

Minutes

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

10.00 am, Wednesday 30 August 2023

Present: Councillors Beal, Booth, Mattos Coelho and Mowat.

1. Appointment of Convener

Councillor Mowat was appointed as Convener.

2. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

3. Minutes

To approve the minute of the Local Review Body (LRB Panel 1) of 2 August 2023 as a correct record.

4. Request for Review – 26 Balgreen Avenue, Edinburgh

Details were submitted of a request for review for proposed attic conversion with front /rear dormers at 26 Balgreen Avenue, Edinburgh. Application Number. 23/00576/FUL.

Assessment

At the meeting on 30 August 2023, 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 01-03, Scheme 1 being the drawings shown under the application reference number 23/00576/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 NPF4 and Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Des 1 (Design Quality and Context)
 - Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 14 (Design, quality and place)
 - National Planning Framework 4 Policy 16 (Quality Homes)
- 2) Relevant Non-Statutory Guidelines.
 - Guidance for Householders
- 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:

- Considering the first image and the reasons for refusal and the various policies and guidance for housing referred to, was the dormer on the edge of the conservation area?
- It was confirmed that the property was a mid-terrace traditional residential property, it was not located in a conservation area, but it was located on the edge of the West Murrayfield Conservation Area.
- It was understood that there was no precedent in planning, however, had the applicant put forward any argument that there were similar dormers in principle elevations anywhere else in the area?
- It was confirmed that the application had no given any such examples. In the papers, they had referred to alternative designs and indicated that the dormer did comply with planning guidance for households, but gave no specific examples.

- Whether the application was only unacceptable due to the front dormer, and not the rear dormer.
- It was confirmed that the report of handling referred to the rear dormer as being acceptable as it was less visible, but not the front dormer.
- Some clarification was requested from the planning officer, that the Panel should not issue a mixed decision and that they could not grant the rear dormer and refuse the front one. If the Panel thought that the decision by the planning officer was correct, then they could not issue a mixed decision.
- It was explained that the Panel had to consider the application as a whole and it was wrong to provide a mixed decision on this application, as it was necessary to consider the extension in the round. If there were two distinct parts to the work, for example a garden shed and a dormer and the works could be separated, it might be possible to issue a mixed decision, as the legislation did not exclude it. However, in this instance, the nature of the application made it necessary to consider the application in its entirety.
- There was agreement in general with the above viewpoint, however, this was marginal and there was some sympathy with the applicant, as they had complied with guidance regarding proportions. However, the property was adjacent to a conservation area, the proposed front dormer did not reinforce the distinctive local architectural styles. Therefore, the officer's decision should be upheld.
- Reference was made to the issue of the submission of the photos, this was coherent architectural expression and these streets were very uniform. Reference was made to LDP Policies Des 1 and 12 in relation to front dormers not being in keeping with the architectural style of this area, which was very homogeneous. The proposals would be out of keeping with that, therefore, the recommendations of the officers should be upheld.
- There was no dissent from the panel with this viewpoint.

Having taken all the above matters into consideration and although there was some sympathy for the applicant, the LRB were 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:

1. The proposal did not comply with NPF4 Policy 14c as the works would be poorly designed and inconsistent with the six qualities of successful places as the proposed front dormer did not reinforce the distinctive local architectural style and traditional sense of place achieved by the neighbourhood.

2. The proposal did not comply with LDP policy Des 1 as the works would be an inappropriate design which is damaging to the character and appearance of the surrounding area.
3. The proposal did not comply with NPF4 Policy 16g as the works would have a detrimental effect on the character of the home and surrounding terrace; would not be acceptable in terms of principle of the front dormer; and would have a detrimental effect on neighbouring properties.
4. The proposal did not comply with LDP policy Des 12 as the works would not be in keeping with the existing building or character of the wider terrace; would not be acceptable in terms of principle.

