

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 100511183-001

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: | Whitelaw Planning and Energy | | |
| Ref. Number: | | You must enter a Building Name or Number, or both: * | |
| First Name: * | Nicolas | Building Name: | |
| Last Name: * | Whitelaw | Building Number: | 8 |
| Telephone Number: * | | Address 1 (Street): * | Queen Margaret Drive |
| Extension Number: | | Address 2: | South Queensferry |
| Mobile Number: | | Town/City: * | Edinburgh |
| Fax Number: | | Country: * | City of Edinburgh |
| | | Postcode: * | EH30 9JF |
| Email Address: * | nwplanningenergy@gmail.com | | |

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="Rupinder"/> | Building Number: | <input type="text" value="30"/> |
| Last Name: * | <input type="text" value="Bal"/> | Address 1 (Street): * | <input type="text" value="Corbiehill Road"/> |
| Company/Organisation | <input type="text"/> | Address 2: | <input type="text"/> |
| Telephone Number: * | <input type="text"/> | Town/City: * | <input type="text" value="Edinburgh"/> |
| Extension Number: | <input type="text"/> | Country: * | <input type="text" value="Scotland"/> |
| Mobile Number: | <input type="text"/> | Postcode: * | <input type="text" value="EH4 5DZ"/> |
| 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="30 CORBIEHILL ROAD"/> |
| Address 2: | <input type="text" value="CORBIEHILL"/> |
| Address 3: | <input type="text"/> |
| Address 4: | <input type="text"/> |
| Address 5: | <input type="text"/> |
| Town/City/Settlement: | <input type="text" value="EDINBURGH"/> |
| Post Code: | <input type="text" value="EH4 5DZ"/> |

Please identify/describe the location of the site or sites

| | | | |
|----------|-------------------------------------|---------|-------------------------------------|
| Northing | <input type="text" value="675318"/> | Easting | <input type="text" value="321011"/> |
|----------|-------------------------------------|---------|-------------------------------------|

Description of Proposal

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

new flatted development to replace existing 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.

See supporting 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)

See supporting documents for appeal statement.

Application Details

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

21/02591/FUL

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

11/05/2021

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

24/11/2021

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

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 Nicolas Whitelaw

Declaration Date: 12/12/2021

Request to the Local Review Body at the City of Edinburgh Council (within the terms of (The Town and Country Planning (Appeals) (Scotland) Regulations 2013))

In respect to the refusal to grant planning permission to *demolish existing house and erect new flatted development with 10 units* at 30 Corbiehill Road, Edinburgh.

Planning Reference: 21/02591/FUL

Address: 30 Corbiehill Road, Edinburgh, EH4 5DZ

Summary of Appeal

The planning application was refused on the basis of the following:

1. The proposal is contrary to Edinburgh Local Development Plan Policy Des 4 - Development Design - Impact on Setting, as the scale and proportions of the proposed development will have an unacceptable impact on the character of the wider townscape.
2. The proposal is contrary to Edinburgh Local Development Plan Policy Hou 4 - Housing Density, as scale, form and layout of the proposal has an unacceptable impact on the established low-density characteristics of the site and the surrounding area.
3. The proposal will have an adverse impact on the amenity of neighbouring property 1 Vivian Terrace as the position of the upper floor lounge window on the south-east elevation will create potential for overlooking of this neighbour's garden to the detriment of their privacy.

We formally object to the reasons given above in refusing planning permission on the basis that:

1. The scale, proportions, form and layout of the proposal are within the parameters of the City of Edinburgh Councils planning and design guidance, and would not have an unacceptable impacts on the surrounding properties in this context;
2. The housing variety and streetscape along Corbiehill Road is mixed, particularly on the northern half of the thoroughfare.
3. There is sufficient distance between the proposed redevelopment and the villa properties at Vivian Terrace to maintain both character and amenity.
4. Similar precedents exist that demonstrate this;
5. With regards to the third point the applicant would accept any condition imposed by the Council that the window deemed to overlook 1 Vivian Terrace is removed from the proposed design and build; and
6. The proposal complies with all relevant planning policies, guidance and technical criteria.

Site context

There are a variety of different housing types and densities along Corbiehill Road, with the southern section consisting of 1930/40s villas, and Edwardian stone built two storey terraces

at the northern section towards Davidson's Mains Main Street. The existing building at 30 Corbiehill Road is located opposite Davidson's Mains Primary School and four storey block of flats built at the turn of the century. Currently the site consists of a large two storey villa built in the 1970s on land previously belonging to number 1 and 3 Vivian Terrace respectively, and is largely concealed due to the sloping topography and surrounding established mature vegetation.

