

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

10.00am, Wednesday 11 March 2020

Present: Councillors Booth, Child, Mowat (substituting for Councillor Rose) and Osler.

1. Appointment of Convener

Councillor Osler was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 2) of 29 January 2020 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 – Bonaly Farm, Torduff Road, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the change of use of existing hay field to camp site with accommodation in timber pods and ancillary services at Bonaly Farm, Torduff Road, Edinburgh. Application no 19/03360/PPP.

Assessment

At the meeting on 11 March 2020, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Chief Planning Officer.

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

The plans used to determine the application were numbered 01, 02, 03, Scheme 1, being the drawings shown under the application reference number 19/03360/PPP on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to determine the review using the information circulated. The LRB in their further deliberations on the matter considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
 - Edinburgh Local Development Plan Policy DES 1 (Design Quality and Context)
 - Edinburgh Local Development Plan Policy DES 4 (Development Design – Impact on Setting)
 - Edinburgh Local Development Plan Policy DES 5 (Development Design - Amenity)
 - Edinburgh Local Development Plan Policy ENV 3 (Listed Buildings - Setting)
 - Edinburgh Local Development Plan Policy ENV 9 (Development of Sites of Archaeological Significance)
 - Edinburgh Local Development Plan Policy ENV 10 (Development in the Green Belt and Countryside)
 - Edinburgh Local Development Plan Policy ENV 11 (Special Landscape Areas)
 - Edinburgh Local Development Plan Policy ENV 17 (Pentland Hills Regional Park)
 - Edinburgh Local Development Plan Policy ENV 21 (Flood Protection)
 - Edinburgh Local Development Plan Policy HOU 7 (Inappropriate Uses in Residential Areas)
 - Edinburgh Local Development Plan Policy RS 6 (Water and Drainage)
 - Edinburgh Local Development Plan Policy TRA 2 (Private Car Parking)
 - Edinburgh Local Development Plan Policy TRA 3 (Private Cycle Parking)
- 2) Relevant Non-Statutory Guidelines.
 - ‘Development in the Countryside and Green Belt’
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

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

- That although the proposal was acceptable in principle as it complied with criterion a) of policy Env 10, it was deemed to not be acceptable in this instance as it did not comply with other policies.
- Clarification was sought on the location of the surrounding residential properties.
- That Environmental Protection were recommending refusal.
- That the previous application for a burial ground had been refused and not been appealed.
- That there were no reasons to overturn the decision by the Chief Planning Officer.

Conclusion

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

Decision

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

Reasons for Refusal

1. The proposal was contrary to the adopted Edinburgh Local Development Plan Policy Env 11 as it failed to demonstrate that the proposal would have a positive impact on the character and appearance of the Special Landscape Area.
2. The proposal was contrary to policy Env 10 of the adopted Edinburgh Local Development Plan as it would detract from the rural character and appearance of the surrounding area.
3. The proposal was contrary to policy Hou 7 of the adopted Edinburgh Local Development Plan as it would have a materially detrimental impact on the living conditions of neighbouring residents.
4. The proposal was contrary to policy Env 17 of the adopted Edinburgh Local Development Plan as it would have an unacceptable impact upon the character and landscape quality of the park.
5. The proposal was contrary to policy Des 5 of the adopted Edinburgh Local Development Plan as it would adversely affect the amenity of neighbouring developments.
6. The proposal was contrary to policy Rs 6 of the adopted Edinburgh Local Development Plan as not enough information had been supplied to show that there was adequate sewerage to meet the demands of the development.
7. The proposal was contrary to policy Des 4 of the adopted Edinburgh Local Development Plan as it would not have a positive impact on its surroundings.

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

5. Request for Review – 19 Hillhouse Road, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the internal refurb and re-modelling of existing veterinary building, to create additional consult room, provide a new theatre and dental room, and a cat waiting area to existing reception area; proposed new single-storey extension to the rear of the building (with associated M&E, drainage and structural works) to house new consult room, accessible WC, dog ward & kennels, utility and freezer room at 19 Hillhouse Road, Edinburgh. Application no 19/04179/FUL.

Assessment

At the meeting on 11 March 2020, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of the review

documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Chief Planning Officer.

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

The plans used to determine the application were numbered 01-09, Scheme 1, being the drawings shown under the application reference number 19/04179/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to determine the review using the information circulated. The LRB in their further deliberations on the matter considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
Edinburgh Local Development Plan Policy DES 1 (Design Quality and Context)
Edinburgh Local Development Plan Policy DES 4 (Development Design – Impact on Setting)
Edinburgh Local Development Plan Policy DES 5 (Development Design - Amenity)
Edinburgh Local Development Plan Policy DES 12 (Alterations and Extensions)
Edinburgh Local Development Plan Policy HOU 7 (Inappropriate Uses in Residential Areas)
- 2) Relevant Non-Statutory Guidelines.
'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.

