

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

10.00am, Wednesday 12 May 2021

Present: Councillors Booth, Child, Osler, Rose and Ethan Young.

1. Appointment of Convener

Councillor Child was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 1) of 24 March 2021 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 – 23 Hutchison Park, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for change of use from dwelling house to mixed use of dwelling house and dog grooming business at 23 Hutchison Park, Edinburgh. Application No. 20/04618/FUL.

Assessment

At the meeting on 12 May 2021, 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 1,2 Scheme 1, being the drawings shown under the application reference number 20/04618/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 Hou 7 (Inappropriate Uses in Residential Areas)
- 2) Relevant Non-Statutory Guidelines.
Guidance for Businesses
- 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:

- Confirmation was sought regarding the additional letter of support in respect of the review being new information. It was advised that this was not new information and formed part of the Local Review procedures.
- It was noted that the Panel had been minded to grant planning consent subject Environmental Protection approval for a similar application. It was confirmed that this had still to be returned to the Local Review Body as a conclusion had not yet been reached on that matter.
- That the new timber structure was part of this application and was not permitted development. If the panel were to approve this application, they would be approving both the structure and the change of use from dwelling house to mixed use of dwelling house and dog grooming business.
- That the comments from Environmental Protection did not refer to the structure to any great extent, it was mainly the issue of noise that was of concern. Similarly, the report indicated that the structure was acceptable and that it was the potential for noise and disturbance that was the concern.
- Environmental Protection had concerns about the proposals but did not object nor require that the application to be refused. As it was a small-scale undertaking, it was currently acceptable, but if it grew in size, then Environmental Protection might have concerns.
- According to the Local Review Body procedures, only those who had made initial representations would be informed, in this case, only one person was notified again.
- Confirmation was sought as to whether there would have been a physical site notice posted on site, given the application was submitted during the Covid

restrictions. Site notices were published online during this period but did resume briefly before being ceased again due to Covid restrictions.

- That it was not possible to condition the hours of operation. In the similar application referred to, the applicant was asked to confirm in writing that they would meet sound insulation requirements. The Panel then continued consideration of the matter and asked Environmental Protection to confirm what sound insulation was required and the applicant then re-submitted revised documents.
- It would be possible to follow the same procedure as the similar application to continue consideration of the matter and to get a statement from the applicant.
- The applicant was indicating that insulation would be installed. In normal circumstances, Environmental Protection would require a certain level of thickness, but there was not yet a specification and that might be an issue.
- Whether it was not only the structure, but the garden space and overall impact of the proposals that raised concerns.
- Environmental Protection had referred to the frequency of visits and the potential for noise. Officers did not condition hours of opening, there were concerns about this being a residential area and the impact on overall activity.
- There was some sympathy for the applicant. There were certain concerns, but the applicant intended to install insulation. The Panel could either ask the applicant what type of insulation would be used or continue the application and ask them to liaise with Environmental Protection and come back with revised proposals. It was good practice to be consistent with previous decisions.
- The ability of the applicant to scale up the operations was limited because of the size of the structure and the garden area available.
- It was not the case that the garden was an area of concern, there were only the questions about sound proofing and insulation that were of issue. It might be possible to pursue the informal route and ask the applicant to have conversations with Environmental Protection.
- Environmental Protection had not made significant comment and they had the opportunity to do so. It would be advantageous to avoid delay and to overturn the decision of the Chief Planning Officer.
- The Panel should refer this to Environmental Protection to bring back details of sound proofing.
- The applicant had provided assurance that they would provide insulation and they should confirm in this in writing.

Having taken all the above matters into consideration, the LRB determined that the proposal was not contrary to the Edinburgh Local Development Plan Policy Hou 7 in

respect of Inappropriate Uses in Residential Areas, as the proposed use would not be inappropriate on a residential street, nor would it be of a scale that was likely to cause a detrimental increase in noise and disturbance to neighbouring residential properties.

It therefore overturned the decision of the Chief Planning Officer and granted planning permission, subject to a condition regarding further details of sound insulation.

Decision

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

Condition

A detailed specification of the sound insulation measures proposed for the dog grooming salon should be submitted to, and agreed in writing, by Environmental Protection prior to the commencement of the dog grooming business. The sound insulation, as agreed in writing by Environmental Protection, should be implemented prior to the commencement of the dog grooming business and maintained during the operation of the dog grooming business.

Reasons

In order to protect neighbouring residential amenity.

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.

