

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

10.00am, Wednesday 25 September 2024

Present: Councillors Beal (items 4-6) Mattos Coelho, McNeese-Mechan (items 1-3 & 6 -12), Mumford (items 1-3 & 6 -12), Mowat and Thornley.

1. Appointment of Convener

Councillor Mattos Coelho was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 2) of 28 August 2024 as a correct record.

3. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

4. Request for Review – 79 (Flat 1) George Street, Edinburgh

Details were submitted for a request for a retrospective change of use of flat to short term let (sui generis) for 52 weeks in a calendar year at Flat 1 79 George Street Edinburgh. Application No. 23/04927/FULSTL.

Assessment

At the meeting on 25 September 2024, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents, hearing sessions and a site visit. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were 01 Scheme 1, the drawings shown under the application reference number 23/04927/FULSTL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and Edinburgh Local Development Plan, principally:
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 7 (Historic assets and places)
 - National Planning Framework 4 Policy 30 (Tourism)
 - Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
 - Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)
 - Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)
- 2) Relevant Non-Statutory Guideline.
 - Listed Buildings and Conservation Areas
 - Guidance for Business (2023)
 - Edinburgh Design Guidance
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- The panel queried if an application had been received from flat 3. The panel were advised that no application had been received and that a determination must be made on the basis of the information submitted with the application for review.
- The panel requested clarity on who was the owner of flat 3 and if it is the same owner of flat 1, 2 and 4. The panel were advised that information submitted indicated that flat 3 is owned separately.
- The panel requested confirmation that all the flats share a common stairwell, the plans were displayed again and this was confirmed.
- The panel agreed that as there is a flat being within the communal stair being used as a residential property the proposal would impact on residential amenity.
- The panel further agreed that the property could be utilised as long-term accommodation which is essential during the housing crisis.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

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

Reasons for Refusal:

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

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

5. Request for Review – 79 (Flat 2) George Street, Edinburgh

Details were submitted for a request for a retrospective change of use of flat to short term let (sui generis) for 52 weeks in a calendar year at Flat 2 79 George Street Edinburgh. Application No. 23/04931/FULSTL.

Assessment

At the meeting on 25 September 2024, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents, hearing sessions and a site visit. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were 01 Scheme 1, the drawings shown under the application reference number 23/04931/FULSTL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and Edinburgh Local Development Plan, principally:
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 7 (Historic assets and places)

National Planning Framework 4 Policy 30 (Tourism)

Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)

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

Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)

2) Relevant Non-Statutory Guideline.

Listed Buildings and Conservation Areas

Guidance for Business (2023)

Edinburgh Design Guidance

3) The procedure used to determine the application.

4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- The panel agreed that the property could be of residential use.
- It was agreed by the panel that the proposal would result in a loss of amenity for residents within the building.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

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

Reasons for Refusal:

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

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

6. Request for Review – 79 (Flat 4) George Street, Edinburgh

Details were submitted for a request for a retrospective change of use of flat to short term let (sui generis) for 52 weeks in a calendar year at Flat 2 79 George Street Edinburgh. Application No. 23/04934/FULSTL.

Assessment

At the meeting on 25 September 2024, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents, hearing sessions and a site visit. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were 01 Scheme 1, the drawings shown under the application reference number 23/04934/FULSTL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and Edinburgh Local Development Plan, principally:
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 7 (Historic assets and places)
 - National Planning Framework 4 Policy 30 (Tourism)
 - Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
 - Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)
 - Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)
- 2) Relevant Non-Statutory Guideline.
 - Listed Buildings and Conservation Areas
 - Guidance for Business (2023)
 - Edinburgh Design Guidance
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- The panel agreed that the proposal would result in the loss of property for residential use.
- It was further agreed by the panel that the proposal would result in a loss of amenity for residents within the building.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

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

Reasons for Refusal:

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

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

7. Request for Review – 4 Caddell’s Row, Edinburgh

Details were submitted for review for proposed short-term let to let to two adults only. Ample free public parking adjacent to property at 4 Caddell's Row, Edinburgh. Application Number. 24/00224/FULSTL.

