

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

10.00 am, Wednesday 30 November 2022

**Present:** Councillors Beal, Booth, McNeese-Mechan and Mowat.

### 1. Appointment of Convener

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Councillor Mowat was appointed as Convener.

### 2. Planning Local Review Body Procedure

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#### Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

### 3. Minutes

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To approve the minute of the Local Review Body (LRB Panel 1) of 2 November 2022 as a correct record.

### 4. Request for Review – 1 Avenue Villas, Edinburgh

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Details were submitted for a request for review to demolish existing rear extension and form new extension to the side and rear to house living, dining and utility facilities. Form basement to extension with study and plant room. Minor internal remodelling of existing house. Apex roof light over existing stair at 1 Avenue Villas, Edinburgh. This was dealt with by the Chief Planning Officer under delegated powers. Application number 22/02322/FUL.

#### Assessment

At the meeting on 30 November 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 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 1-7, Scheme 1 being the drawings shown under the application reference number 22/02322/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 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, principally:
  - Edinburgh Local Development Plan Policy Env 4 (Listed Buildings – Alterations and Extensions)
  - Edinburgh Local Development Plan Policy Env 9 (Development if Site of Archaeological Significance)
  - Edinburgh Local Development Plan Policy Env 12 (Trees)
  - Edinburgh Local Development Plan Policy Env 21 (Flood Protection)
  - Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
- 2) Relevant Non-Statutory Guidelines.
  - Guidance for Householders
  - Other Relevant policy guidance**
    - Scottish Planning Policy on Sustainable Development
- 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 of the panel requested a site visit and input from the Council's arboriculturist, given that the Tree Report from the appellant written by Hinshelwood Arboricultural Consultants, and the Tree Report from the objector written by Julian A Morris, offered conflicting opinions.
- That a further two panel members agreed to the site visit taking place.
- That a panel member felt it was not required to undertake a site visit.
- That it was advised that any further submissions of information would be presented to the appellant, in order to give them the opportunity to respond.
- That a member of the panel wished for the site visit to take place to gain an appreciation of the historical nature of the trees, through photographs supplied and the current context with the trees, given this was the area of dispute between the arboriculture reports.

- That it was requested that all the council arboriculturist addressed all the matters in the objector's tree report.
- That issues of ground stability would be a matter for the building warrant process, and not a planning consideration.

Having taken all the above matters into consideration, the LRB was unable to make a final decision and determined to continue consideration of the matter to a further meeting of the Local Review Body (Panel 2) for a site visit and to allow for a response from the Council's Arboricultural Officer, specifically addressing the content of both the Tree Report from the appellant written by Hinshelwood Arboricultural Consultants, and the Tree Report from the objector written by Julian A Morris, as these appear to offer conflicting opinions.

## **Decision**

To continue consideration of the matter to a further meeting of the Local Review Body (Panel 2) for a site visit and to allow for a response from the Council's Arboricultural Officer, specifically to address the content of both the Tree Report from the appellant written by Hinshelwood Arboricultural Consultants, and the Tree Report from the objector written by Julian A Morris, as these appeared to offer conflicting opinions.

## **5. Request for Review – 2 (2F) Albyn Place, Edinburgh**

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Details were submitted for a request for review for the change of use from residential apartment to short-term letting apartment in line with recent legislation (for an already established short-term let operating since 2018) at 2 (2F) Albyn Place, Edinburgh, application Number. 22/03087/FUL.

### **Assessment**

At the meeting on 30 November 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 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 01-03, Scheme 1 being the drawings shown under the application reference number 22/03087/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 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, principally:
  - Edinburgh Local Development Plan Policy Env 1 (World Heritage Sites)
  - Edinburgh Local Development Plan Policy Env 4 (Listed Buildings – Alterations and Extensions)
  - Edinburgh Local Development Plan Policy Env 6 (Conservations Areas – Development)
  - Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
  - Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)
  - Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)
- 2) Relevant Non-Statutory Guidelines.  
Guidance for Householders

### **Other Relevant policy guidance**

Scottish Planning Policy on Sustainable Development

- 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 of the panel reiterated the comment by the appellant that the proposal did not have an adverse impact on neighbours.
- Confirmation was sought whether there was a planning mechanism to limit the number of occupants or control the quality of the operation of the short-term let and it was advised that neither matter could be controlled through planning conditions.
- That recent changes to management of short term lets would be considered by the licensing process which now existed.
- That the location was highlighted as a block of flats with a shared access.
- That there was some sympathy for the appellant, however if planning permission was granted there were no planning controls that could then prevent a less reputable operator of the short term let and there would not be scope to then safeguard neighbour amenity.
- Having taken all the above matters into consideration, the LRB was of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

### **Decision**

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

## **Reason for Refusal:**

The proposal would have a materially detrimental effect on the living conditions and amenity of nearby residents. It did not accord with Local Development Plan policy Hou 7 or with the objectives of Scottish Planning Policy, as it would not contribute towards sustainable development.