Planning History

There are a number of planning applications associated with the site. In 1998 outline planning permission was granted to erect flats (98/11090/OUT). In 2005 planning permission was granted for change of use to a meeting room for Christian religious worship (05/02698/FUL). Planning permission has also been granted for a number of extensions.

Planning permission was granted in May 2020 for the alteration and roof extension to form 5 flats (19/03387/FUL).

Planning Policy

Scottish Planning Policy

The following aspects of SPP are considered relevant when assessing the proposed development.

Paragraphs 29 and 40.

Edinburgh City Plan 2020

The following two policies of this Local Development Plan were used to justify refusal of planning permission:

Policy Des 4 Development Design - Impact on Setting

Planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to:

- a) height and form*
- b) scale and proportions, including the spaces between buildings*
- c) position of buildings and other features on the site*
- d) materials and detailing*

Policy Hou 4 - Housing Density

The Council will seek an appropriate density of development on each site having regard to:

- a) its characteristics and those of the surrounding area*
- b) the need to create an attractive residential environment and safeguard living conditions within the development*
- c) the accessibility of the site includes access to public transport*

d) the need to encourage and support the provision of local facilities necessary to high quality urban living.

Higher densities will be appropriate within the City Centre and other areas where a good level of public transport accessibility exists or is to be provided. In established residential areas, proposals will not be permitted which would result in unacceptable damage to local character, environmental quality or residential amenity.

There is a good level of public transport accessibility with the number 41 bus running regularly along Corbiehill Road (both stops are within 40m of site) between Cramond and Mayfield via the city centre - approximately every 20 minutes in each direction throughout the day. The number 21 bus can be accessed a short walk away at Davidson Mains Main Street, and many frequent buses (16, 43, and 200) can be accessed a short walk away at Hillhouse Road (Queensferry Road) - all stops are within the recommended 500m walking distance.

The following development building footprints give an indication of plot densities:

30 Corbiehill Road - existing = 24%
30 Corbiehill Road - proposed = 32%
1 Vivian Terrace = 23%
Flats at 29b Corbiehill Road = 40%

The above ratios demonstrate that the proposed development density is not excessive especially when compared against the existing flats at 29b Corbiehill Road.

Edinburgh City Plan 2030

This emerging and although not yet adopted policy document is nevertheless still a material consideration. Policy Des 4 of the 2020 LDP has been brought forward into this plan as Policy Env 4, and Policy Hou 4 is now ENV 26, which has been updated with new text which *encourage and support the provision of local facilities necessary to high quality walkable neighbourhoods*. The policy also contains a new target of over 65 dwelling per hectare from any new development [which this proposal would comply with].

Edinburgh Design Guidance

Section 1.5 of the Edinburgh Design Guidance deals specifically with densities and states:

New development should achieve a density that is appropriate to the immediate site conditions and to the neighbourhood. This is particularly important in Victorian and Edwardian villa areas. Here the form of any new building and its positioning should reflect the spatial characteristics, building forms and heights within the area. Back-land development must be designed to ensure that any proposed building is subservient to surrounding buildings and it does not have an adverse impact on spatial character.

Due to the slope between 30 Corbiehill and 1 Vivian Terrace the proposed design would be partially offset in terms of height, whilst the majority of the mass of the proposed building is

concealed from Corbiehill road due to the proposed buildings orientation using the sloping contours and mature vegetation to screen the majority of the building.

The guidance continues with the following:

The appropriateness of high density housing to a particular site will depend on site context and on the way in which the development addresses the issues of open space (including impacts on landscape character and trees), unit mix, daylight, sunlight, privacy, outlook, house type, car parking requirements, waste management and the design and site layout of the development itself. Density should be a product of design, rather than a determinant of design. Where there is a failure to meet the Council's expectations in relation to these factors, this would indicate that the proposed density is too high and that the quantity of development on the site should be reduced or the design re-configured.

In terms of density the proposed development complies with all the aforementioned criteria listed in the above paragraph.

Precedents

The proposed development is on a proportionally similar footprint to the flats across the road at 29b Mains Grove built in the early 2000s, which contains 15 units, and is noticeably higher when viewed from Corbiehill Road.

Nearby the site at 16 Queen's Road is a large block of flats built adjacent to similar villa houses - no information is available for this development on the planning portal.

