

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: 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 100649015-001

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

Agent Details

Please enter Agent details

Company/Organisation:	Ferguson Planning		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Kieran	Building Name:	First Floor
Last Name: *	McFarlane	Building Number:	38
Telephone Number: *	01313858741	Address 1 (Street): *	Thistle Street
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	UK
		Postcode: *	EH2 1EN
Email Address: *	kieran@fergusonplanning.co.uk		

Is the applicant an individual or an organisation/corporate entity? *

Individual Organisation/Corporate entity

Applicant Details

Please enter Applicant details

Title:	<input type="text" value="Mrs"/>	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="M"/>	Building Number:	<input type="text" value="39"/>
Last Name: *	<input type="text" value="Williams"/>	Address 1 (Street): *	<input type="text" value="Hutchison Medway"/>
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="United Kingdom"/>
Mobile Number:	<input type="text"/>	Postcode: *	<input type="text" value="EH14 1QQ"/>
Fax Number:	<input type="text"/>		
Email Address: *	<input type="text"/>		

Site Address Details

Planning Authority:	<input type="text" value="City of Edinburgh Council"/>
Full postal address of the site (including postcode where available):	
Address 1:	<input type="text" value="39 HUTCHISON MEDWAY"/>
Address 2:	<input type="text" value="SLATEFORD"/>
Address 3:	<input type="text"/>
Address 4:	<input type="text"/>
Address 5:	<input type="text"/>
Town/City/Settlement:	<input type="text" value="EDINBURGH"/>
Post Code:	<input type="text" value="EH14 1QQ"/>

Please identify/describe the location of the site or sites

Northing	<input type="text" value="671250"/>	Easting	<input type="text" value="322431"/>
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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)

Proposed change of use from side garden to dog grooming business

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.

Please refer to our submitted Local Review Statement.

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)

A Noise Impact Assessment has been submitted in support of this review, this was not presented to the appointed officer before the application was determined as the appellant was not given an adequate opportunity to respond to the noise concerns the Council had, or given time to get the NIA completed before the application was determined. It is relevant for the LRB to consider this new information as it directly addresses the Council's reason for refusal of this application.

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)

CD1 23/01614/FUL Application Form; CD2 Local Review Statement; CD3 Location Plan; CD4 Proposed Block Plan; CD5 Proposed Elevations Sht 1 of 2; CD6 Proposed Elevations Sht 2 of 2; CD7 Proposed Ground Floor Plan; CD8 Proposed Site Plan; CD9 23/01614/FUL Report of Handling; CD10 23/01614/FUL Decision Notice; CD11 Noise Impact Assessment

Application Details

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

23/01614/FUL

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

11/04/2023

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

02/08/2023

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 Kieran McFarlane

Declaration Date: 01/11/2023

F E R G U S O N
P L A N N I N G


CHANGE OF USE FROM SIDE GARDEN TO DOG GROOMING BUSINESS

MRS M WILLIAMS

OCTOBER 2023

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Ref: E-WIL-0000
Council ref: 23/01614/FUL
Prepared by: Kieran McFarlane MRTPI
Approved by: Tim Ferguson MRTPI
Date of Issue: October 2023

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CHANGE OF USE FROM SIDE GARDEN TO DOG GROOMING BUSINESS
EXECUTIVE SUMMARY

EXECUTIVE SUMMARY

- 1.1. This Statement is submitted on behalf of Mrs M Williams (the Appellant) against the decision by City of Edinburgh Council to refuse Planning Permission for the change of use from side garden to dog grooming business a 39 Hutchison Medway, Edinburgh, EH14 1QQ on 2nd August 2023 (reference 23/01614/FUL). All Core Documents (CD) are referenced in Appendix 1.
- 1.2. The Appellants propose to build a new single storey building on land in their ownership on ground currently used as their private garden ground.
- 1.3. The proposed change of use would allow the Appellant to operate their dog grooming business from home within a purpose built building to better serve the unique requirements for dog grooming.
- 1.4. The Case Officers Report of Handling states that Environmental Protection were consulted and could not support the proposal as any increase in noise cannot be mitigated.
- 1.5. It is worth highlighting that the Appellant was not given the opportunity to discuss potential mitigation measures with the Council, this is discussed further below and set out within the submitted Noise Impact Assessment (CD11).
- 1.6. Transport planning did not make any comments on the proposal.