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

5. Request for Review – 103 Brunswick Street (14 Metres West Of), Edinburgh

Details were submitted for a request for review for the proposed installation of 1 No. BT Street Hub while removing 2 No. existing BT Phone kiosks from the street scene at Telecoms Apparatus, 14 Metres West Of 103 Brunswick Street, Edinburgh. Application No. 23/00140/FUL.

Assessment

At the meeting on 30 August 2023, 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 01-06, Scheme 1 being the drawings shown under the application reference number 23/00140/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 NPF4 and Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Des 1 (Design Quality and Context)
 - Edinburgh Local Development Plan Policy Des 5 (Development Design - Amenity)

Edinburgh Local Development Plan Policy Tra 9 (Cycle and Footpath Network)

National Planning Framework 4 Policy 7 (Historic Assets and Places)

National Planning Framework 4 Policy 24 – (Digital infrastructure)

2) Relevant Non-Statutory Guidelines.

Edinburgh Design Guidance

Listed Buildings and Conservation Areas

Guidelines on Adverts and Sponsorship

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:

- The lead planning officer indicated that there was new information that the applicant had requested be considered.
- The Panel was happy to accept the new information, but it was requested for the lead planning officer to provide a summary on this.
- The officer explained that what was being considered was the full planning application for the erection of a double-sided digital advertising display unit with rotating content . The advert would be housed within a BT "InLink" unit. Therefore, the Panel was assessing the structure and the impact of that. The decision that came from the DPEA was for the associated advert application. Adverts were only determined against amenity and road safety, so it was different issues that were being considered for the full application and for an advert application.
- In summing up, the DPEA reporter stated that the proposed advert would not be detrimental in terms of effect of amenity of the area and that advertisement consent should be granted and there were no road safety concern either.
- It was asked how the Panel received that new information and it was explained that it was e-mailed to the members the previous day.
- When the DPEA consider advertisement consent, did they consider it against planning non-statutory guidance on advertisement and city dressing?
- It was confirmed that the DPEA made reference to Outdoor Advertising and Sponsorship guidance. The report of handling also referred to the council's non statutory guidance on advertising and sponsorship. Having reviewed the applicant's product statement, the DPEA were satisfied that the materials were

of a high quality within the context, it referred to design guidance, it did not directly refer to advertising, but contained principles regarding unclutters spaces. There would be the removal of the existing phone box and there were other items in the street scape, such as trees and lamp posts.

- It was confirmed but there were two separate applications and two different appeal processes.
- Whether it was the case the applicant did not require planning consent to remove the two redundant phone boxes.
- It was explained the no planning permission was required to remove the redundant phone boxes, but the applicant did have to provide telephone equipment and full coverage, to meet their own obligations through their own statutory regulations.
- The DPEA decision was useful, however, it was not necessary to place too much weight on it. There were two specific issues and it was necessary to look at the wider issues. Planning guidance on outdoor advertisement was referred to. There was nothing in the application to imply that there were exceptional circumstances, therefore, the officer's decision the refuse the application was sound. If the applicant was of a mind, they could de-clutter and remove the two phone boxes without planning consent, they did not have to install additional items.
- It was thought that the Panel should uphold the decision of the planning officer. Although this was quite a wide pavement, the proposed structure was much wider and bigger than that which existed at present. There were potential noise issues. The proposals were at the edge of brightness that was allowed under the advertising regime. The proposed structure was quite a big device and might attract a lot of people and was not appropriate in that location.
- The applicant was attempting to meet their statutory requirements and universal obligations, but these conflicted with planning guidance on outside advertisement. These could not be reconciled unless the guidance was changed. If they wanted to provide a universal service, they could refurbish the existing phone boxes or remove them. There were no reasons to permit this application and for this reason, the officer's recommendation should be upheld and the application refused.

