

# EDINBURGH

THE CITY OF EDINBURGH COUNCIL

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: [planning.support@edinburgh.gov.uk](mailto:planning.support@edinburgh.gov.uk)

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100649056-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

## Applicant or Agent Details

Are you an applicant or an agent? \* (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant  Agent

## Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mr"/>	You must enter a Building Name or Number, or both: *	
Other Title:	<input type="text"/>	Building Name:	<input type="text"/>
First Name: *	<input type="text" value="Michael"/>	Building Number:	<input type="text" value="12a"/>
Last Name: *	<input type="text" value="hepburn"/>	Address 1 (Street): *	<input type="text" value="magdalene avenue"/>
Company/Organisation	<input type="text"/>	Address 2:	<input type="text"/>
Telephone Number: *	<input type="text"/>	Town/City: *	<input type="text" value="edinburgh"/>
Extension Number:	<input type="text"/>	Country: *	<input type="text" value="scotland/united kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="eh153bh"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

## Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

Post Code:

Please identify/describe the location of the site or sites

Land 17 Metres East Of 153 Gilberstoun Edinburgh

Northing

672400

Easting

331663

## Description of Proposal

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

Erection of dwelling house

## Type of Application

What type of application did you submit to the planning authority? \*

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? \*

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

## Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: \* (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

Factual errors in report of handling and decision notice. No additional information was requested by the planning officer prior to determination.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? \*

Yes  No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: \* (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: \* (Max 500 characters)

1-Brief Description & history of site 2-Extract from planning report ref 16/05449/PPP 3-Tree report 4-Forestry commission comments 5-Extract from planning report ref 18/00812/PPP 6-Review body appeal granted 7-TPO 205 8-Open space audit map\_1 9-Open space audit map\_2 10-app ref 21/02335/FUL 11-amber\_07\_10\_23 12-Supporting letter\_1 13-Supporting Email 14-supporting letter\_2

## Application Details

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

23/02520/FUL

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

09/06/2023

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

08/08/2023

## Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. \*

Yes  No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? \*

Yes  No

Is it possible for the site to be accessed safely and without barriers to entry? \*

Yes  No

## Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. \*

Yes  No

Have you provided the date and reference number of the application which is the subject of this review? \*

Yes  No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? \*

Yes  No  N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? \*

Yes  No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review \*

Yes  No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

## Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Michael hepburn

Declaration Date: 20/10/2023

## 1 - Brief Description & History Of Site

The proposal is for one self build house. REF 23/02520/FUL

Applicant, Michael Hepburn

This is the only piece of land I own in Gilberstoun. Any objections concerning other areas mentioned by objectors are matters for the owner of these areas.

1. Applicant Philip Hepburn Ref 16/05449/PPP - Application date 20/10/2016. Planning in principal request. Refused on 23/12/2016. In the report of handling the planning stated that the plot had no designation and was in the urban area therefore could be developed. (attached is a copy of the report of handling)
2. Request to review refusal of planning in principal under 16/05449/PPP. Raised on 20/02/2017. On 26/04/2017, the review body requested a continuance, subject to a tree report being submitted. On 28/06/2017, This was commissioned and submitted. The Forrestry Commision were also contacted for comment. When the review body continued it was made up of newly elected members unfamiliar with the process. When asked by a board member, how many trees would be removed Nancy Jamieson the planning advisor showed a screenshot of approximately two acres of trees and replied, them all. She made no reference to the tree report and plan included therein (Attached are tree report and forrestry comment) As an understandable reaction to this misleading response the board refused the application.  
After the refusal the trees were legally removed as per guidance of the Forrestry Commision and a fresh application submitted
3. Applicant Philip Hepburn 2nd application lodged on 22/02/2018. Ref 18/00812/PPP. This was refused. Again the area in question was stated to be undesignated and in the urban area (report attached )
4. On 12/08/2018, an appeal to the refusal of 18/00812/PPP was raised. During the review it was established that the area was not part of open or greenspace. On 31/10/2018, the review board overturned the planning refusal (application granted. Copy attached)
5. When the pandemic started, the project was shelved due to physical and financial constraints. At the latter end of the this period some work was undertaken to clear the site. Some residents contacted the police claiming breaches of covid restriction on several occasions and the police responded but no breaches of rules were being committed. P.C. Love of police Scotland arranged a site visit by Bat and Bird conservation officers who confirmed no breaches of their policies occurred.
6. On the 10/06/20 TPO193 was raised. The Arbocultural officer Steve Milne was informed of mistakes in the mapping of the order. I submitted a representation opposing the order. When the order was presented for ratification one representation in support was acknowledged. My representation opposing the order was not presented for consideration during