Reasons for Refusal

- 1.7. One reason was cited for the refusal of the Application. This stated:
- 1.8. *"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."*
- 1.9. The Appellant sets out that the development would not result in increased noise levels to the effect of a detrimental impact on amenity, which is supported by the Noise Impact Assessment.
- 1.10. Additional traffic created by the development is expected to be minimal and in keeping with levels expected in a residential setting. The Council's Transport Planners did not have any comments to make on the proposals.
- 1.11. A Noise Impact Assessment has been submitted with the appeal documents. The assessment has concluded that based on the recommended building design and proposed operations of the business, there will be no adverse noise impact on the neighbouring properties from dog barking within the proposed waiting area and treatment rooms.
- 1.12. Similar proposals for a change of use of private dwelling land or part of the dwelling itself to a dog grooming business have been approved by the Council in recent years, demonstrating that the proposals are an acceptable use within a residential setting.

1.13. The Local Review Body, having considered the detail contained within the Planning Application package, together with the information set out herein, are respectfully requested to allow the Notice of Review and grant Planning Permission.

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CHANGE OF USE FROM SIDE GARDEN TO DOG GROOMING BUSINESS

INTRODUCTION

INTRODUCTION

- 2.1. This Statement supports a Notice of Review of the delegated decision of The City of Edinburgh Council to refuse to grant Planning Permission for the change of use from side garden to dog grooming business at 39 Hutchison Medway, Edinburgh, EH14 1QQ.
- 2.2. The application site (Figure 1) consists of the side garden of 39 Hutchison Medway, an upper floor villa property located within a 'four in a block' on the east side of Hutchison Medway. Whilst the street is residential in character, the site is within close proximity to both the A70 (Hutchison Cottages) and Hutchison Terrace, which are both main thoroughfares in this part of the city and both contain a mix of uses.
- 2.3. The Appellant proposes the change of use from their side garden to a dog grooming parlour which involves the erection of a single storey detached building within the garden ground to accommodate the business. This building would comprise of a sitting area, two separate dog station rooms and a toilet. Two off-street parking spaces are proposed on site as well as a new 1.8 metre timber palisade fence around the sites rear and side boundaries, this would sit at a lower height of 1.2 metres to the sites front.
- 2.4. There will be a maximum of two staff on site at any given time, with no more than two dogs within the building at once. The dogs will be kept separate at all times and appointments will be staggered to prevent clients overlapping which will prevent more than two dogs being on site at any one time. The Appellants private garden ground will not be available to use for customers.
- 2.5. The business hours will be:
 - 08:30 - 17:00 Monday to Friday
 - 08:30 - 13:00 Saturday
- 2.6. The proposed garage style building will measure 7.5 x 7.5 metres and sit approx. 3 metres in height, it will be finished in a dry dash render and slate roof to match the existing dwellings on the street (Figures 2 and 3).
- 2.7. The remainder of this Statement considers the site context and relevant planning policy, before evaluating the accordance of the appeal proposal with the National Planning Framework 4, the Local Development Plan and other material considerations.