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

- Clarification on the extent of the existing extension and confirmation that it would extend the property beyond the existing extension to the rear.
- That the alterations were not significant and would not be harmful to the character of the building or surrounding area.
- Clarification on the issues of overshadowing and the dog kennels. It was confirmed that there were no issues with overshadowing and that the dog kennels would be internal.
- Clarification on whether the Guidance for Householders would apply in this instance as the property had been converted into a business. It was recommended by the Planning Adviser that this was guidance and that members had to consider whether the guidance would apply given the character of the property.

- Clarification on the proportion of the garden space that would be taken by the proposal and that it would be less than 1/3 of the garden space.
- That the proposal represented a small addition to the existing building.
- That the business had operated in this location for a significant period of time and the loss of this service would impact on the wider community.

Conclusion

Having taken all the above matters into consideration, the LRB determined that the proposal would not be contrary to LDP Policy Des 1, 4 and 12 as the alterations proposed would not be detrimental to the character and appearance of the existing building and street scene and would allow for better use of the building.

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

Decision

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

The following informatives:

- (a) The development hereby permitted 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 and Notice of Review, submitted)

6. Request for Review – 1 Kilmaurs Terrace, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the demolition of existing single storey extension and erection of new three storey extension at 1 Kilmaurs Terrace, Edinburgh. Application no 19/02713/FUL.

Assessment

At the meeting on 11 March 2020, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Chief Planning Officer.

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

The plans used to determine the application were numbered 01-08, Scheme 1, being the drawings shown under the application reference number 19/02713/FUL on the Council's Planning and Building Standards Online Services.

The Planning Adviser also brought to the LRB's attention new information regarding the submission of photographs provided by the applicant demonstrating examples of other extensions within the surrounding area. The LRB decided to accept the new information and considered this as part of their deliberations.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to determine the review using the information circulated. The LRB in their further deliberations on the matter considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
Edinburgh Local Development Plan Policy DES 1 (Design Quality and Context)
Edinburgh Local Development Plan Policy DES 4 (Development Design – Impact on Setting)
Edinburgh Local Development Plan Policy DES 5 (Development Design - Amenity)
Edinburgh Local Development Plan Policy DES 12 (Alterations and Extensions)
Edinburgh Local Development Plan Policy HOU 7 (Inappropriate Uses in Residential Areas)
- 2) Relevant Non-Statutory Guidelines.
'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.

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

- Clarification on how far the side extension was set back from the original building line and confirmation that it was 600mm.
- That the proposal was considered to be excessive.
- That there were concerns regarding the impact on the trees in the adjoining garden ground.
- That there were concerns regarding the potential impact on the properties on Dalkeith Road.
- That there were concerns regarding the proposal being close to Dalkeith Road which was a busy route.

Conclusion

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

Decision

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

Reasons for Refusal:

1. The proposal was contrary to the Local Development Plan Policy Des 1 in respect of Design Quality and Context, as it would have a detrimental impact on the character and appearance of the surrounding area.
2. The proposal was contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it was not acceptable in respect of its design and form, and would be detrimental to neighbourhood character.
3. The proposal was contrary to the Local Development Plan Policy Env 12 in respect of Trees, as it would result in damage to trees which were worthy of retention.
4. The proposal was contrary to the Local Development Plan Policy Des 5 in respect of Development Design - Amenity, as it may have had an adverse impact on the amenity of neighbouring residents due to loss of sunlight.

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

7. Request for Review – 18 Liberton Brae (at Land 33 Metres Northwest of), Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the proposed family dwelling house at 18 Liberton Brae (at Land 33 Metres Northwest of), Edinburgh. Application no 19/04204/FUL.

Assessment

At the meeting on 11 March 2020, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of the review documents, a hearing session and a site visit. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Chief Planning Officer.

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

The plans used to determine the application were numbered 01-06, Scheme 1, being the drawings shown under the application reference number 19/04204/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to determine the review using the information circulated. The LRB in their further deliberations on the matter considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
 - Edinburgh Local Development Plan Policy DES 1 (Design Quality and Context)
 - Edinburgh Local Development Plan Policy DES 4 (Design Quality and Context)
 - Edinburgh Local Development Plan Policy DES 5 (Development Design - Amenity)
 - Edinburgh Local Development Plan Policy DES 12 (Alterations and Extensions)
 - Edinburgh Local Development Plan Policy ENV 2 (Listed Buildings - Demolition)
 - Edinburgh Local Development Plan Policy ENV 3 (Listed Buildings - Setting)
 - Edinburgh Local Development Plan Policy ENV 10 (Development in the Green Belt and Countryside)
 - Edinburgh Local Development Plan Policy ENV 12 (Trees)
 - Edinburgh Local Development Plan Policy ENV 16 (Species Protection)
 - Edinburgh Local Development Plan Policy ENV 21 (Flood Protection)
 - Edinburgh Local Development Plan Policy HOU 1 (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 Guidelines.
 - 'Development in the Countryside and Green Belt'
 - 'Edinburgh Design Guidance'
 - 'Listed Buildings and Conservation Areas'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