subcommittee consideration to confirm establishment of TPO193. Since the I have tried to have the matter addressed by Mr Milne with no effective response. His succesor Ruthe Davies has implemented a new order TPO 205 to supercede TPO 193 (Attached TPO205)

7. Applicant Michael Hepburn. REf 23/02520/FUL was raised on 09/06/2023 for "Erection of a dwelling house". This was refused on 08/08/2023.

The following submission disputes the reason for refusal as being badly handled and conclusion in the refusal factually flawed.

1/ The area for the dwelling is not part of the open space. The area to the north east is intended to accomodate the pipe array to supply energy for ground scource heat pump.

2/ The daylight issue raised seem to concern the temporary container storage units intended to support the works . Upon completion these will be removed.

3/ The sepa map indicates a 0.5 percent possibility of surface water run off due to rain.

The previous two applications expressed no corncerns regarding flood risk.

Any possible risk in this area are addressed in the following. There are four gullies on the road,two either side of the road at this location each capable of handling 250 square metres of paved surface. The site sits 34 metres above sea level, average for the surrounding areas. To the North the land slopes to Brunstane burn (22m) to the East by railway (26m) to the south Newcraighall (22m). Attached is a photograph "amber 07\_10\_23" taken on the 7/oct/23 when there was an amber alert due to persistant rainfall shows nothing of concern. In addition the costruction of the dwelling would redirect rainwater under the requirements of scottish water. The ground array installation necessitates excavating approx. 100 metres of trenches 1.2 M x1.5 M which when back filled will aid dissipation of surface water.

4/ The extent of the driveway and parking will be screened by the proposed new hedge on the boundary, and have little impact on surrounding area.The propsed layout is indicative as a general layout which could be dealt with as a reserved matter if required.

5/ The proposed number of parking spaces complies with requirements stated in council guidlines for this the type of house in this zone.

6/ No owners of adjacent land have expressed concerns.

7/ The proposal specifically addresses biodiversity providing approximately 140 metres of semi mature mixed species rural type hedge to encourage and support wildlife as indicated on the submitted drawing.

8/ No protected trees will be removed or affected by the proposal.

9/ Other parcel of land in the areas owned by Mr Philip Hepburn were sold to the residents to enable them to enlarge their garden/personal amenity space, with no negative response to their impact expressed by planning dept.

ANY OF THE ABOVE COULD BE ADDRESSED IF A REQUEST FOR FURTHER INFORMATION HAD BEEN MADE. MANY WOULD ALSO REQUIRE MORE DETAILED CONSIDERATION DURING THE BUILDING STANDARDS APPLICATION.

ADDITIONAL COMMENTS FROM COMPETENT AND QUALIFIED ARCHITECTS AND PLANNER ARE ATTACHED



Hi Philip,

Thanks for sending this through.

Having looked at the tree survey, you would be able to remove the trees marked as category "U" without the need for a Felling Licence, as these would come under an exemption as dying or dangerous. If you wanted to remove any more you could take out up to 5 cubic metres of timber (the person that did the survey would be able to advise how many trees that might cover on this site) without needing a Felling Licence. However, if you wanted to take out more, you would need a Felling Licence and you would be required to plant new trees in place of the ones that were felled.