CHANGE OF USE FROM SIDE GARDEN TO DOG GROOMING BUSINESS



Figure 1: Site Location

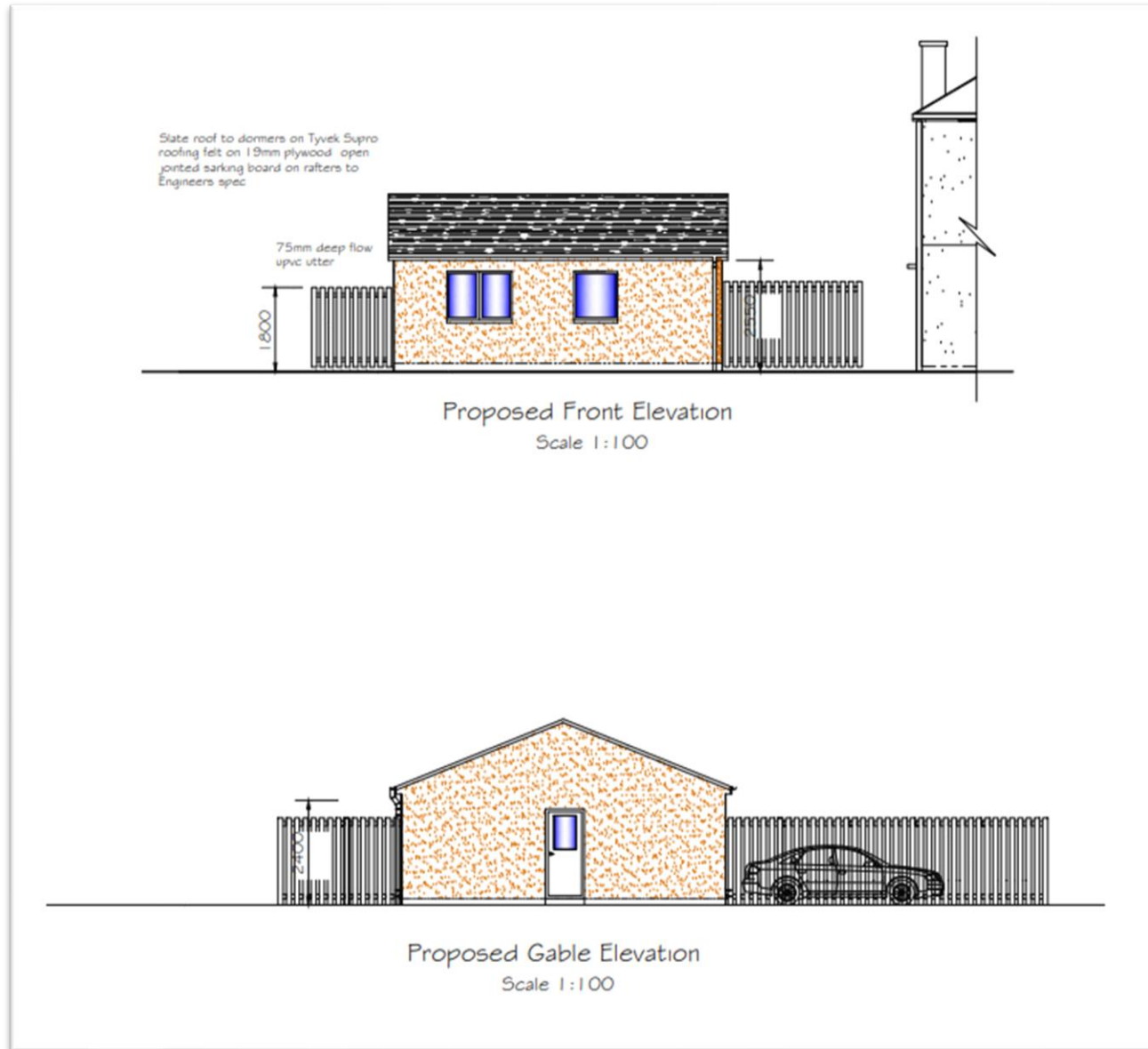


Figure 2: Proposed Elevations

CHANGE OF USE FROM SIDE GARDEN TO DOG GROOMING BUSINESS

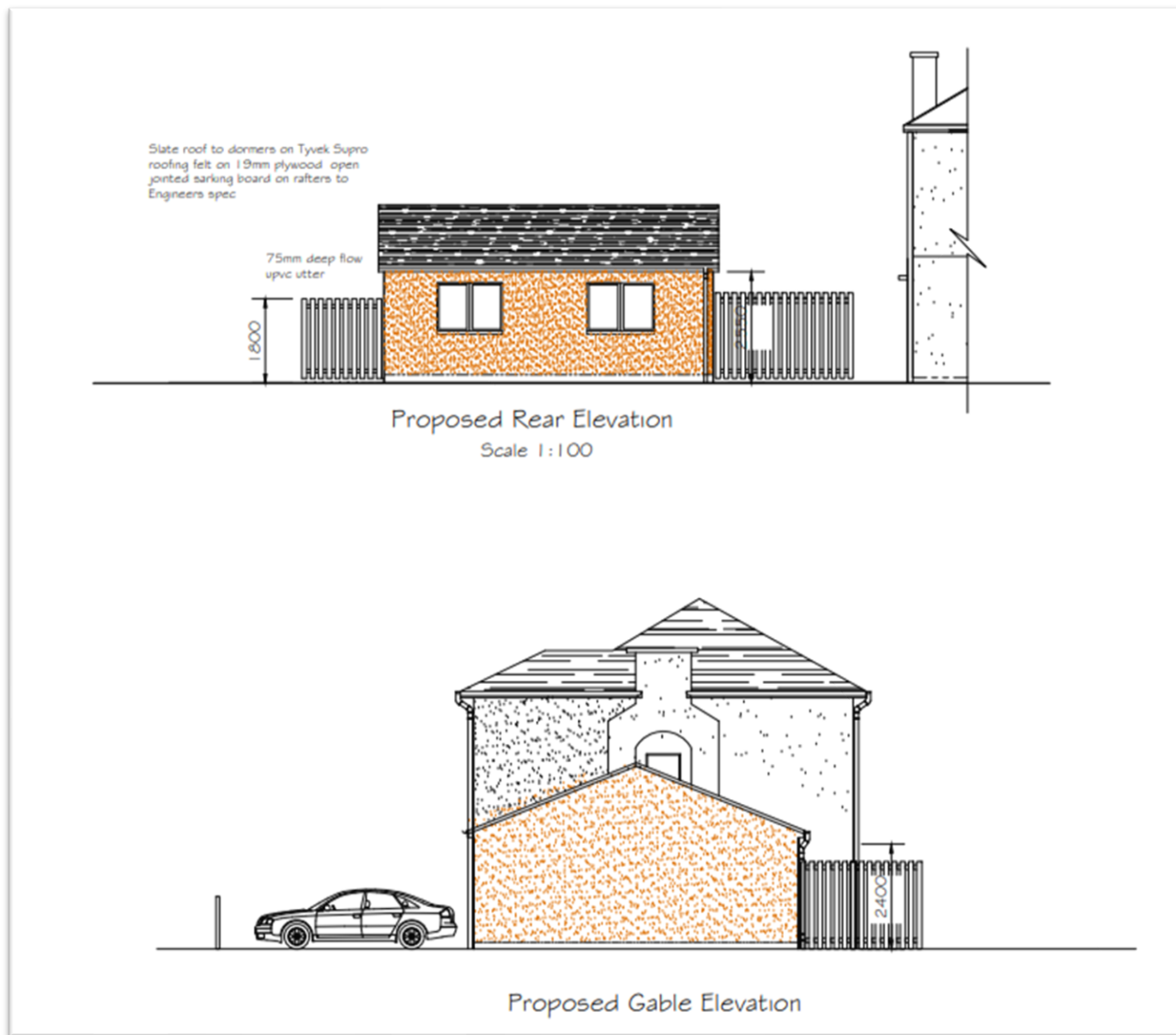


Figure 3: Proposed Elevations

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CHANGE OF USE FROM SIDE GARDEN TO DOG GROOMING BUSINESS

REFUSAL OF APPLICATION BY EDINBURGH
COUNCIL AND PLANNING POLICY
CONTEXT

REFUSAL OF APPLICATION BY COUNCIL AND PLANNING POLICY CONTEXT

3.1 Planning Application 23/01614/FUL was refused on 2 August 2023. The Decision Notice cited one reason for refusal, this is set out below:

“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.”

Local Development Plan

3.2 *Policy Hou7* of the Edinburgh Local Development Plan (2016) (ELDP) sets out that: “Developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.”

National Planning Framework 4

3.3 NPF4 sets out six overarching spatial principles that are to be considered when planning our future places. Two of these are of direct relevance to the proposals:

- **Local living** - Supports local liveability and improved community health and wellbeing by ensuring people can easily access services, greenspace, learning, work and leisure locally.
- **Compact urban growth** - Limit urban expansion so to optimise the use of land to provide services and resources, including carbon storage, flood risk management, blue and green infrastructure and biodiversity.

3.4 *Policy 1: Tackling the climate and nature crises* of National Planning Framework 4 (NPF4) sets out that when considering all development proposals, significant weight will be given to the global climate and nature crises.

3.5 *Policy 15: Local Living and 20 minute neighbourhoods* sets out to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling or cycling or using sustainable transport options.

3.6 The intent of *Policy 16: Quality homes* is to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right location, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland.

3.7 It is not considered that *Policy 16* is relevant in the consideration of this application, as it relates solely to the assessment of new housing proposals, and should therefore not be used as a reason to refuse a change of use application to a non-residential use.

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CHANGE OF USE FROM SIDE GARDEN TO DOG GROOMING BUSINESS

GROUNDS OF APPEAL AND CASE FOR
APPELLANT

GROUNDS OF APPEAL AND CASE FOR APPELLANT

4.1 The decision of the Planning Authority to refuse the Application is challenged on the basis of the grounds of appeal as set out below. It is the submission of the Appellants that the proposal accords with the relevant adopted policy of National Planning Framework 4 and the Edinburgh Local Development Plan and that there are no material considerations which justify the refusal of the application.

4.2 **Ground 1:** The proposed change of use would be an acceptable use within its location and would not result in a materially detrimental effect on the living conditions of nearby residents.

4.3 **Ground 2:** The proposal is not contrary to NPF4 Policy 16 as this policy is not applicable in the assessment of the proposed change of use.