The development management sub committee report for the previous application for 5 flatted units on the site stated that *The existing building is over 40 years old and its modern design is unusual in the context of the traditional 1930's bungalows in the surrounding area. It can therefore take a level of change that these older buildings could not accommodate. The proposed roof extension and external alterations will result in a noticeable change in design and form to the existing building. However, these changes are high quality and compatible with the existing building in terms of form, mass and proportions. The overall height would not be higher than the existing ridge. The proposals will not be detrimental to neighbourhood character.*

The significant difference between the proposal for 5 flats and the proposal for 10 flats is an additional storey, which would add an extra 1.6m bringing the height measured from the rear to 11m. As previously mentioned the additional mass of the latest proposal would be largely obscured from Corbiehill road by virtue of the topography, and soft and hard landscaping.

Summary

We hope to have demonstrated that the proposed development does not have an unacceptable impact on the local setting or density of buildings in context of its surroundings, but in fact actually complies with and gives effect to various policies and technical guidance.

The Edinburgh Design Guidance states *High density development is encouraged where there is, or it is proposed to be, good access to a full range of neighbourhood facilities, including immediate access to the public transport network.* The sites location fulfils this criteria, with shops, services, and bus stops nearby.

It is accepted that there will be inevitably be some impacts to neighbouring properties during the construction phase of the development, however once developed there would be no unacceptable impacts to neighbouring properties by virtue of the buildings form and layout which seeks to avoid issues such as overlooking, over shadowing, loss of privacy, shading, The proposed building would be of a significantly lesser height than the four storey flats at 29b Corbiehill Road, opposite 31 Vivian Terrace, whereas the four storey proposed as this development will appear as a three storey development from Corbiehill Road.

The sloping aspect of the site allows the proposed development to be accommodated more sympathetically than if the site was level. Furthermore the existing mature trees and hedges on the site boundary helps absorb the building into the site and create additional screening. Overall this means there is not so much of a juxtaposition between the proposed building and its surroundings. The planning officer stated in the report of handling that *The existing building is setback from the street to varying degrees due to its unusual stepped form. This reduces its level of prominence from Corbiehill Road.*

Furthermore, the location of the site on Corbiehill Road across from Davidson Mains Primary school and the flats at 29B is an appropriate location in terms of form and scale, whereas it is accepted that such a proposal on Vivian Terrace would not be appropriate. Within this context and given the location of the proposed building within the site, and the size and orientation of the neighbouring gardens at Vivian Terrace the proposal should be viewed with the overall mixed streetscape along Corbiehill Road. The bungalows at 1 and 31 Vivian Terrace are not immediately adjacent to the proposed development site at 30 Corbiehill Road and should be viewed and considered in a different context when viewed from Corbiehill Road. The 16 flats at 29b Corbiehill Road across the road from 31 Vivian Terrace demonstrate that the character of the area is not solely defined by villas, but is mixed, especially when viewed with the primary school opposite. This is in contrast to the planning officers interpretation that the site *sits among mainly low-level traditional 1930's bungalow properties* whereas it effectively only borders one villa property - 1 Vivian Terrace (the large garden and electrical substation effectively buffer the site from 31 Vivian Terrace). The proposed development would effectively be balanced by the existing larger flats across the street.

The granting of planning permission for 5 flats in 2020 demonstrates that in principle the redevelopment of the site to accommodate higher densities is acceptable. We accept that the proposal is close to the acceptable parameters in terms of the sites capability to accommodate flatted units whilst maintaining appropriate amenity, however the design is to a high standard, and complies with all the various technical criteria set out in the local development plan, whilst maximising the sites development potential.

Overall there are no technical objections other than the easily remedied removal of the offending window which is actually looking to the street rather than 1 Vivian Terraces' garden

- i.e. no issues with daylighting, shadowing, trees, parking, access, bins, etc, only the rather subjective issue of spatial character. As stated the applicant would accept the condition that the window is removed as part of any planning permission.

The granting of planning permission would help address a shortfall of flat accommodation in the local area, which is a sustainable location with good access to shops, services and transport links.

Request to Local Review Body:

We ask that the Local Review Body consider the above arguments in light of the current situation, and review the planning application to demolish the existing house and erect new flatted development with 10 units at 30 Corbiehill Road, Edinburgh.

within the terms of The Town and Country Planning (Appeals) (Scotland) Regulations 2013.

Nicolas Whitelaw MRTPI
Agent acting on behalf of Rupinder Bal

12th December 2021