

Capital Draughting Consultants Ltd.
FAO: Keith Henderson
40 Dinmont Drive
Edinburgh
EH16 5RR

Mrs Williams.
39 Hutchison Medway
Edinburgh
EH14 1QQ

Decision date: 2 August 2023

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013

Proposed change of use from side garden to dog grooming business.
At 39 Hutchison Medway Edinburgh EH14 1QQ

Application No: 23/01614/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 12 April 2023, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, are shown below;

Reason for Refusal:-

1. The proposal is contrary to the National Planning Framework 4 Policy 16 and Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the proposed use would be inappropriate on a residential street due to increased noise and disturbance.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 1-6, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal does not comply with the National Planning Framework 4 and Edinburgh Local Development Plan and the Council's Non -statutory guidance as the proposal would likely lead to an increase in noise and disturbance to the detriment of living conditions for nearby residents. There are no other material considerations to outweigh this conclusion.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Jennifer Zochowska directly at jennifer.zochowska@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

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 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 accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

Application for Planning Permission
39 Hutchison Medway, Edinburgh, EH14 1QQ

Proposal: Proposed change of use from side garden to dog grooming business.

Item – Local Delegated Decision
Application Number – 23/01614/FUL
Ward – B09 - Fountainbridge/Craiglockhart

Recommendation

It is recommended that this application be **Refused** subject to the details below.

Summary

The proposal does not comply with the National Planning Framework 4 and Edinburgh Local Development Plan and the Council's Non -statutory guidance as the proposal would likely lead to an increase in noise and disturbance to the detriment of living conditions for nearby residents. There are no other material considerations to outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a corner plot of the garden, located on Hutchison Medway. The proposal relates to the garden space of an upper floor villa property located within a 'four in a block' on the east side of Hutchison Medway in a residential area.

Description Of The Proposal

The proposal is for a change of use from side garden to dog grooming business and includes the erection of a single storey detached building within the garden ground to accommodate the new business. The proposal also includes the formation of two off-street car parking spaces and new boundary fencing.

Supporting Information

No further details were submitted.

Relevant Site History

21/00631/FUL

39 Hutchison Medway

Edinburgh

EH14 1QQ

Proposed double garage with storage above on 1st floor and new fencing

Refused

23 April 2021

21/06472/FUL

39 Hutchison Medway

Edinburgh

EH14 1QQ

Proposed single storey garage (as amended).

Granted

21 February 2022

Other Relevant Site History

No other relevant history.

Consultation Engagement

Environmental Protection

Publicity and Public Engagement

Date of Neighbour Notification: 2 August 2023

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 1

Section B - Assessment

Determining Issues

This report will consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling material considerations for not approving them?

If the proposals do not comply with the development plan, are there any compelling material considerations for approving them?

In the assessment of material considerations this report will consider:

- equalities and human rights;
- public representations; and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF 4 Climate and Nature Crisis Policy 1
- NPF 4 Design Quality and Place Policy 14
- NPF 4 Quality Homes Policy 16
- LDP Design Policies Des 1 and Des 4
- LDP Housing Policy Hou 7
- LDP Transport Policy Tra 2

The non-statutory Business Guidance is a material consideration that is relevant when considering NPF 4 policies 14, 16 and LDP Hou 7.

The non-statutory Guidance for Householders is a material consideration that is relevant when considering NPF 4 Policy 14,16 and LDP Policy Des 1.

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering NPF 4 Policy 14 and LDP policies Des 1 and Des 4.

Principle of Proposed Development

NPF4 Policy 1 encourages, promotes and facilitates development that addresses the global climate emergency and nature crisis. In this case the proposal would have a neutral impact global climate and nature crises. The proposal complies with NPF 4 Policy 1.

NPF 4 Policy 16 seeks to ensure proposals will not have a detrimental impact on the character or environmental quality of the home and the surrounding area. LDP Policy Hou 7 further considers inappropriate uses in residential areas.

Hutchison Medway and the neighbouring streets are wholly residential in character. The proposed use has potential to give rise to dog barking, causing a noise nuisance beyond normal domestic expectations for pet dogs. This would result in a loss of residential amenity.

Although the proposed development is for a small scale commercial use, owing to the nature of the proposed use and the proximity of neighbouring dwellings, the overall amenity afforded to neighbouring residents has the potential to be detrimentally affected.

The proposal therefore does not comply with objectives of NPF 4 Policy 16 and LDP Policy Hou 7.

Scale, Design and Materials

A new single storey building is proposed to the side of the house in ground used as garden ground for the upper villa.

The new building would be subservient to the existing residential properties and be positioned in the site no further forward than the existing building line.

The formation of the driveway and parking area complies with the requirements of the Council's Guidance for Householders.

The proposal complies with NPF 4 Policy 14 and LDP Policies Des 1 and Des 4 with regard to the proposed development's scale, design and materials.