You can find out more about the law in regards to tree felling and how to apply for a licence at:

<http://scotland.forestry.gov.uk/supporting/grants-and-regulations/felling-licences>

Please note that you will also need to check with the Council that there are no Tree Preservation Orders in this area, as you would need their permission to do any works on the trees or fell any, if there is a TPO in place.

If you need any more help, please let me know. I am out of the office for the rest of the day, but if you send me an e-mail with any questions, I will come back to you.

Kind regards

Jen

Jen Neilson

Woodland Officer

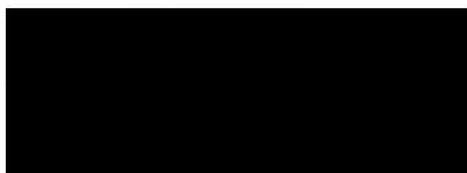
(Edinburgh, East Lothian & Midlothian)

Forestry Commission Scotland

Central Scotland Conservancy

Bothwell House, Hamilton Business Park,

Caird Park, Hamilton, ML3 0QA







Good morning Rachel.

I am contacting you this morning on behalf of our client, and applicant on the above application Mr Hepburn regarding the recent refusal notice you issued.

There were a few items within the refusal notice, that had you communicated with us prior to issuing the decision notice, I feel we could have resolved and perhaps pushed for an approval. My experience with most local authorities in Scotland and England is that there is a level of consultation between the agent and local authority to discuss the proposal and try to come to a positive outcome, in this instance, there has not been any communication from the local authority.

In your report of handling, you state that application 18/00812/PPP was refused, whilst this is correct, there was no mention that this decision was overturned by the local review board on 31<sup>st</sup> October 2018. Due to the pandemic, the client opted to put the project on hold and our application was them resurrecting the project. The client always felt that any subsequent application would be met with a refusal based on merit, however, asked to proceed on the hope that the overturn at LRB and the latest design would be considered in the decision making process.

To give you some background on the proposal, it is proposed for the new dwelling to be a highly insulated timber frame kit home, with u-values far surpassing the latest building regulations. It is also the intention for the design to incorporate modern low impact ground source heating.

I have went through your reasons for refusal and have some comments to add.

1. In your report, you state *there is a significant overprovision of open space serving the immediate area and the loss would not be detrimental to the wider network including its continuity or biodiversity value*, but you have used the loss of open space as point 1 of your refusal which seems rather contradictory. It is also worth noting that the plot itself is out with the area designated as open space.

2. The house has been designed to meet with current building regulations, and as such we need to demonstrate that it has sufficient daylighting. Had conversations taken place, you would have known that upon completion of the dwelling, the shipping containers to the frontage of the plot are to be removed. These do not fall within the plot boundary so were not included as part of this proposal.

3. I feel the request for a flood risk assessment on the site is unjust, it was not brought up as part of the PPP application, and with there being multiple buildings within the vicinity, surely these would be at risk of flooding before our plot is.

4. The parking area was indicative and was showing sufficient space for parking and turning within the curtilage of the plot. The land falls within Zone 6 for parking and the number of spaces shown complies with this standard.

5. as above

6. No comment on this

7. The site plan shows and notes that the plot is to be surrounded by a newly planted 2m high mixed species hedge, this will run to approx. 130m of new hedging, the land to the north has also been shown within multiple new trees being planted. I feel that this enhances the habitat value of the site immensely.

8. the plot itself does not impact on any protected trees. You make reference to TPO 193, this was reviewed and superseded by TPO 205 which excludes the entire defined area for the plot on the site plan.

As said above, I feel had we been given the opportunity to discuss the proposal with you, most, if not all of the above could have been resolved under that application.

Any feedback would be welcomed.

Kind regards.



