

## The City of Edinburgh Planning Local Review Body (Panel 1)

10.00am, Wednesday 21 August 2019

**Present:** Councillors Booth (substituting for Councillor Mary Campbell), Griffiths, Gordon, Mitchell and Mowat.

### 1. Appointment of Convener

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Councillor Mitchell was appointed as Convener.

### 2. Minutes

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To approve the minute of the Local Review Body (LRB Panel 1) of 26 June 2019 as a correct record.

### 3. 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)

### 4. Request for Review – 14 Belford Road, Edinburgh

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Details were submitted of a request for a review for the refusal of planning permission for the change of use to hostel Use Class 7 (Hotels and Hostels), the creation of cycle store for existing office use, and new opening in gable at 14 Belford Road, Edinburgh. Application no 19/00550/FUL.

#### Assessment

At the meeting on 21 August 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Chief Planning Officer.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were numbered 01, 02, 03, Scheme 1, being the drawings shown under the application reference number 19/00550/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 further deliberations on the matter considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan  
Edinburgh Local Development Plan Policy DES 12 (Alterations and Extensions)  
Edinburgh Local Development Plan Policy EMP 10 (Hotel Development)  
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 3 (Private Cycle Parking)  
Edinburgh Local Development Plan Policy TRA 4 (Design of Off-Street Car and Cycle Parking)
- 2) Relevant Non-Statutory Guidelines.  
'Edinburgh Design Guidance'  
'The Dean Conservation Area Character Appraisal'  
'Listed Buildings and Conservation Areas'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

The LRB carefully 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 Local Review Body wanted to encourage active travel and understood the need for cycle storage.
- That the change of use would disrupt the amenity of the other residents.
- That there were concerns regarding the Noise Impact Assessment requested by Environmental Protection that was not provided by the applicant.
- That the location of the cycle store positioned on a set of steps was not a convenient location for cycle storage.

### **Conclusion**

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.

### **Reasons for Refusal:**

1. The proposal was contrary to the Local Development Plan Policy Tra 4 as it would not be convenient or readily accessible to all cycle users visiting the site.
2. The proposal was contrary to the Local Development Plan Policy Hou 7 as it would significantly impact upon existing levels of residential amenity.
3. The proposal was contrary to the Local Development Plan Policy Des 12 as the proposed store would be materially detrimental to neighbouring amenity.

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

## **5. Request for Review – 19 Craiglockhart Drive North**

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Details were submitted of a request for a review for the refusal of planning permission for the erection of two-storey extension to side of house with a single-storey extension to the rear, part change of use from domestic dwelling to domestic dwelling / dog grooming business at 19 Craiglockhart Road, Edinburgh. Application no 18/08822/FUL.

### **Assessment**

At the meeting on 21 August 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Chief Planning Officer.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were numbered 01-06, Scheme 1, being the drawings shown under the application reference number 18/08822/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 further deliberations on the matter considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan  
Edinburgh Local Development Plan Policy DES 12 (Alterations and Extensions)  
Edinburgh Local Development Plan Policy HOU 7 (Inappropriate Uses in Residential Areas)
- 2) Relevant Non-Statutory Guidelines.  
'Guidance for Businesses'  
'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.

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

- Whether a change of use for one area of the house was required specifically for dog grooming or whether this was necessary for any business.
- Whether it would be possible to enforce a condition that only one client would be within the premises at any given time.
- That it would be difficult to monitor and enforce this condition.
- That the application would be reasonable under the Guidance for Businesses as the physical space would ensure only one client was within the premises at any given time.
- That if there were any noise disturbances for residents this could be referred to Environmental Wardens.
- That traffic was not likely to be a concern if there was only going to be one client at a time.
- That there were still concerns regarding noise and whether a condition to ask the applicant to submit plans for insulation would be possible.
- Whether it would be preferable to continue the application in order to request the plans for insulation and for Environmental Protection to confirm these were acceptable.

## **Conclusion**

Having taken all these matters into consideration, although two members voted to uphold the Chief Planning Officer's recommendations, the LRB determined that the proposals would not be contrary to the Guidance for Businesses as the physical space allocated to dog grooming would enforce the applicant to take one client at a time and so would not be detrimental to the residential amenity of the property or the surrounding area.