Having taken all the above matters into consideration, the LRB were 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:

1. The proposal did not comply with LDP policy Des 1 Design - Quality and Context as it was likely to have a high impact in visual terms to the detriment of the area.
2. The proposal did not comply with LDP policy Des 5 Development Design - Amenity as it was likely to adversely impact on the amenity of neighbouring properties.
3. The proposals were contrary to the non-statutory guidelines on Adverts and Sponsorship as digital adverts were not supported on street furniture other than on bus shelters in appropriate locations.
4. The proposal did not comply with NPF4 Policy 24 e) - Digital infrastructure due to its adverse impact on visual amenity.

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

6. Request for Review – 151 Buccleuch Street, Edinburgh

Details were submitted for a request for review for proposed change of use from flatted dwelling house to short-term let at 151 Buccleuch Street, Edinburgh. Application No. 22/05126/FULSTL.

Assessment

At the meeting on 30 August 2023, 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 and a site inspection. 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, 02 being the drawings shown under the application reference number 22/05126/FULSTL 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 NPF4 and Edinburgh Local Development Plan, principally:
 - 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)

National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)

National Planning Framework 4 Policy 30 (Tourism)

2) Relevant Non-Statutory Guidelines.

Listed Buildings and Conservation Areas

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:

- There were no questions from the Panel on the proposal for a change of use from residential to short term let (sui-generis).
- It was thought that this was a fairly straightforward application. This might have been previously a shop and a retail unit, but it had been converted to a residential dwelling and there was loss of a three bedroom residential unit. There was nothing to stop people living here and the proposal did not conform to planning policy on short term lets.
- No contrary view was expressed and it was agreed to uphold the decision of the planning officer and to refuse the application.

Having taken all the above matters into consideration, the LRB were 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 proposal was contrary to National Planning Framework 4 Policy 30(e) part (ii) in respect of Loss of Residential Accommodation, as the use of this dwelling as a short stay let would result in the unjustified loss of a residential property.

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

7. Request for Review – 90 East Crosscauseway, Edinburgh

Details were submitted for a request for review for retrospective change of use from residential to short term let (sui-generis) at 90 East Crosscauseway, Edinburgh. Application No. 22/04946/FULSTL.

Assessment

At the meeting on 30 August 2023, 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 01, 02 being the drawings shown under the application reference number 22/04946/FULSTL 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 NPF4 and Edinburgh Local Development Plan, principally:
 - 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)
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 7 (Historic Assets and Places)
 - National Planning Framework 4 Policy 30 (Tourism)
- 2) Relevant Non-Statutory Guidelines.
 - Guidance for Businesses
 - Listed Buildings and Conservation Areas
 - The South Side 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:

- It was thought that the applicant had not given any supporting information, but gave a statement of reasons seeking review, which related to their business rates. They stated that they were essentially a business and that they should be allowed to continue with their activities.
- Clarification was requested from the street view pictures as to the location of the property.
- Referring to the photos, it was confirmed that the application site was a two bedroom ground floor flat, located on the northern side of East Crosscauseway. The property had its own main door access. At ground floor level it was smaller and at basement level, as it wrapped further round.
- Whether the street was entirely residential.
- It was confirmed that the Report of Handling indicated that there some commercial uses, East Crosscauseway was predominantly residential but there were some commercial uses, including a restaurant, a dance school and retail.
- It was thought this was again fairly clear cut, according to policy. There was a property which had been used for short term let, but this was converted to residential. -Whether the applicant paid council tax or business rates was not an issue, there was nothing that would argue against NPF4 Policy 30 (e) or loss of residential use.
- NPF4 policy 30 (e) was clearly applicable as a reason for refusal, however, as this was not an entirely residential area, LDP policy Hou 7 was more ambivalent as this was not a particularly quiet area. Nevertheless, the application should be refused on the grounds of NPF4 Policy 30 (e).
- The proposed application would represent a loss of residential use rather than residential amenity, given that this was an area of mixed-use, therefore, it was debateable whether LDP policy Hou 7 was applicable as a reason for refusal.
- There was agreement that NPF4 Policy 30 (e) ii should be used as a reason for refusal, but referring to guidance on business for short term lets, this was a mixed-use area and the case was made that there would be further deterioration of residential amenity in this mixed use area. It was unlikely that this type of proposal would be supported, therefore LDP Policy Hou 7 should probably be included as a reason for refusal.
- It was thought that NPF4 Policy 30 (e) was clearly applicable, but LDP policy Hou 7 was more dubious as a reason for refusal. Would the Panel want the remove LDP Policy Hou 7 and as a reason for refusal as it seemed to meet the test on further detriment to amenity?