**Scott Hunter**  
Planning & Buildings  
Regulations Manager





Mr Philip Hepburn  
12A Magdalene Avenue  
Edinburgh EH15 3BH

14<sup>th</sup> October 2023

Dear Mr Hepburn,

Erection of Dwellinghouse 17 metres East of 153 Gilberstoun, Edinburgh Planning Application Ref: 23/02520/FUL - Refused on 8th August 2023

Planning Appeal 18/00812/PPP Approved 31 October 2018

Planning Application 18/00812/PPP Refused 16 May 2018

I am writing regarding a recently refused planning application for full planning permission for the Erection of Dwellinghouse 17 metres East of 153 Gilberstoun, Edinburgh Planning Application Ref: 23/02520/FULL.

I was commissioned by you to prepare and submit an application for planning permission in principle for your site at Gilberstoun. The original application 18/00812/PPP was refused on the 16<sup>th</sup> of May 2018 and the subsequent successful appeal was granted on 31<sup>st</sup> October 2018.

Many of the points raised in the original Report of Handling were subsequently overturned at the appeal. Please see the excerpt below from the original successful appeal statement presented to the local Review Body.

The proposal is not in breach of policy Des 3 stated in the report as the site has been cleared in preparation for development and therefore has no trees or vegetation worthy of retention. This assertion was supported by the Forestry Commission and a tree report. Further, the villa has a 66m<sup>2</sup> footprint within a 325m<sup>2</sup> site, as stated in the application the garden will be landscaped and within the landscaping there is the potential to encourage biodiversity. Furthermore, the walking and cycle route will not be interrupted as there was no intention to block the route between Gilberstoun and Brunstane.

The report also states that the proposal is contrary to ENV12 in that the removal of trees has taken away the link between two open spaces. There is no physical connection between the green corridor and the proposal as what was once a green corridor connecting the two areas has subsequently been blocked off by building two new houses. The report also states that the trees provide natural separation between Brunstane Farm Cottages and the 1990s houses. Brunstane Farm Cottages are set back from the proposal and would not be negatively impacted by the new house as there would still be adequate tree cover and would not be directly visible. The report also states that there would be undue pressure on the remaining trees within the wooded area. The trees on the site were removed 18 months ago after the client sought advice from the forestry commission and only after a detailed tree survey was commissioned. To date there has not been any adverse effect on the health of any of the remaining trees adjacent to the site, despite many weeks of adverse weather during the winter.

The report goes on to say that the proposal is contrary to ENV18 which aims to protect open space. The site is not part of any green space provision and is described as urban land in Edinburgh Council's Atlas and in the Local Development Plan and should not be considered as open space and therefore Policy ENV18 does not apply to the proposal. The map extract included in this report, highlights different land uses in and around the north-eastern suburb of Brunstane and the inclusion of the proposal site as urban land (shown in white on the map) is quite distinct from the surrounding open space land shown on the map in green (See Figure 1).

The report states the application does not provide any detailed information on the impact on species or mitigating measures and therefore may not comply with ENV16. Before the site was cleared the client sought reassurances from the Forestry Commission that it was lawful to clear the site and there would be no adverse effect on the surrounding environment. Therefore, there was not any requirement to factor in any mitigating measures as part of the new application as the site had already been cleared.

The report quotes policy ENV18 which aims to protect open space for the recreational needs of residents and visitors and the proposal is contrary to the policy as the proposal would result in the loss of land defined as open space. The site is not classified as open space in either the Council Atlas or the Local Development Plan and both refer to the site as urban land, therefore the site should not be included as part of any open space provision in Gilberstoun. The application complies with ENV10 as the proposed development is not in the greenbelt. The application also complies with ENV12-Trees as the development site has no trees worthy of retention and adjacent trees would not be damaged because of any future development.

## Conclusion

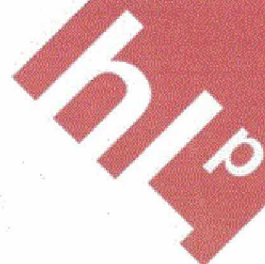
The development will not have a negative impact on the green corridor as the corridor has already been built on and therefore blocked off from the site. There are no trees on the site worthy of retention or subject to a Tree Preservation order. The proposal is not in the greenbelt or part of any open space provision and is classified as urban land.