4.4 During the course of the applications determination, the following consultee responses were received from Council Officers:

- **Environmental Protection - Could not support**

4.5 **Ground 1: The proposed change of use would be an acceptable use within its location and would not result in a materially detrimental effect on the living conditions of nearby residents.**

4.6 The dog grooming use will be a small business and would have between one or two dogs on site at any one time, with no overlap between drop off or collection by owners.

4.7 Two parking spaces will be provided to the front of the proposed building, this will reduce pressure for on-street parking, however on-street parking is not restricted and generally ample parking is

available during the proposed hours of operation. The occasional arrival or departure of a client to and from the site would not negatively impact on the living conditions of nearby residents, and would be in keeping with the expected travel patterns on the street. Transport Planning did not have any concerns with the proposal. Appointments will be staggered to prevent clients overlapping which will prevent more than two dogs being on site at any one time.

4.8 There will be no encroachment on the main use of the site as a private dwelling, with only the side garden ground to be used for the dog grooming use. There will be no loss of habitable space and the residential use will continue while the dog grooming takes place.

4.9 The proposed building is similar in appearance and massing to other garage/garden buildings that are found within the local area and is similar to what is expected within a residential area. There will be no business signage on the front of the building.

4.10 There will be no detrimental noise impacts on residential amenity created by the proposed use. There will be no more than two dogs on the premises at any one time, and they will be monitored by the Appellant. The grooming equipment is small scale bathing and hair trimming equipment which will not be audible outside the property. There will be no pet grooming services carried outside of standard business hours. The building will be detached so there will be no adjoining neighbours. Given the nature of the development and its proposed use, it is not expected that noise caused by the development would exceed that of normal domestic expectations for pet dogs.

4.11 The noise levels associated with dog grooming are generally considered to be quieter than those of a hairdressers. The process of grooming is a calming one for dogs; it is not a playful environment. As such, the levels of noise associated with the animals themselves

CHANGE OF USE FROM SIDE GARDEN TO DOG GROOMING BUSINESS

are low. In any case, if the noise levels omitted by the business were such that it would be considered as having a detrimental impact on residential amenity, the Council has statutory nuisance and noise abatement powers to deal with these issues.

4.12 The Noise Impact Assessment (NIA) submitted in support of this appeal sets out that based on the recommended building design and proposed operations of the business, there will be no adverse noise impacts on the neighbouring properties from dog barking within the proposed waiting area and treatment rooms.

4.13 There have been a number of examples in recent years of The City of Edinburgh Council approving a change of use to dog grooming business within residential areas within close proximity to the appeal site:

- 18/08822/FUL - Erect two- storey extension to side of house with single-storey extension to rear. Part change of use from domestic dwelling to domestic dwelling / dog grooming business. - 19 Craiglockhart Road North, Edinburgh, EH14 1BR. **Application granted on appeal.**
- 20/03878/FUL - Conversion of an existing freestanding garage to a dog grooming studio (Class 2 - professional services). Replacement of existing roof structure with new inner leaf structure and finishes, and existing openings with new doors, glazing and infill. - 2 Allan Park Road, Edinburgh, EH14 1LB - **Application granted on appeal.**
- 20/04618/FUL - Change of use from dwelling house to mixed use of dwelling house and dog grooming business - 23 Hutchison Park - **Application granted on appeal.**

4.14 These applications all present similarities to this appeal as they proposed the change of use of an ancillary residential building, or part of the dwelling itself to a dog grooming business space. All these examples were located in primarily residential settings and the

business model and operations are similar to what the Appellant is proposing.

4.15 Applications 20/03878/FUL and 20/04618/FUL were both approved conditionally on the basis that sufficient sound insulation measures were implemented. The submitted NIA for this appeal sets out that the recommended building design will successfully mitigate any noise impacts.

4.16 These appeal cases appear to establish that the proposed use is appropriate within a residential area, as these have been approved without concern that there would be increased noise and disturbance.

4.17 **Ground 2: The proposal is not contrary to NPF4 Policy 16: Quality homes as this policy is not applicable in the assessment of the proposed change of use.**

4.18 The intent of NPF4 Policy 16 is *'to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choices across tenures that meet the diverse housing needs of people and communities across Scotland.'*

4.19 This feeds into creating the outcomes of:

- Good quality homes are at the heart of great places and contribute to strengthening the health and wellbeing of communities.
- Provision of land in the right locations to accommodate future need and demand for new homes, supported by the appropriate infrastructure.
- More energy efficient, net zero emissions homes supporting a greener, fairer and more inclusive wellbeing economy and community wealth building, tackling both fuel and child poverty.