Assessment

At the meeting on 25 September 2024, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were 01-02 Scheme 1, the drawings shown under the application reference number 24/00224/FULSTL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and Edinburgh Local Development Plan, principally:

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

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

National Planning Framework 4 Policy 30 (Tourism)

Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)

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

Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)

- 2) Relevant Non-Statutory Guideline.
Listed Buildings and Conservation Areas
Guidance for Businesses (2024)
Edinburgh Design Guidance
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- The panel sought clarity due to the applicant referring to the proposal being for “short term residential”. The panel were advised that the application was for Short Term Let.
- The panel queried whether the conditions proposed for only allowing a maximum of two adults and no pets were enforceable conditions. The panel determined that such conditions were not enforceable.
- The panel inquired about the reference to minimal space standards for a one-bedroom flat. The panel were advised that space standards apply to new build developments and do not apply retrospectively to existing properties.
- The panel noted that many properties in Edinburgh were small and this did not prevent those properties being used for residential purposes.
- The panel noted that the applicant had submitted sensitive information which it had considered and the panel expressed sympathy for their situation.
- The panel agreed that there was potential for the flat to be utilised as residential and the proposal would constitute as a loss of residential property.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

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

Reasons for Refusal:

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

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

8. Request for Review – 15 Crewe Grove, Edinburgh

Details were submitted for a request for review for proposed attic conversion incorporating dormer windows to front, rear and side elevations (as amended). At 15 Crewe Grove, Edinburgh. Application Number. 24/01472/FUL.

Assessment

At the meeting on 25 September 2024, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were 01-04, 05 A Scheme 2, the drawings shown under the application reference number 24/01472/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and Edinburgh Local Development Plan, principally:
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 16 (Quality Homes)
 - Edinburgh Local Development Plan Policy Des 12 (alterations and extensions)
- 2) Relevant Non-Statutory Guideline.
[Guidance for Householders](#)
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- The Panel noted that the neighbouring property had a dormer and there is therefore a lack of symmetry currently.
- The Panel sought clarity on which dormer would have a flat roof and were presented with the proposed plans for the property. It was noted that the neighbouring property had a flat roof dormer.
- The Panel were sympathetic to the applicant's desire to extend the property to gain more space.
- The Panel noted that there was a lack of symmetry in the neighbourhood and the proposal would not adversely impact the appearance of neighbourhood.
- The Panel further noted that other properties in the area had dormers present.
- The Panel agreed that the proposal enhances the property as a family home.

Having taken all the above matters into consideration, the LRB, on a division, were of the opinion that decision of the Chief Planning Officer be overturned and granted planning permission for the following reasons:

1. The proposal does comply with NPF 4 policy 16 g) (Quality Homes) as the side dormer will not have a detrimental impact on the character of the home or the area.
2. The proposal does comply with LDP policy Des 12 (Alterations and Extensions) as the proposal is a compatible addition with the existing buildings character and the neighbourhood.

Decision

To **NOT UPHOLD** the decision by the Chief Planning Officer and to **GRANT** Planning permission for the following reasons:

1. The proposal does comply with NPF 4 policy 16 g) (Quality Homes) as the side dormer will not have a detrimental impact on the character of the home or the area.
2. The proposal does comply with LDP policy Des 12 (Alterations and Extensions) as the proposal is a compatible addition with the existing buildings character and the neighbourhood.

Informatives

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

(b) No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.

(c) As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a Notice of Completion of Development must be given in writing to the Council.

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

9. Request for Review – 69 (Flat 4) Henderson Row, Edinburgh

Details were submitted for a request for review for change of use from residential to short term let at Flat 4 69 Henderson Row Edinburgh Application Number. 23/06899/FULSTL.