## Recommendations

As the original appeal statement shows the proposal accords with the terms of the Edinburgh Local Development Plan and other material considerations in force at the time. Therefore, I believe that your subsequent application for full planning permission should have been granted notwithstanding that no reasonable request for additional information was made by the planning authority. This would have been consistent with reserved matters for an application for full planning permission.

Yours sincerely,

Nicholas Morris BSc (Hons) MSc MRTPI



Ref: 2340/002 P

FAO Mr Hepburn  
12A Magdalene Avenue  
Edinburgh  
EH15 3BH

BY EMAIL ONLY

27 September 2022

Dear Mr Hepburn,

**Erection of Dwellinghouse 17 metres East of 153 Gilberstoun, Edinburgh  
Planning Application Ref: 23/02520/FUL - Refused on 8th August 2023**

We refer to documents you have sent us for review, which comprise;

Planning Application	18/00812/PPP	Refused	16 May 2018
Planning Appeal	18/00812/PPP	Approved	31 October 2018
Planning Application	23/02520/FUL	Refused	8 August 2023
Agent Email	Scott Hunter, Fleming Homes		21 August 2023

We make the following comments;

1. We note in the Report of Handling for 23/02520/FUL that there is no reference in 'Relevant Site History' of the successful planning appeal for PPP on 31 October 2018. We consider that this is a significant mistake.
2. We note in the Report of Handling for 23/02520/FUL that under 'Principle', the proposals comply in principle with the LDP Policy Hou 1 for residential dwellings at this site.
3. We note in the Report of Handling for 23/02520/FUL that under 'Principle', *it is stated that, 'there is a significant over-provision of open space serving the immediate area, and the loss would not be detrimental to the wider network including its continuity or biodiversity value.'* However under 'Section C' the proposal fails to justify the loss of this designated space.
4. We note in the Report of Handling for 23/02520/FUL under 'Section C' that occupiers will fail to 'have an adequate standard of amenity in terms of daylight and outlook' This seems incorrect, based on review of the application drawings there appears to be adequate daylight provision. Although we find it unusual that your agent was not asked to provide further information, such as daylight calculations to prove this point.
5. The potential risks of flooding would usually be assessed with the provision of a Surface Water Management Plan, however it is not uncommon that this would follow on during the application process but it would appear from the information provided that this request was never relayed to your agent.
6. The hardstanding parking area appears to be have been misunderstood as an over provision of parking whereas this actually shows a turning head within the development.



35 Joppa Road, edinburgh, eh15 2hb. T. 0131 66 99 300 E. office@hlpas.co.uk www.hlparchitects.co.uk  
VAT REG. NO. 870 8064 15

7. The proposals apparently fail to 'assess the existing habitat value of the site and its role in a wider green network.' The site is currently scrub land with vegetation of little value, and self-seeded trees which are of little merit. The proposal includes for native hedgerow and new trees. Perhaps this could have been conditioned with a detail planting plan submitted before construction began.
8. We note from the Agents' Email that there was no communication or discussion initiated by the Planning Officer, Rachel Webster, no Emails or phone calls and no request for additional information to help to determine the Planning Application. We find this extremely unusual. We would normally expect to receive communication by Email or phone to be offered the opportunity to alter the design or provide additional supporting information if required. We consider this a handling error.

Yours sincerely



Greg Holstead BArch DipArch  
PARTNER  
**hlp architecture**

Enc.