- It was agreed to retain Hou 7 as a ground for refusal and to uphold the officer's recommendation and refuse the application.

Having taken all the above matters into consideration, the LRB were 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:

1. The proposal was contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let would have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal was contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let would result in an unacceptable impact on local amenity and the loss of a residential property had not been justified.

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

8. Request for Review – 16 (1F2) Eyre Place, Edinburgh

Details were submitted for a request for review to replace 3 single glazed windows with double glazed units. Style and opening method will match existing but replacement units to be uPVC instead of timber at 1F2, 16 Eyre Place Edinburgh. Application No. 23/00555/FUL.

Assessment

At the meeting on 30 August 2023, 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 01 – 05 being the drawings shown under the application reference number 23/00555/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 NPF4 and Edinburgh Local Development Plan, principally:
Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
National Planning Framework 4 Policy 7 (Historic Assets and Places)
National Planning Framework 4 Policy 16 (Quality Homes)
- 2) Relevant Non-Statutory Guidelines.
Listed Buildings and Conservation Areas
The New Town Conservation Area Character Appraisal
Dean Historic Garden Designed Landscape.
- 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:

- Clarification was requested, as the presentation showed that the proposals to replace three single glazed timber windows on the principal elevation of the building with UPVC double glazed units were identical to the original windows, the only aspect contrary to planning guidance was the type of materials.
- It was confirmed that the appearance would remain the same, the only change would be to the materials which would be UPVC.
- It was thought but this application might be more complex, as the applicant had said they were trying to improve energy efficiency. The authority had an ongoing piece of work to consider these matters, however, the Panel could not alter its decision until the work was completed and there was clear guidance on this. This application was in a conservation area, and even considering the ongoing piece of work, there had been, so far, no change to Council policy.
- One member took a contrary view to this. Regarding LDP Policy Des 12 and NPF4, they struggled to see how this application did not comply with Des 12. But the guidance was in place and there had been applications in past that did not comply with guidance. The applicant had put forward a case to ensure that the design, form and method were identical to the original windows. Therefore, the Panel should overturn this application and grant the application.

- With reference to energy efficiency, just because the materials were UPVC, did not mean that it complied with planning guidance. The main argument was the cost argument and this was not convincing, especially in a conservation area. Other materials were more expensive than UPVC. There were other types of wooden glazing, so this was not impossible in conservation areas. There were different materials being used from the other ones in the block, and the proposals were not compatible with LDP policy Des 12.
- Cost as well as environmental considerations was an issue, if people wanted to improve energy efficiency. However, there was nothing in this case to overturn the decision of the planning officer.
- One member sought to overturn the officer's decision and grant planning permission because, in their opinion, the application was not contrary to NPF 4 policies 7 (d) and (e), NPF4 policy 16 (g) or LDP Policy Des 12. In terms of the impact on the conservation area, the new windows would not be noticeable from the street, so there would be no discernible impact on the conservation area.
- No support was received for above viewpoint and it was agreed to refuse the application.