It therefore overturned the decision of the Chief Planning Officer and granted planning permission.

## **Motion**

To continue the request for review until the next meeting of the Planning Local Review Body (Panel 1) on the 18 September 2019 to allow the applicant to submit plans for insulation and to ask Environmental Protection to confirm these plans would be appropriate.

- moved by Councillor Gordon, seconded by Councillor Booth

## **Amendment**

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

### **The following informatives:**

- (a) The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.

- (b) No development should take place on the site until a 'Notice of Initiation of Development' had been submitted to the Council stating the intended date on which the development was to commence. Failure to do so constituted a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.
- (c) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.

- moved by Councillor Mowat, seconded by Councillor Griffiths

### **Voting**

For the motion - 2 votes

(Councillors Booth and Gordon.)

For the amendment - 3 votes

(Councillors Griffiths, Mitchell and Mowat.)

### **Decision**

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

#### **The following informatives:**

- (a) The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
- (b) No development should take place on the site until a 'Notice of Initiation of Development' had been submitted to the Council stating the intended date on which the development was to commence. Failure to do so constituted a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.
- (c) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.

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

## **6. Request for Review – 10 Crewe Loan**

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Details were submitted of a request for a review for the refusal of planning permission for erection of a summer house onto the side of the existing detached garage (in retrospect) at 10 Crewe Loan, Edinburgh. Application no 19/00606/FUL.

### **Assessment**

At the meeting on 21 August 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis 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 submitted by the Chief Planning Officer.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were numbered 01, 02, Scheme 1, being the drawings shown under the application reference number 19/00606/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had insufficient information before it and agreed to visit the site before determining the review.

When they returned from the site visit, the LRB in their further 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)
- 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.

The LRB carefully 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 site visit had been beneficial to determining the application.
- That the summer house was visible but set back and well screened by the fence.
- That it was not any more noticeable than a garage.
- An opposing view was that it was visible from multiple points around the property and that it did not comply with Edinburgh Local Development Plan guidance.
- That the summer house was not in keeping with the character of the street.
- That the application was not of quality design.

### **Conclusion**

Having taken all the above matters into consideration, although two members voted in favour of overturning the recommendations of the Chief Planning Officer, 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 of a poor design quality which failed to compliment or fit in with the application property and represented a visually incongruous addition. In terms of materials, the use of cedar cladding was inappropriate as it jarred harshly with the more muted surroundings.
  2. The proposal appeared intrusive and clumsy in the street scene. The application site, located on the corner of Crewe Loan and Crewe Road North, was visually prominent and this proposal would be detrimental to neighbourhood character.
- moved by Councillor Mitchell, seconded by Councillor Gordon

### **Amendment**

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

#### **The following informatives:**

- (a) The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
  - (b) No development should take place on the site until a 'Notice of Initiation of Development' had been submitted to the Council stating the intended date on which the development was to commence. Failure to do so constituted a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.
  - (c) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.
- moved by Councillor Mowat, seconded by Councillor Griffiths

### **Voting**

For the motion - 3 votes

(Councillors Booth, Gordon and Mitchell.)

For the amendment - 2 votes

(Councillors Griffiths and Mowat.)

### **Decision**

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

#### **Reasons for Refusal:**

1. The proposal was of a poor design quality which failed to compliment or fit in with the application property and represented a visually incongruous addition. In terms of materials, the use of cedar cladding was inappropriate as it jarred harshly with the more muted surroundings.
2. The proposal appeared intrusive and clumsy in the street scene. The application site, located on the corner of Crewe Loan and Crewe Road North, was visually prominent and this proposal would be detrimental to neighbourhood character.

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

## **7. Request for Review – 30 Forrester Park Avenue (at Land East of), Edinburgh**

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Details were submitted of a request for a review for the refusal of planning permission for two terraced rows of single storey secure garage units (10 to the north and 13 to the south) on existing garage plots accessed via existing tarmac driveway at 30 Forrester Park Avenue (at Land East of), Edinburgh. Application no 19/01414/FUL.

