

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

10.00am, Wednesday 19 January 2022

Present: Councillors Booth, Child, Dixon, Osler and Rose.

1. Appointment of Convener

Councillor Osler was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 2) of 1 December 2021 as a correct record, subject to the correction of the repetition of words at item 6 of the minutes.

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 – 4 Harbour Lane, Edinburgh

Details were submitted of a request for review for internal alterations and enlargement of existing house at 4 Harbour Lane, Edinburgh. Application number 21/01809/FUL.

At the meeting of 1 December 2022, the Panel agreed to continue consideration of the request for review in order to allow for a site visit to be conducted safely under social distancing measures.

Assessment

At the meeting on 19 January 2022, the LRB had been provided with copies of the notice of review submitted, including a request that the review proceed on the basis of an assessment of the review documents and a request for a site visit.

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 being the drawings shown under the application reference number 21/01809/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 that a site visit was necessary to determine the review.

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), Des 3 (Development Design), Env 6 (Conservation Areas – Development)
- 2) Relevant Non-Statutory Guidelines.

Guidance for Householders

The Queensferry Conservation Area Character Appraisal
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- That the retention of the Scottish grey slate was preferred for the purposes of durability.
- That the applicant's agent advised at the site visit, that as much of the existing slate would be recycled where possible.
- That if the application was approved, there was scope to apply a condition requiring materials to be approved by the Chief Planning Officer prior to works commencing.
- That a member was unclear whether Scottish slate was available as a material.
- That a member had concluded that this was an upgrade and enhancement of the accommodation, and that there was a mixture of old and modern housing and roofing in the context of the conservations area, the interventions were not highly visible in the conservation area, there had been a wide variety of interventions in the conservation area elsewhere and there had been no local objections to this particular application.
- That good quality materials were being proposed for the development and the site was hardly visible.
- That slate was understood to be the preferred material of use by the applicant and clarification was sought on conditioning the use of Scottish slate.
- That a member was not sure whether it was required to applying a condition specifying the use of a particular origin of slate.
- That the materials condition referred to could be included with the decision letter issued to the appellant.

It therefore overturned the decision of the Chief Planning Officer and granted planning permission as the proposals were not contrary to Edinburgh Local Development Plan Policies Des 3 (Development Design), Des 12 (Alterations and Extensions) and Env 6 (Conservation Areas – Development); the Panel considered that the proposals would

upgrade and enhance the accommodation and noted that there was a mixture of old and modern housing and roofing in the context of the Queensferry Conservation Area, the interventions were not highly visible from public viewpoints, there had been a wide variety of modern interventions in the vicinity of the site and elsewhere in the Conservation Area, and there were no local objections to the scheme.

Decision

To overturn the decision by the Chief Planning Officer and to grant planning permission.

Reasons :

The proposals were not contrary to Edinburgh Local Development Plan Policies Des 3 (Development Design), Des 12 (Alterations and Extensions) and Env 6 (Conservation Areas – Development); the Panel considered that the proposals would upgrade and enhance the accommodation and noted that there was a mixture of old and modern housing and roofing in the context of the Queensferry Conservation Area, the interventions were not highly visible from public viewpoints, there had been a wide variety of modern interventions in the vicinity of the site and elsewhere in the Conservation Area, and there were no local objections to the scheme.

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

5. Request for Review – 30 Corbiehill Road, Edinburgh

Details were submitted of a request for review f to demolish the existing house and erect a new flatted development with 10 units at 30 Corbiehill Road, Edinburgh - application number 21/02591/FUL.

Assessment

At the meeting on 19 January 2021, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents.

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 being the drawings shown under the application reference number 21/02591/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 statutory development plan, including the relevant policies of the adopted Edinburgh Local Development Plan. These included Policy Des 1 (Design Quality and Context), Policy Des 4 (Design - Setting) and Policy Hou 4 (Density);
- 2) the Council's non-statutory Edinburgh Design Guidance;
- 3) the procedure used to determine the application; and
- 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:

- A member wanted to understand more about the overlooking on Vivian Terrace and it was advised that the lounge of the bedroom of the top floor of the development presented an overlooking issue and was highlighted in the report of handling, for impeding garden privacy.
- That the application site had been granted planning permission in May 2020 for alterations and a roof extension to the existing detached house to form five flats.
- That the basis of refusal for the ten units was its scale and proportions would have an unacceptable impact on the quality and character of the local residential environment and townscape.
- That the proposed use in an established residential area was acceptable in principle and would contribute to the housing land supply, but it was not acceptable for design and density reasons.
- That an LRB member advised that where there were many representations a site visit was perhaps suitable, to demonstrate to the community that the panel were giving full consideration to the views of those making representations.
- That another LRB member did not consider a site visit required.
- That another two members agreed that there was ample information to determine the application.
- That there were other issues such as the comments from environmental health, impact on trees and road safety.
- The reasons for the officers' refusal were considered and deemed to be robust.

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 and to refuse planning permission

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

6. Request for Review – Flat 8 50 Minto Place, Edinburgh

Details were submitted of a request for a review for extensions to enlarge existing windows to doors including protective barrier at Flat 8 50 Manor Place, Edinburgh. Application number 21/01794/FUL.

Assessment

At the meeting on 19 January 2021, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents. The Panel had also been provided with a copy of the DPEA decision notice which granted listed building consent on appeal for the same proposals.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions. He also explained the reporter's reasoning as set out in the listed building consent decision notice.