(Reference – Decision Notice, Notice of Review, Report of Handling and supporting documents, submitted)

## **6. Request for Review –, 28 Edinburgh Lanark Road West, Currie, Edinburgh**

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Details were submitted for a request for a review for side extension to form new bedrooms /en-suites, front entrance extension plus new and replacement roof dormers and roof lights , application no. 22/02038/FUL.

### **Assessment**

At the meeting on 30 November 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 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 01-07, Scheme 1 being the drawings shown under the application reference number 22/02038/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 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, principally:

Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)

2) Relevant Non-Statutory Guidelines.

Guidance for Householders

### **Other Relevant policy guidance**

Scottish Planning Policy on Sustainable Development

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 queried the roof of the extension to the front elevation, and whether this was a two-storey extension.
- That the planning advisor shared the proposed roof plan to show the creation of additional capacity within the first-floor accommodation which would change the roof pitch, and the addition of a shallow two storey extension to the front .
- That another member highlighted the three-dimensional model within the meeting papers and queried if the rear accorded with the new plans. It was advised that the applicant had included former plans, to demonstrate that the revised plans were reduced in size.
- That a member queried the visibility of this property from the street to determine the visual impact, and the Planning advisor highlighted the property had a hedge to provide some screening.
- That a member had sympathy for the applicant but the report and presentation highlighted that the proposals were not in accordance with the Local Development Plan and non-statutory planning guidance.
- That another member felt the proposals dominated the existing building and were incongruous with the rest of the properties on the street.
- That a further member felt that the proposals, if granted, would amount to a loss of form in the streetscape.

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

### **Decision**

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

### **Reason for Refusal:**

The proposed extension was contrary to Edinburgh Local Development Plan Policy Des 12 on extensions and alterations as its scale, form and position would appear incongruous in this context and adversely impact on the character and appearance of the existing building and neighbourhood character.

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

## **7. Request for Review –8 North Bank Street, Edinburgh**

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Details were submitted of a request for a review for the Proposed Change of Use from dwelling to short-term let (in retrospect), application number 22/02284/FUL.

### **Assessment**

At the meeting on 30 November 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 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 01, Scheme 1 being the drawings shown under the application reference number 22/02284/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 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, principally:
  - Edinburgh Local Development Plan Policy Env 1 (World Heritage Sites)
  - Edinburgh Local Development Plan Policy Env 3 (Listed Building - Setting)
  - Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)
  - Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
  - 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 Del 2 (City Centre)
  
- 2) Relevant Non-Statutory Guidelines.

Guidance for Householders

### **Other Relevant policy guidance**

Scottish Planning Policy on Sustainable Development

- 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 members of the panel discussed the proposals and were content that the proposals conformed with section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- That if planning permission were to be granted to the property, no planning conditions could be applied that could control how a future occupier operated the short term let.

- That a Member of the panel highlighted there was potential for an impact on residential amenity if the Short Term Let was granted.
- That a Member highlighted their aspiration to see the City Centre as a location for residential dwellings and that the granting of planning permission would compromise this.

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

### **Decision**

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

### **Reason for Refusal:**

The proposal is contrary to Local Development Plan policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of the property as a short stay let will have a materially detrimental effect on the living conditions and amenity of nearby residents.

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

## **8. Request for Review – 405 Webster’s Land, Edinburgh**

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Details were submitted of a request for a review for Change of use from residential to short-term let (STL) – application no. 22/02967/FUL

### **Assessment**

At the meeting on 30 November 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 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 01,03 Scheme 1 being the drawings shown under the application reference number 22/02967/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 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, principally:

Edinburgh Local Development Plan Policy Env 1 (World Heritage Sites)



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

Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)

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 Del 2 (City Centre)

2) Relevant Non-Statutory Guidelines.

Guidance for Householders

**Other Relevant policy guidance**

Scottish Planning Policy on Sustainable Development

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 queried the management of ingress and egress of potential guests out with 9pm to 5pm and whether there was further information on this matter, which it was confirmed there was no further information.
- That if planning permission were granted for the short term let, there would be no ability for planning conditions to regulate how any future owner operated the short term let.
- That a member of the panel highlighted that from their own experience of the location it was quiet and residential and that there was an objection to the proposals.
- That a member of the panel highlighted that the accommodation was suited to be a residential dwelling as a starter home, and that the granting of planning permission for this property to be a short term let would compromise the city centre having a range of housing stock options for all income levels.

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

**Decision**

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

**Reason for Refusal:**

The proposal was contrary to Local Development Plan policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of the property as a short stay let would have a materially detrimental effect on the living conditions and amenity of nearby residents.

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