4.20 This policy solely relates to the provision of new homes and sets out the criteria for where this will be supported and how it can be delivered. The policy does not seek to dictate what could be classed as inappropriate development within residential areas.

4.21 The Chief Planner letter issued in February 2023 which details the transitional arrangement for NPF4 sets out that Policy 16 promotes a plan-led approach to deliver more quality homes that meet diverse needs. As the appeal site is neither allocated for housing development, and the proposals are not for residential development, Policy 16 is therefore not relevant in this case.

4.22 It is therefore inappropriate and incorrect to use this policy as a reason to refuse the application.

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CHANGE OF USE FROM SIDE GARDEN TO DOG GROOMING BUSINESS
CONCLUSION

CONCLUSION

- 5.1 This Notice of Review, supported by this Statement, respectfully requests that the Council overturns the decision to refuse Planning Permission in Principle for Application 23/01614/FUL and grant consent for the change of use from side garden to a dog grooming business at 39 Hutchison Medway, Edinburgh, EH14 1QQ.
- 5.2 The Appellant proposes the erection of a single storey detached building within their garden ground to accommodate their dog grooming business. The proposals also include the formation of two off-street parking spaces to accommodate customers and new boundary fencing.
- 5.3 The appearance and scale of the proposed building has been designed to be in keeping with the character of its residential setting and the operations of the business would not negatively impact on the amenity of nearby residents. The business will not be a high footfall generating use and traffic movement would be in keeping of what is expected in a residential setting.
- 5.4 The NIA sets out that the operations of the development are acceptable on noise generation terms and would not have a detrimental impact on amenity.
- 5.5 As set out within this Statement, a number of very similar proposals have been approved by City of Edinburgh Council in recent years for the change of use on private dwelling plots to accommodate dog grooming business within primarily residential areas. These decisions demonstrate that dog grooming business uses are an appropriate use within residential areas when ancillary to the primary residential use, and can be accommodated without resulting in a detrimental impact on nearby amenity.
- 5.6 The Local Review body is respectfully requested to allow the appeal and grant planning permission for the change of use at 39 Hutchison Medway, Edinburgh.

CORE DOCUMENTS

The following drawings, documents, and plans have been submitted to support the Notice of Review:

- Notice of Review Form;
- CD1 23/01614/FUL Application Form;
- CD2 Local Review Statement;
- CD3 Location Plan
- CD4 Proposed Block Plan
- CD5 Proposed Elevations Sht 1 of 2
- CD6 Proposed Elevations Sht 2 of 2
- CD7 Proposed Ground Floor Plan
- CD8 Proposed Site Plan
- CD9 23/01614/FUL Report of Handling
- CD10 23/01614/FUL Decision Notice
- CD11 Noise Impact Assessment

F E R G U S O N P L A N N I N G

GALASHIELS

Shiel house
54 Island Steet
Galashiels
TD1 1NU

T: 01896 668 744
M: 07960 003 357

EDINBURGH

1st Floor, 38 Thistle Street
Edinburgh
EH2 1EN

T: 0131 385 8801
M: 07960 003 358

NORTHERN IRELAND

61 Moyle Road
Ballycastle, Co. Antrim
Northern Ireland
BT54 6LG

M: 07960 003 358

E: tim@fergusonplanning.co.uk

WWW.FERGUSONPLANNING.CO.UK



Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: 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 100624772-001

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.

Type of Application

What is this application for? Please select one of the following: *

- Application for planning permission (including changes of use and surface mineral working).
- Application for planning permission in principle.
- Further application, (including renewal of planning permission, modification, variation or removal of a planning condition etc)
- Application for Approval of Matters specified in conditions.

Description of Proposal

Please describe the proposal including any change of use: * (Max 500 characters)

Proposed Change of Use from Side Garden to Dog Grooming Business

Is this a temporary permission? *

Yes No

If a change of use is to be included in the proposal has it already taken place?
(Answer 'No' if there is no change of use.) *

Yes No

Has the work already been started and/or completed? *

No Yes – Started Yes - Completed

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

Agent Details

Please enter Agent details

Company/Organisation:	Capital Draughting Consultants Ltd		
Ref. Number:		You must enter a Building Name or Number, or both: *	
First Name: *	Keith	Building Name:	
Last Name: *	Henderson	Building Number:	40
Telephone Number: *		Address 1 (Street): *	Dinmont Drive
Extension Number:		Address 2:	
Mobile Number:		Town/City: *	Edinburgh
Fax Number:		Country: *	United Kingdom
		Postcode: *	EH16 5RR
Email Address: *			
Is the applicant an individual or an organisation/corporate entity? *			
<input checked="" type="checkbox"/> Individual <input type="checkbox"/> Organisation/Corporate entity			