The plans used to determine the application being the drawings shown under the application reference number 21/01794/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) Relevant parts of the Listed Buildings & Conservation Areas Act and Historic Environment Scotland's Managing Change – Windows & External Features guidance
- 2) The development plan, including the relevant policies of the Edinburgh Local Development Plan:
 - Policy Env 4 (Listed Buildings - Alterations and Extensions)
 - Policy Env 6 (Conservation Areas - Development)
- 3) Council's relevant Non-Statutory Guidelines:
 - New Town Conservation Area Character Appraisal
- 4) The procedure used to determine the application.
- 5) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- That a site visit was requested as the DPEA reporter had a difference of opinion to the Council's Chief Planning Officer.
- That a site visit was not considered required by another member of the panel.
- That a member noted the decision from the DPEA reporter, and the original refusal was on the impact of the built environment and sought clarity on whether the refusal on the basis of the reasons offered in the report of handling the Council's Chief Planning Officer which differed from the reasons for refusal highlighted by the reporter was problematic.
- That it was advised that it was procedurally competent for a scheme to be granted listed building consent but not planning permission but that the applicant could not proceed with the scheme without both approvals.
- That a member commented that the arguments of the DPEA were compelling and in parallel and proposed to not uphold the decision by the Chief Planning Officer and to grant planning permission for the reasons that the DPEA reporter had highlighted.
- That the application was considered detrimental.
- That Councillor Dixon had viewed the premises prior to deliberation on this request for review and this visit had affirmed in his mind that the most appropriate decision was to uphold the decision by the Chief Planning Officer and to Refuse planning permission.

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.

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

7. Request for Review – Land at Peniel Road, Edinburgh

Details were submitted of a request for a review for refusal of planning permission for the erection of a detached dwelling house, application number 21/01376/FUL.

Assessment

At the meeting on 19 January 2021, the LRB had been provided with copies of the notice of review submitted, including a request that the review proceed on the basis of an assessment of the review documents.

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 being the drawings shown under the application reference number 21/01376/FUL nm 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 relevant policies of the Edinburgh Local Development Plan which included:
 - Edinburgh Local Development Plan Policy Env 10 (Development in the Green Belt and Countryside)
 - Edinburgh Local Development Plan Policy Des 5 (Development Design)
 - Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)
 - Edinburgh Local Development Plan Policy Env 21 (Flood Protection)
 - Edinburgh Local Development Plan Policy Des 1 (Design Quality and Context)
 - Edinburgh Local Development Plan Policy Des 4 (Development Design)
- 2) Relevant Non-Statutory Guidelines.
 - Development in the Countryside and Green Belt
 - Edinburgh Design Guidance
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- That a member felt that the state of the land was an issue and felt if appropriate a site visit could be undertaken.
- That members felt they could consider the application without the requirement for a site visit.
- That three members considered there was not a requirement for a site visit.
- It was queried that if the panel was minded to overturn the Chief Planning Officer's recommendation and to grant planning permission; several conditions would be recommended to include: details of boundary treatment next to the railway line, details of materials and finishes, details of glazing and the acoustic barrier which environmental protection had asked for, an amendment to the parking provision, which the Council's Roads team had requested, a surface water management plan and informatives for coal mining and network rail.
- That the land was designated as Countryside within the Local Development Plan and Env 10 applied.

- That a piece of land in the Countryside may not meet the tests to be included in the Edinburgh Green Belt, for example contributing to the landscape setting of the city, but still merit the same level of protection.
- That there were certain circumstances under Env 10 when a new dwelling would be permitted, most usually this was in instances where it was connected to a rural land use. It was queried whether the appellant provided any justification for this dwelling on the basis of Env 10, recreation or agricultural. It was advised there had not been any justification provided by the appellant.
- That a member had sympathy for the appellant, but a member was in favour of upholding the decision by the Chief Planning Officer to refuse planning permission.
- That there was justification for departing from the guidance. It provided a house for somebody and this was significant. In terms of it being considered countryside, it had defensible boundaries, it was adjacent to other houses and the land was not productive agricultural land and would enhance the appearance of the area.

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.

Motion

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

Reasons for Refusal:

- 1) The proposal was contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it was not compatible with the character of the existing building and the neighbourhood character.
- 2) The proposals were contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they were not compatible with the character of the existing building and would affect the neighbourhood character.

Moved by Councillor Osler, seconded by Councillor Child.

Amendment

To overturn the decision of the Chief Planning Officer and grant permission for the reason that:

The proposals were not contrary to Edinburgh Local Development Plan Policy Env 10 (Development in the Green Belt and Countryside) as the proposal would provide a dwelling, it had defensible boundaries, was adjacent to a settlement of three dwellings, the land was not productive agricultural land and the proposal would enhance the appearance of the area. The approval would be subject to several conditions to include: details of boundary treatment next to the railway line, details of materials and

finishes, details of glazing and the acoustic barrier which environmental protection had asked for, an amendment to the parking provision, which the Council's Roads team had requested, a surface water management plan and informatives for coal mining and network rail.

Moved by Councillor Rose, seconded by Councillor Dixon.

Voting

For the motion	-	3 votes
For the amendment	-	2 votes

For the Motion: Councillors Booth, Child and Osler.

(For the Amendment: Councillors Dixon and Rose.

Decision

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

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