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

5. Request for Review – 45 Inverleith Row, Edinburgh

Details were submitted of a request for a review for refusal of planning permission for enlargement of an existing opening within the low stone boundary wall and the introduction of an automated electric gate and a single car parking space with electric vehicle charging point at 45 Inverleith Row, Edinburgh. Application No. 20/04514/FUL

Assessment

At the meeting on 12 May 2021, 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 20/04514/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 12 (Alterations and Extensions)
Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)
Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)
- 2) Relevant Non-Statutory Guidelines.
Guidance for Householders
Listed Buildings and Conservation Areas
The Inverleith 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:

- Details were provided of the proximity of the proposals in relation to the bus stop.
- The proposed dropped kerb would interfere with the operation of the bus stop and was not acceptable. There were also concerns from Inverleith Society about the enlargement of the low stone boundary wall. In fact, the only positive aspect was the electric vehicle charging point.
- That the application had only been refused because of the bus stop, not because of the Inverleith Society's concerns. The reason for refusal was only marginally applicable and there were no substantial safety issues. It was largely a question of whether the proposed access would interfere with the bus stop and there was 4 metres between the bus stop post and the beginning of the entrance.

- Although there were an insufficient number of dropped kerbs in Edinburgh, in this case the dropped kerb was an issue for disabled access to buses. If a bus stopped adjacent to the drop kerb and the ramp was deployed on the dropped kerb, then the ramp would not be able to lower sufficiently and would cause access problems for disabled users.
- There was some sympathy for the applicant, it was a good idea to get cars off the road by providing parking spaces and to provide access to an electric vehicle charging point, but there were concerns, which included the crossing path of the bus lane.
- The introduction of a vehicular access at this location would have an adverse impact on the safety of pedestrians.
- There were some issues about the loss of historic fabric, although this would be of minor effect. However, in overall terms, there were no reasons not to uphold the decision of the Chief Planning Officer.

Having taken all the above matters into consideration and although there was some sympathy for the proposals, 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 proposals were contrary to relevant Edinburgh Local Development Plan policy, as interpreted using non-statutory guidance, as the proposed access would interfere with a bus stop and visibility is obstructed. This would have an adverse effect on road safety.

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

Declaration of Interest

Councillor Osler declared a non-financial interest in the above item as she was referred to in one of the letters of objection.

6. Request for Review – 93 Station Road, Ratho Station, Newbridge

Details were submitted of a request for a review for refusal of planning permission in principle for the construction of a new detached timber dwelling house including parking and vehicular access at land adjacent to 93 Station Road, Ratho Station, Newbridge. Application No. 20/05011/PPP

Assessment

At the meeting on 12 May 2021, 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, Scheme 1, being the drawings shown under the application reference number 20/05011/PPP on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to determine the review using the information circulated.

The LRB in their deliberations on the matter, considered the following:

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

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

Edinburgh Local Development Plan Policy Des 4 (Development Design - Impact on Setting)

Edinburgh Local Development Plan Policy Des 5 (Development Design - Amenity)

Edinburgh Local Development Plan Policy Env 10 (Development in the Green Belt and Countryside)

Edinburgh Local Development Plan Policy Env 12 (Trees)

Edinburgh Local Development Plan Policy Hou 1 (Housing Development)

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 Tra 7 (Public Transport Proposals and Safeguards)

- 2) Relevant Non-Statutory Guidelines.

Edinburgh Design Guidance

Development in the Countryside and Green Belt

- 3) The procedure used to determine the application.

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

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:

- Confirmation was sought as to whether the former railway track was being used as a right of way and a walking route. It was advised that one of the letters of representation referred to the access road, rather than the railway line being used as a right of way.
- The proposed development was located on the edge of the green belt.
- The image where the site was located was displayed and it was confirmed that the proposed site was an area of sloped, grass land that lies within the Green Belt to the east side of Station Road.
- This decision for refusal should be based on reasons 2 and 4 only. For reason 3, in relation to LDP Policy Tra 2 it was proposed to have 2 parking spaces, but guidance suggested there should only be one space, therefore, it exceeded the car parking provision. However, this development was not close to public transport, was in a rural area and might be busy for a school pick up. Therefore, it was unreasonable to ask for one parking a space only.
- For reason 1, in relation to LDP Policy Env 10, the proposed development was located in the green belt. However, it was not the case that it would have a detrimental impact on the area. There was a mix of uses in the wider area including residential dwellings, a school and large industrial units. Additionally, there was a need for more housing.

Having taken all the above matters into consideration, although one of the members was sympathetic to the proposals, 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 in principle.

Reasons for Refusal:

1. The proposal was contrary to policy Env 10 - Green Belt of the Edinburgh Local Development Plan. No exceptional planning reasons had been given to justify a new house in this location and the proposal would have a detrimental impact on the landscape quality and rural character of the surrounding area.
2. The proposal was contrary to policy Env 12 - Trees of the Edinburgh Local Development Plan. The proposal was likely to have a damaging impact on trees protected by a tree preservation order and impact adversely on the amenity value of the group of protected trees as a whole.

3. The proposal was contrary to policy Tra 2 of the Edinburgh Local Development Plan as the proposed development exceeded the car parking provision as set out in the Council's Edinburgh Design Guidance.
4. The proposal was contrary to policy Tra 7 of the Edinburgh Local Development Plan (LDP). The proposed development was located on land safeguarded for long term extensions to the tram network as listed in Table 9 of the LDP and would therefore prejudice the implementation of a public transport proposal

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

Dissent

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