Applicant Details

Please enter Applicant details

Title:	Mrs	You must enter a Building Name or Number, or both: *	
Other Title:		Building Name:	
First Name: *	M	Building Number:	39
Last Name: *	Williams	Address 1 (Street): *	Hutchison Medway
Company/Organisation		Address 2:	
Telephone Number: *		Town/City: *	Edinburgh
Extension Number:		Country: *	United Kingdom
Mobile Number:		Postcode: *	EH14 1QQ
Fax Number:			
Email Address: *			

Site Address Details

Planning Authority:

City of Edinburgh Council

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

Address 1:

39 HUTCHISON MEDWAY

Address 2:

SLATEFORD

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH14 1QQ

Please identify/describe the location of the site or sites

Northing

671250

Easting

322431

Pre-Application Discussion

Have you discussed your proposal with the planning authority? *

Yes No

Site Area

Please state the site area:

295.00

Please state the measurement type used:

Hectares (ha) Square Metres (sq.m)

Existing Use

Please describe the current or most recent use: * (Max 500 characters)

Side Garden

Access and Parking

Are you proposing a new altered vehicle access to or from a public road? *

Yes No

If Yes please describe and show on your drawings the position of any existing, altered or new access points, highlighting the changes you propose to make. You should also show existing footpaths and note if there will be any impact on these.

Are you proposing any change to public paths, public rights of way or affecting any public right of access? * Yes No

If Yes please show on your drawings the position of any affected areas highlighting the changes you propose to make, including arrangements for continuing or alternative public access.

How many vehicle parking spaces (garaging and open parking) currently exist on the application Site?

How many vehicle parking spaces (garaging and open parking) do you propose on the site (i.e. the Total of existing and any new spaces or a reduced number of spaces)? *

Please show on your drawings the position of existing and proposed parking spaces and identify if these are for the use of particular types of vehicles (e.g. parking for disabled people, coaches, HGV vehicles, cycles spaces).

Water Supply and Drainage Arrangements

Will your proposal require new or altered water supply or drainage arrangements? * Yes No

Do your proposals make provision for sustainable drainage of surface water?? * Yes No
(e.g. SUDS arrangements) *

Note:-

Please include details of SUDS arrangements on your plans

Selecting 'No' to the above question means that you could be in breach of Environmental legislation.

Are you proposing to connect to the public water supply network? *

Yes

No, using a private water supply

No connection required

If No, using a private water supply, please show on plans the supply and all works needed to provide it (on or off site).

Assessment of Flood Risk

Is the site within an area of known risk of flooding? * Yes No Don't Know

If the site is within an area of known risk of flooding you may need to submit a Flood Risk Assessment before your application can be determined. You may wish to contact your Planning Authority or SEPA for advice on what information may be required.

Do you think your proposal may increase the flood risk elsewhere? * Yes No Don't Know

Trees

Are there any trees on or adjacent to the application site? * Yes No

If Yes, please mark on your drawings any trees, known protected trees and their canopy spread close to the proposal site and indicate if any are to be cut back or felled.

Waste Storage and Collection

Do the plans incorporate areas to store and aid the collection of waste (including recycling)? * Yes No

If Yes or No, please provide further details: * (Max 500 characters)

Bin Store already on Site

Residential Units Including Conversion

Does your proposal include new or additional houses and/or flats? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace

Does your proposal alter or create non-residential floorspace? *

Yes No

All Types of Non Housing Development – Proposed New Floorspace Details

For planning permission in principle applications, if you are unaware of the exact proposed floorspace dimensions please provide an estimate where necessary and provide a fuller explanation in the 'Don't Know' text box below.

Please state the use type and proposed floorspace (or number of rooms if you are proposing a hotel or residential institution): *

Class 11 Assembly and Leisure

Gross (proposed) floorspace (In square meters, sq.m) or number of new (additional) Rooms (if class 7, 8 or 8a): *

3

If Class 1, please give details of internal floorspace:

Net trading spaces:

Non-trading space:

46

Total:

If Class 'Not in a use class' or 'Don't know' is selected, please give more details: (Max 500 characters)

Schedule 3 Development

Does the proposal involve a form of development listed in Schedule 3 of the Town and Country Planning (Development Management Procedure (Scotland) Regulations 2013) *

Yes No Don't Know

If yes, your proposal will additionally have to be advertised in a newspaper circulating in the area of the development. Your planning authority will do this on your behalf but will charge you a fee. Please check the planning authority's website for advice on the additional fee and add this to your planning fee.