Assessment

At the meeting on 25 September 2024, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were 01-02 Scheme 1, the drawings shown under the application reference number 23/06899/FULSTL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and Edinburgh Local Development Plan, principally:
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 30 (Tourism)
 - National Planning Framework 4 Policy 7 (Historic Assets and Places)
 - Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
 - Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)
 - Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)
- 2) Relevant Non-Statutory Guideline.
 - Listed Buildings and Conservation Areas
 - Guidance for Business (2024)
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- The Panel highlighted that planning permission is given to the property and not the applicant, and should the property be sold, that would allow a new owner to operate the business all year round.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

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

Reasons for Refusal:

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

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

10. Request for Review – 12 (1F) Randolph Place, Edinburgh

Details were submitted for a request for review for retrospective change of use from dwelling to STL at 1F 12 Randolph Place Edinburgh. Application Number. 23/05557/FULSTL.

Assessment

At the meeting on 25 September 2024, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were 01-02 Scheme 1, the drawings shown under the application reference number 23/05557/FULSTL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and Edinburgh Local Development Plan, principally:
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 7 (Historic Assets and Places)
 - National Planning Framework 4 Policy 30 (Tourism)
 - Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
 - Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)
 - Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)
- 2) Relevant Non-Statutory Guideline.
 - Listed Buildings and Conservation Areas Guidance for Businesses (2024)
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- The Panel questioned if the stairwell was private or communal. It was determined that although both flats are currently owned by the applicant the stairwell is communal as it serves two separate flats.
- The Panel enquired about how flat two was currently utilised and noted that flat two could be used as a residential property.
- It was noted that the property was suitable and desirable for long term residents.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

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

Reasons for Refusal:

- 1) The proposal is contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short term let will have a materially detrimental effect on the living conditions and amenity of nearby residents.
- 2) The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of

this dwelling as a short term let will result in an unacceptable impact on local amenity and the loss of a residential property has not been justified.

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

11. Request for Review – 37A (1f1) St Leonard’s Street, Edinburgh

Details were submitted for a request for review for a request for use of flat for short-term let use (Sui Generis) and residential flat (in retrospect). The property is available 12 months a year for letting at 1F1 37A St Leonard's Street, Edinburgh. Application Number. 23/06462/FULSTL.

Assessment

At the meeting on 25 September 2024, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents and a site visit. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were 01-02 Scheme 1, the drawings shown under the application reference number: 23/06462/FULSTL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and Edinburgh Local Development Plan, principally:
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 7 (Historic Assets and Places)
 - National Planning Framework 4 Policy 30 (Tourism)
 - Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
 - Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)
 - Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)
- 2) Relevant Non-Statutory Guideline.
 - Listed Buildings and Conservation Areas
 - Guidance for Business (2024)
 - Edinburgh Design Guidance
- 3) The procedure used to determine the application.

- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- The Panel agreed there was clear evidence that there was a loss of amenity to residents
- The Panel further agreed that the proposal would be a loss of residential property

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

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

Reasons for Refusal:

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

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

12. Request for Review – Land 28 Meters West of East Lodge 100 The Wisp, Edinburgh

Details were submitted for a request for review for proposed erection of 2 No. cottages with associated access, car parking and landscaping at Land 28 Metres West Of East Lodge 100 The Wisp, Edinburgh. Application Number. 23/06598/FUL.