### **Assessment**

At the meeting on 21 August 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Chief Planning Officer.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were numbered 01 – 04, Scheme 1, being the drawings shown under the application reference number 19/01414/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 further 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 4 (Development Design – Impact on Setting)
  - Edinburgh Local Development Plan Policy DES 5 (Development Design – Amenity)
  - Edinburgh Local Development Plan Policy ENV 18 (Open Space Protection)
  - Edinburgh Local Development Plan Policy HOU 7 (Inappropriate Uses in Residential Areas)
- 2) The procedure used to determine the application.
- 3) The reasons for refusal and the arguments put forward in the request for a review.

The LRB carefully 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 comments from the Roads Authority raised concerns regarding traffic and that the Local Review Body was in agreement with these concerns.
- That there were also concerns from neighbours regarding the increase in traffic movements in the area.



- That it was a relatively quiet street and increased traffic would have a detrimental impact on residential amenity.

## **Conclusion**

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.

## **Reasons for Refusal:**

The proposal was contrary to Policy Hou 7 and Policy Des 4 of the LDP as it introduced a commercial storage business within a residential area likely to result in a detrimental effect on living conditions and amenity of nearby residents.

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

## **8. Request for Review – 19 Lanark Road West (at Land 54 Metres West of), Edinburgh**

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Details were submitted of a request for a review for the refusal of planning permission for a proposed new house at 19 Lanark Road West (at Land 54m West of), Edinburgh. Application no 18/01627/FUL.

## **Assessment**

At the meeting on 21 August 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Chief Planning Officer.

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 the drawings shown under the application reference number 18/01627/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 further 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 3 (Development Design – Incorporating and Enhancing Existing and Potential Features)  
Edinburgh Local Development Plan Policy DES 5 (Development Design – Amenity)

Edinburgh Local Development Plan Policy ENV 11 (Special Landscape Areas)

Edinburgh Local Development Plan Policy ENV 16 (Species Protection)

Edinburgh Local Development Plan Policy ENV 18 (Open Space Protection)

Edinburgh Local Development Plan Policy ENV 21 (Flood Protection)

Edinburgh Local Development Plan Policy TRA 2 (Private Car Parking)

- 2) The procedure used to determine the application.
- 3) The reasons for refusal and the arguments put forward in the request for a review.

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

- Where the property sat in relation to the Special Landscaped Area and confirmation that it was situated within the Special Landscaped Area.
- That the site had proved to be self-managing over many years, provided a biodiversity resource and assisted in capturing surface water.
- That the design was interesting but that the location was not appropriate for the application.
- That the loss of trees within the woodland would have a detrimental impact on the special character and quality of the Special Landscaped Area.
- That there were concerns regarding altering the junction to a busy road.
- That preserving green areas was very important to the Local Review Body.

### **Conclusion**

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.

### **Reasons for Refusal:**

1. The proposal was contrary to the adopted Local Development Plan Policies Des 3, Env 11 and Env 18 as the location of the proposal and the loss of trees within this woodland would have an adverse impact on the special character and quality of this Special Landscape Area.
2. The proposal was contrary to the Local Development Plan Policy Env 21 Flood Protection, as it could not be demonstrated that the proposal would not raise any concerns in respect of flooding.

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

## **9. Request for Review – 22 West Craigs Crescent, Edinburgh**

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Details were submitted of a request for a review for the refusal of planning permission for a single storey extension and rear dormer (as amended) at 22 West Craigs Crescent, Edinburgh. Application no 19/01589/FUL.

### **Assessment**

At the meeting on 21 August 2019, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Chief Planning Officer.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were numbered 01, 02A, 03, and 04A, Scheme 1, being the drawings shown under the application reference number 19/01589/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 further 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)
- 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.

The LRB carefully 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 sought on the alterations to the roof form and the dormer extension.
- That on balance the gable end would not be in keeping with the hipped roofs that were characteristic of the building and surrounding area.
- That the design was aesthetically unpleasing and would be detrimental to the character and appearance of the surrounding area.

### **Conclusion**

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.

**Reasons for Refusal:**

By reason of the roof form proposed, the proposals would have a detrimental effect on the character and appearance of the pair of semis, the street and the surrounding area contrary to policy Des 12 of the Edinburgh Local Development Plan and non-statutory 'Guidance for Householders'

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