If you are unsure whether your proposal involves a form of development listed in Schedule 3, please check the Help Text and Guidance notes before contacting your planning authority.

Planning Service Employee/Elected Member Interest

Is the applicant, or the applicant's spouse/partner, either a member of staff within the planning service or an elected member of the planning authority? *

Yes No

Certificates and Notices

CERTIFICATE AND NOTICE UNDER REGULATION 15 – TOWN AND COUNTRY PLANNING (DEVELOPMENT MANAGEMENT PROCEDURE) (SCOTLAND) REGULATION 2013

One Certificate must be completed and submitted along with the application form. This is most usually Certificate A, Form 1, Certificate B, Certificate C or Certificate E.

Are you/the applicant the sole owner of ALL the land? *

Yes No

Is any of the land part of an agricultural holding? *

Yes No

Certificate Required

The following Land Ownership Certificate is required to complete this section of the proposal:

Certificate A

Land Ownership Certificate

Certificate and Notice under Regulation 15 of the Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Certificate A

I hereby certify that –

(1) - No person other than myself/the applicant was an owner (Any person who, in respect of any part of the land, is the owner or is the lessee under a lease thereof of which not less than 7 years remain unexpired.) of any part of the land to which the application relates at the beginning of the period of 21 days ending with the date of the accompanying application.

(2) - None of the land to which the application relates constitutes or forms part of an agricultural holding

Signed: Keith Henderson

On behalf of: Mrs M Williams

Date: 11/04/2023

Please tick here to certify this Certificate. *

Checklist – Application for Planning Permission

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

Please take a few moments to complete the following checklist in order to ensure that you have provided all the necessary information in support of your application. Failure to submit sufficient information with your application may result in your application being deemed invalid. The planning authority will not start processing your application until it is valid.

a) If this is a further application where there is a variation of conditions attached to a previous consent, have you provided a statement to that effect? *

Yes No Not applicable to this application

b) If this is an application for planning permission or planning permission in principal where there is a crown interest in the land, have you provided a statement to that effect? *

Yes No Not applicable to this application

c) If this is an application for planning permission, planning permission in principle or a further application and the application is for development belonging to the categories of national or major development (other than one under Section 42 of the planning Act), have you provided a Pre-Application Consultation Report? *

Yes No Not applicable to this application

Town and Country Planning (Scotland) Act 1997

The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

d) If this is an application for planning permission and the application relates to development belonging to the categories of national or major developments and you do not benefit from exemption under Regulation 13 of The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013, have you provided a Design and Access Statement? *

Yes No Not applicable to this application

e) If this is an application for planning permission and relates to development belonging to the category of local developments (subject to regulation 13. (2) and (3) of the Development Management Procedure (Scotland) Regulations 2013) have you provided a Design Statement? *

Yes No Not applicable to this application

f) If your application relates to installation of an antenna to be employed in an electronic communication network, have you provided an ICNIRP Declaration? *

Yes No Not applicable to this application

g) If this is an application for planning permission, planning permission in principle, an application for approval of matters specified in conditions or an application for mineral development, have you provided any other plans or drawings as necessary:

Site Layout Plan or Block plan.

Elevations.

Floor plans.

Cross sections.

Roof plan.

Master Plan/Framework Plan.

Landscape plan.

Photographs and/or photomontages.

Other.

If Other, please specify: * (Max 500 characters)

Provide copies of the following documents if applicable:

A copy of an Environmental Statement. * Yes N/A

A Design Statement or Design and Access Statement. * Yes N/A

A Flood Risk Assessment. * Yes N/A

A Drainage Impact Assessment (including proposals for Sustainable Drainage Systems). * Yes N/A

Drainage/SUDS layout. * Yes N/A

A Transport Assessment or Travel Plan Yes N/A

Contaminated Land Assessment. * Yes N/A

Habitat Survey. * Yes N/A

A Processing Agreement. * Yes N/A

Other Statements (please specify). (Max 500 characters)

Declare – For Application to Planning Authority

I, the applicant/agent certify that this is an application to the planning authority as described in this form. The accompanying Plans/drawings and additional information are provided as a part of this application.

Declaration Name: Mr Keith Henderson

Declaration Date: 11/04/2023

Payment Details

Online payment: [REDACTED]

Payment date: 1 [REDACTED]

Created: [REDACTED]

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