Assessment

At the meeting on 25 September 2024, the LRB had been provided with copies of the notice of review submitted by you including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were 01-08 Scheme 1, the drawings shown under the application reference number 23/06598/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it to determine the review.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of the NPF4 and Edinburgh Local Development Plan, principally:
 - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
 - National Planning Framework 4 Policy 2 (Climate mitigation and adaptation)
 - National Planning Framework 4 Policy 3 (Biodiversity)
 - National Planning Framework 4 Policy 4 (Natural places)
 - National Planning Framework 4 Policy 7 (Historic assets and places)
 - National Planning Framework 4 Policy 9 (Brownfield, vacant and derelict land and empty buildings)
 - National Planning Framework 4 Policy 12 (Zero waste)
 - National Planning Framework 4 Policy 13 (Sustainable transport)
 - National Planning Framework 4 Policy 14 (Design, quality and place)
 - National Planning Framework 4 Policy 15 (Local Living and 20 minute neighbourhoods)
 - National Planning Framework 4 Policy 16 (Quality homes)
 - National Planning Framework 4 Policy 20 (Blue and green infrastructure)
 - National Planning Framework 4 Policy 22 (Flood risk and water management)
 - National Planning Framework 4 Policy 25 (Community wealth building)
 - Edinburgh Local Development Plan Policy Des 1 (Design Quality and Context)
 - Edinburgh Local Development Plan Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features)
 - Edinburgh Local Development Plan Policy Des 4 (Impact on Setting)
 - Edinburgh Local Development Plan Policy Des 5 (Amenity)
 - Edinburgh Local Development Plan Policy Des 7 (Layout Design)
 - Edinburgh Local Development Plan Policy Des 9 (Urban Edge Development)
 - Edinburgh Local Development Plan Policy Env 12 (Trees)
 - Edinburgh Local Development Plan Policy Env 15 (Nature Conservation Sites of Local Importance)
 - Edinburgh Local Development Plan Policy Env 21 (Flood Protection)
 - Edinburgh Local Development Plan Policy Env 22 (Pollution and Air, Water and Soil Quality)
 - Edinburgh Local Development Plan Policy Hou 1 (Housing Development)

Edinburgh Local Development Plan Policy Hou 3 (Private Green Space in Housing Development)

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

Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)

2) Relevant Non-Statutory Guideline.

Listed Buildings and Conservation Areas

Edinburgh Design Guidance

3) The procedure used to determine the application.

4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- The Panel enquired as to whether consultation was sought from Historic Environment Scotland. The Panel were advised that as the property is category B listed a consultation was not statutorily required.
- The Panel considered the area surrounding the lodge house and that the proposal would be detrimental to its character.
- The Panel noted that Flood Protection had requested more information and that it was felt there was not satisfactory information supplied regarding adaptability to climate change.
- The Panel further noted the objection received from the Coal Authority and the fundamental issues that were raised in the objection.
- The Panel agreed that given the nature of the proposal and the assessment, if properties were built in close proximity to the Lodge House the stand alone nature and designed environment would be lost.
- The Panel further agree that the objection received from the Coal Authority were sufficient evidence to refusal the proposal.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

Decision

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

Reasons for Refusal:

- 1) The proposals do not accord with Section 59 of The Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as they will result in harm to the setting of a listed building.

- 2) The proposals do not comply with Policies 2 and 22 of National Planning Framework 4 and Policy Env 21 of the Local Development Plan as there is insufficient information to determine if they would be adaptable to climate change in respect of surface water management and flood risk.
- 3) The proposals do not comply with Policy 9 of National Planning Framework 4 and Policy Env 22 of the Local Development Plan as there is insufficient information to determine if the land is, or can be made, safe and suitable for the proposed new use in relation to former coal mining activity.
- 4) The proposals do not comply with Policies 4, 7 and 14 of National Planning Framework 4 as they are inconsistent with the six qualities of successful places by their failure to preserve the setting of the listed building and due to their significant adverse effect on one of the qualities (gate lodge) of the Edmonstone Special Landscape Area.
- 5) The proposals do not comply with Policies Des 1 and Des 4 of the Local Development Plan as the design is not appropriate in this context and will fail to have a positive impact on its surroundings by their failure to preserve the setting of the listed building and due to their significant adverse effect on one of the qualities (gate lodge) of the Edmonstone Special Landscape Area.
- 6) The proposals do not comply with Policies Des 3, Des 9 and Env 12 of the Local Development Plan as they will have a damaging impact on trees which are worthy of retention and because they have failed to incorporate landscape improvements to strengthen the green belt boundary.
- 7) The proposals do not comply with Policy 20 of National Planning Framework 4 as they will result in the fragmentation of the existing green infrastructure network.

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