Amenity

As set out above, given the nature of the business and proximity to neighbouring properties, the proposal is likely to have a detrimental impact on existing amenity.

Environmental Protection cannot support the proposal as any increase in noise cannot be mitigated.

The proposal therefore does not comply with NPF 4 Policy 16 and LDP Policy Hou 7.

Traffic and Parking

There are two parking spaces proposed.

Transport Planning have made no comments on the proposal.

Conclusion in relation to the Development Plan

The proposal does not comply with National Planning Framework 4 and Edinburgh Local Development Plan and the proposal is likely to have a detrimental effect on the living conditions of nearby residents.

b) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

material considerations

- car parking issues
- increased noise and disturbance from dogs barking.

non-material considerations

No issues were received.

Conclusion in relation to identified material considerations

There are no other issues raised in the material considerations.

Overall conclusion

The proposal does not comply with the National Planning Framework 4 and Edinburgh Local Development Plan and the Council's Non -statutory guidance as the proposal would likely lead to an increase in noise and disturbance to the detriment of living conditions for nearby residents. There are no other material considerations to outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal

1. The proposal is contrary to the National Planning Framework 4 Policy 16 and Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the proposed use would be inappropriate on a residential street due to increased noise and disturbance.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 12 April 2023

Drawing Numbers/Scheme

1-6

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jennifer Zochowska, Senior Planning Officer
E-mail: jennifer.zochowska@edinburgh.gov.uk

Appendix 1

Consultations

NAME: Environmental Protection

COMMENT: Environmental Protection does not support the application as there are concerns that a business of this nature in a residential area will impact on neighbouring amenity due to dog barking noise.

DATE: 12 June 2023

The full consultation response can be viewed on the Planning & Building Standards Portal.

Appendix 2

Application Certification Record

Case Officer

I have assessed the application against the City of Edinburgh Council's Scheme of Delegation (2023) Appendix 6 – Chief Planning Officer and the Statutory Scheme of Delegation (2023) and can confirm the application is suitable to be determined under Local Delegated Decision, decision-making route.

Case Officer: Jennifer Zochowska

Date: 2 August 2023

Authorising Officer

To be completed by an officer as authorised by the Chief Planning Officer to determined applications under delegated powers.

I can confirm that I have checked the Report of Handling and agree the recommendation by the case officer.

Authorising Officer (mRTPI): Sonia Macdonald

Date: 2 August 2023

Comments for Planning Application 23/01614/FUL

Application Summary

Application Number: 23/01614/FUL

Address: 39 Hutchison Medway Edinburgh EH14 1QQ

Proposal: Proposed change of use from side garden to dog grooming business.

Case Officer: Local1 Team

Customer Details

Name: Ms Carol McKenzie

Address: 20/3 Hutchison Medway Edinburgh

Comment Details

Commenter Type: Neighbour

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: This proposed business plan, building would cause chaos with cars arriving and leaving no resident parking. Dogs barking would also be an issue.

To: Jennifer Zochowska, Planning
From: Barry Inglis, Environmental Protection

Date: 12/6/2023

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997
23/01614/FUL | Proposed change of use from side garden to dog grooming
business. | 39 Hutchison Medway, Edinburgh.

Environmental Protection cannot support this application and recommends it is refused. However, if it is decided to grant consent, then the planning condition below is recommended.

Condition

1. The dog grooming studio shall only operate between the hours of 08:00 and 18:00 hours; Monday to Friday and between 09:00 and 18:00 hours on Saturday and Sunday.

Assessment

The application site is located within the garden of 39 Hutchison Medway, Edinburgh. It is in a residential area and the site is surrounded on all sides by residential accommodation. The neighbouring accommodation varies between two storey, four in a block flats, or a three storey tenement style buildings with surrounding gardens. Directly to the east, approximately 50m away is the busy thoroughfare, Slateford Road, which runs approximately in a north – south direction. On the other side of the road is a rail line and to the north-east approximately 200m away is located the Slateford Rail Yard.

The application is for the change of use from the side garden to a single storey building to be used a dog grooming business.

There are concerns that a business of this nature in a residential area will impact on neighbouring amenity due to dog barking noise. The characteristics of dog barking noise is objectionable to a lot of people and generates complaints and impacts on residential amenity. Dog grooming will take place within the building, and therefore most of the noise will be contained. Although, there doesn't appear to be ventilation and with windows open during warmer weather, it will allow noise break-out. However, the primary concern is to do with noise from dogs as customers arrive and leave. The entrance path is extremely close to no. 39 and the upstairs property no. 37. Furthermore, ownership of flat at no. 39 may not always be aligned with the dog grooming business.

It is Environmental Protection's view that operation of the business would impact on the amenity of residents and there is nothing that could be done to mitigate against the dog barking outside. Therefore, Environmental Protection cannot support the application and recommends that it is refused. However, if

it is decided to grant the application, then a condition restricting the hours of operation is recommended overleaf.

Should you wish to discuss the above please contact me on 0131 469 5357.