Having taken all the above matters into consideration and although one member of the Panel was in disagreement, the LRB were 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:

1. The proposal was contrary to National Planning Framework Policy 7(d) and 7(e) in respect of proposals in or affecting conservation areas as the proposed works would not preserve or enhance the character and appearance of the New Town Conservation Area.
2. The proposal was contrary to National Planning Framework Policy 16 (g) (i) in respect of householder development as the proposed works would have a detrimental impact on the character of the home and the surrounding area in terms of materials.
3. The proposal was contrary to policy Des 12 of the adopted Edinburgh Local Development Plan as the proposed works are not compatible with the character of the existing building and will be detrimental to neighbourhood amenity and character.
4. The proposal was contrary to the Council's Non-Statutory Guidance for Listed

Buildings and Conservation Areas as it would involve the installation of UPVC windows to a property in a conservation area.

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

Dissent

Councillor Booth requested that his dissent be recorded for the above decision.

9. Request for Review – 6 Wardie Square, Edinburgh

Details were submitted for a request for review for proposed application to use house for short term lets at 6 Wardie Square, Edinburgh. Application No. 22/05313/FULSTL.

Assessment

At the meeting on 30 August 2023, 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 01 – 02, Scheme 1 being the drawings shown under the application reference number 22/05313/FULSTL 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 NPF4 and Edinburgh Local Development Plan, principally:
 - Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
 - Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 7 (Historic Assets and Places)
 - National Planning Framework 4 Policy 30 (Tourism)
- 2) Relevant Non-Statutory Guidelines.
 - Guidance for Businesses

Managing Change in the Historic Environment: Guidance on the principles of listed building consent.

Managing Change in the Historic Environment: Setting

- 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:

- It was thought that this application for retrospective planning permission for the change of use from residential to short term let, fell into the category of a difficult short term let.
- If the Panel was to grant this application, there would be nothing to stop another operator to run this as short-term let after the potential sale of the property. Also, regarding the request for a personal consent, the guidance indicated that this was not appropriate.
- It was confirmed that if the Panel were to grant a short-term let, it could be used all year round for this purpose. Regarding the personal consent, the Scottish Government Guidance suggested that personal consent should only be granted on exceptional circumstances, for example on compassionate grounds, but not for commercial use or for change of use.
- The problem with this application was whether there was an application for a change of use and if planning permission was required, if this was maintained as someone's residential property. However, the Panel had an application before them which had to be determined.
- It was thought that this was a short-term let in a residential area which might adversely affect the residents in the area. This would be a permanent decision and once the decision was made, then the property could be used as a short-term let all year round. It was agreed that a personal consent was not appropriate and the officer's decision should be upheld.
- There was some agreement with this viewpoint. One member did not believe NPF4 Policy 30 (e) ii was applicable and it might be possible to remove it as a reason for refusal, even although it would not alter the overall decision. Even if the property was well run, another operator might run it as a short term let in this residential area. The LDP Policy Hou 7 applied, but it might be possible to remove NPF4 (e) ii from the decision for refusal.
- It was thought that it was important that the Panel used the policies precisely and accurately. In this application, the property remained the applicant's primary

residence, but they lived abroad some of the time. It could be possible to remove NPF4 Policy 30 (e) ii, but given the quiet nature of this street, to uphold the officer's decision to refuse the application as it was contrary to LDP Policy Hou 7.

- There was disagreement with the view expressed, as the use of the property could change a future date, therefore, it was necessary to retain NPF4 Policy 30 (e) ii as a reason for refusal.
- There was caution advised against removing NPF4 Policy (e) ii, as the application being considered was for change of use to short-term let. Even though the applicant might choose to use it as residential use at the moment, it might alter in the future. Consideration should be given to the title of the application which was for change of use from residential to short term let.
- It was agreed to go with the advice of the lead planning officer and retain NPF4 Policy 30 e in its entirety as a reason for refusal.
- It was thought to safeguard the current use in perpetuity and refuse the application.

Having taken all the above matters into consideration, the LRB were 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:

1. The proposal was contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let would have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal was contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let would result in an unacceptable impact on local amenity and the loss of a residential property had not been justified.

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