Planning Solutions Edinburgh  
Fao Nicholas Morris  
Midlothian Innovation Centre  
Pentlandfield Business Park  
Roslin  
EH25 9RE

**Date:** 31 October 2018

**Our Ref:** LRB6.4/BR

Dear Mr Morris

**THE CITY OF EDINBURGH PLANNING LOCAL REVIEW BODY  
REQUEST FOR REVIEW – APPLICATION NO 18/00812/PPP  
153 GILBERSTOUN (AT LAND 17 METRES EAST OF)  
TOWN AND PLANNING (SCOTLAND) ACT 1997 AS AMENDED BY THE PLANNING  
ETC (SCOTLAND) ACT 2006**

I refer to your request for a review submitted on behalf of Mr Philip Hepburn for the refusal of planning permission for the proposed build of one three bedroom detached villa with a driveway and landscaped garden at 153 Gilberstoun (at Land 17 Metres East of), Edinburgh which was dealt with by the Chief Planning Officer under delegated powers.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 31 October 2018.

**Decision**

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

**Conditions**

1. Before any work on the site is commenced, details of the undernoted matters shall be submitted to and approved in writing by the Planning Authority; irrespective of the approved site plan the submission(s) shall be in the form of a fully detailed layout and shall include detailed plans, sections and elevations of the buildings and all other structures.

Approval of Matters:

- (a) Design, siting and external appearance of building, open space, and other structures.
- (b) Landscaping and boundary treatments, including heights and materials

- (c) Vehicle access arrangements, including surface treatment and parking details to show compliance with the Council's parking standards.

**informatives:**

- (a)
  - (i) Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.
  - (ii) The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
- (b) No motor vehicle access would be permitted to be taken from the adopted footpath on the east of the proposed development
- (c) Any off-street parking space should comply with the Council's Guidance for Householders
  - 1. Off-street parking should be a minimum of 6m deep and a maximum of 3m wide.
  - 2. Access to any car parking area would be by dropped kerb (i.e. not bell mouth).
  - 3. A length of 2 metres nearest the road should be paved in a solid material to prevent deleterious material (e.g. loose chippings) being carried on to the road.
  - 4. Any gate or doors should open inwards onto the property.
  - 5. Any hard-standing outside should be porous, to comply with 'Guidance for Householders' published in December 2012.
  - 6. The works to form a footway crossing would be carried out under permit and in accordance with the specifications.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments. Please visit our webpage at [www.edinburgh.gov.uk/planningdecisions](http://www.edinburgh.gov.uk/planningdecisions) for further information

**Assessment**

At the meeting on 31 October 2018, the LRB had been provided with copies of the notice of review submitted by you on behalf of Mr Philip Hepburn 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 numbered 01, Scheme 1, being the drawings shown under the application reference number 18/00812/PPP on the Council's Planning and Building Standards Online Services.

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
  - Policy DES 1 (Design Quality and Context)
  - Policy DES 3 (Development Design – Incorporating and Enhancing Existing and Potential Features)
  - Policy ENV 18 (Open Space Protection)
  - Policy HOU 1 (Housing Development)
- 2) The procedure used to determine the application.
- 3) 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 there was a need to clarify whether the status of the land was a designated open space.
- That there appeared to be a mapping error as the land was not classified as open space on the proposals map.
- That the other policies mentioned in the report affecting the application rested upon Env 18, which could not be upheld if the land was not designated open space.

Having taken all these matters into consideration, although there was some sympathy for the authority wanting to maintain the green space, the LRB determined that the proposal would not be within a designated open space. Consequently, the LRB determined that the proposals are in accordance with LDP policies Des 1, Des 3, Env 18 and Hou 1 in in that the proposal would not adversely affect the character and appearance of the surrounding area.



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

## Contact

Please contact Sarah Stirling on 0131 529 3009 or e-mail [sarah.stirling@edinburgh.gov.uk](mailto:sarah.stirling@edinburgh.gov.uk) if you have any queries about this letter.

Yours sincerely

for the Clerk to the Review Body

## Notes:

- 1 If the applicant is aggrieved by the decision of the planning authority to refuse permission or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may question the validity of that decision by making an application to the Court of Session. An application to the Court of Session must be made within six weeks of the date of the decision.
- 2 If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by the carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land in accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.