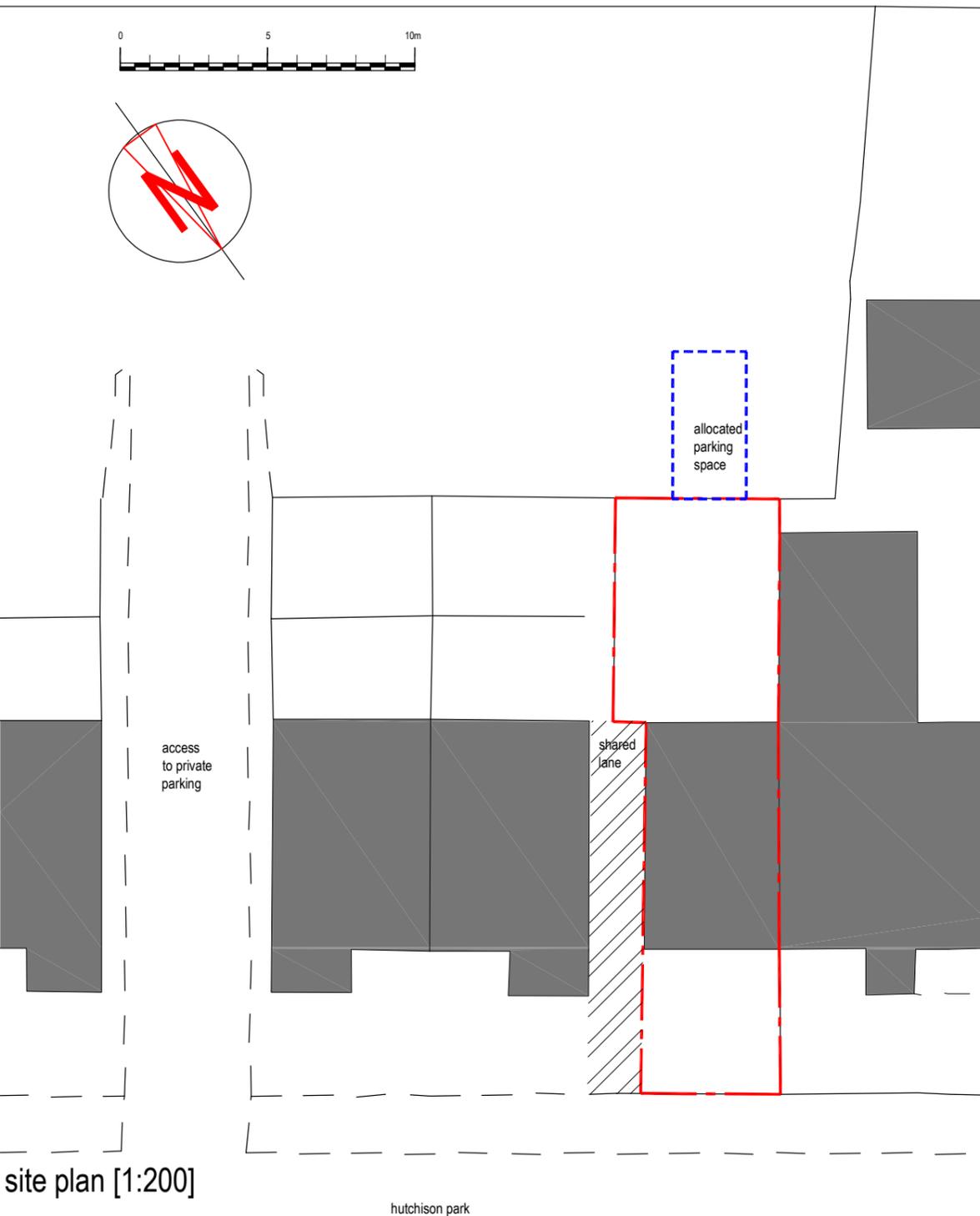
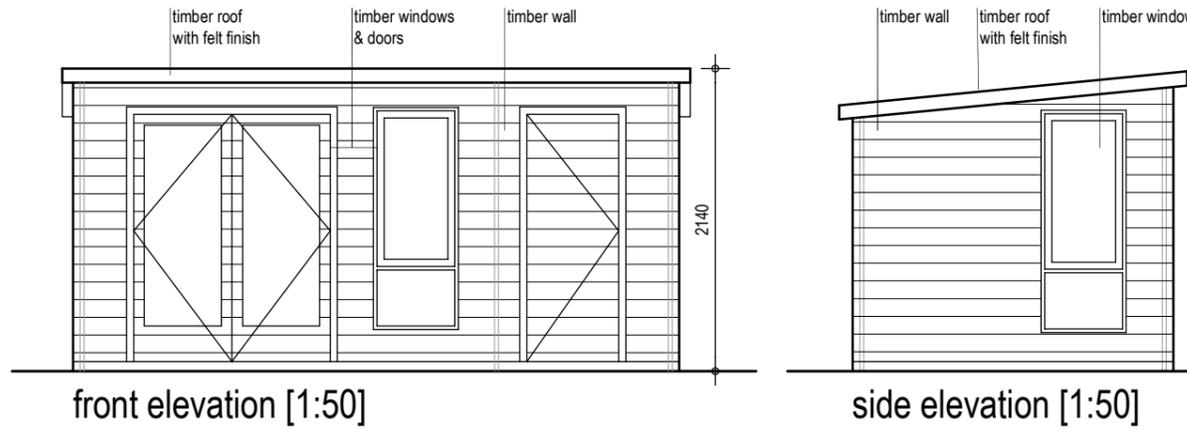
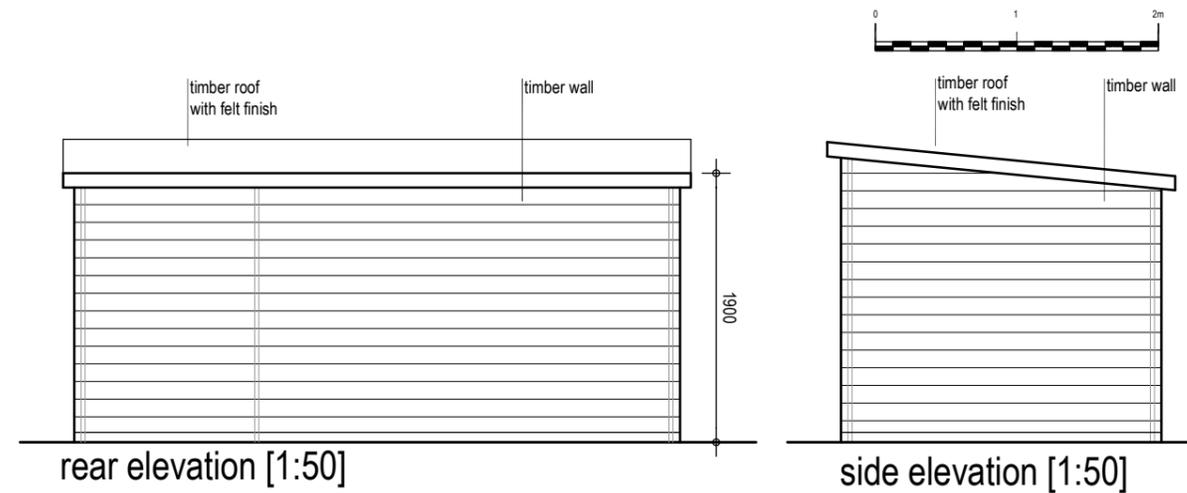
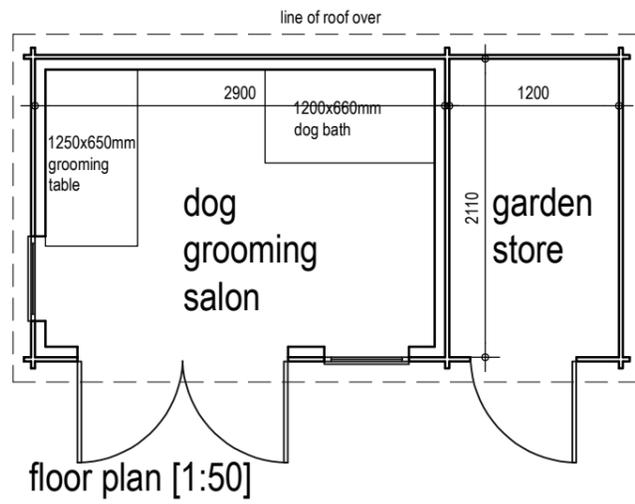


PLANNING
 DRAWING NO | PR06 - P02

LOCATION PLAN
 1:1250 [A4]

DOG GROOMING SALON TO
 23 HUTCHISON PARK
 EDINBURGH
 EH14 1RG

DRAWN BY | K WATSON



A MATERIALS ADDED

PLANNING
DRAWING NO | PR06 - P01

PROPOSED PLANS AND ELEVATIONS
1:50 | 1:100 | 1:200 [A3]

DOG GROOMING SALON TO
23 HUTCHISON PARK
EDINBURGH
EH14 1RG

DRAWN BY | K WATSON