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

- Clarification on whether the area was located within the greenbelt and confirmation that it was.
- Confirmation that the two storehouse buildings required listed building consent before they could be demolished.
- That although it was vital to protect the greenbelt the wider site had already seen extensive development and the proposal would not have a detrimental impact on this area.
- That there would still be adequate amenity space.
- That the proposed building was of an attractive design.

- That the proposed building would be contained within the curtilage and cluster of the existing buildings, and was clearly separated from the greenbelt land.
- A contrary opinion was that this site was clearly greenbelt and that the proposal should not be permitted under LDP Policy Env 10.

Conclusion

Having taken all the above matters into consideration, the LRB determined that the proposal would not be contrary to LDP Policy Des 4, Env 3 and Env 10 and the non-statutory guidance on Listed Buildings and Conservation Areas, as the site had already seen extensive development and would involve an area of land contained within the curtilage of the existing buildings.

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

Motion

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

The following informatives:

- (a) The development hereby permitted 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.
- moved by Councillor Osler, seconded by Councillor Mowat

Amendment

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

Reasons for Refusal

1. The proposal was contrary to policy Env 10 of the Edinburgh Local Development Plan (LDP) in that it did not involve development for agriculture, woodland and forestry, horticulture or countryside recreation. The proposal did not involve an intensification of the existing use, the replacement of an existing building with a new building in the same use, or a change of use of an existing building. The proposal was therefore not acceptable in principle.
2. The proposal was contrary to non-statutory Guidance for Development in the Countryside and Green Belt as no functional need for such a dwelling had been established; it did not relate to meeting the needs of one or more workers

employed in agriculture; it was not related to a rural activity or business, and it was not a brownfield site or a gap site.

3. The proposal was contrary to LDP policy Env 3 - Listed Buildings - Setting as the proposal would have a negative impact on the setting of a B listed building. The proposed construction of a dwelling house in this location would alter the traditional layout of the site where development had been located behind the main farmhouse. This would detract from 18 Liberton Brae as the main visual focal point of the site at this principal elevation.
 4. The proposal was contrary to LDP policy Des 4 Development Design - Impact on Setting as the position of the dwelling to the west of 18 Liberton Brae did not respect the traditional site layout where buildings had traditionally been located behind the main building, ensuring that this was the main visual focal point of the site from point of entry.
 5. The proposal was contrary to non-statutory guidance outlined in Listed Buildings and Conservation Areas. The construction of a new house on open space to the west of 18 Liberton Brae would crowd the B listed property and have a negative impact on its setting.
- moved by Councillor Booth, seconded by Councillor Child

Voting

For the motion - 2 votes

(Councillors Mowat and Osler.)

For the amendment - 2 votes

(Councillors Child and Booth.)

Decision

In the division, 2 members having voted for the motion and 2 members for the amendment, the Convener gave her casting vote for the motion and the Local Review Body resolved as follows:

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

The following informatives:

- (a) The development hereby permitted 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 and Notice of Review, submitted)

8. Request for Review – 18 Redhall House Drive, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the proposed extension and house alterations (as amended) at 18 Redhall House Drive, Edinburgh. Application no 19/05125/FUL.

Assessment

At the meeting on 11 March 2020, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Chief Planning Officer.

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

The plans used to determine the application were numbered 01, 02, 03A, Scheme 1, being the drawings shown under the application reference number 19/05125/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had sufficient information before it and agreed to determine the review using the information circulated. The LRB in their further deliberations on the matter considered the following:

- 1) The development plan, including the relevant policies of the Edinburgh Local Development Plan.
Edinburgh Local Development Plan Policy DES 12 (Alterations and Extensions)
- 2) Relevant Non-Statutory Guidelines.
'Guidance for Householders'
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

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

- That the proposal would not contravene the non-statutory guidance as it would not take up 1/3 of the garden space, and sufficient garden ground remained.
- That there was sympathy for the applicant as they had taken care to match the hipped roof of the original building.
- That the proposal would not have a detrimental impact on the character of the existing house or the surrounding area.

Conclusion

Having taken all the above matters into consideration, the LRB determined that the proposal would not be contrary to LDP Policy Des 12 and the Guidance for

Householders as the proposal would not be detrimental to the character and appearance of the existing house.

Decision

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

The following informatives:

- (a) The development hereby permitted 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 and Notice of Review, submitted)