

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

10.00am, Wednesday 27 May 2020

Present: Councillors Booth, Child, Munn, Osler and Rose.

1. Appointment of Convener

Councillor Munn was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 2) of 11 March 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 – 2 Bangholm Road, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the single-storey extension to front, side and rear of existing end-terrace dwelling and related alterations at 2 Bangholm Road, Edinburgh. Application no 19/05705/FUL.

Assessment

At the meeting on 27 May 2020, the LRB had been provided with copies of the notice of review including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01-02, Scheme 1, being the drawings shown under the application reference number 19/05705/FUL on the Council's Planning and Building Standards Online Services.

The Planning Adviser also brought to the LRB's attention new information regarding other properties in the area having similar porches over the front door. 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 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:

- Guidance was sought on whether the proposal would be classified as a porch or an extension and what the guidance allowed under permitted development. The LRB were advised that the proposal significantly exceeded the floor area allowed for a porch under permitted development.
- Clarification on the boundary wall which was higher than the overall height of the porch.
- That the boundary fence was considered acceptable and why a mixed decision had not been issued by officers. The LRB were advised that this request was to primarily to consider whether the extension was permissible.
- For further information to be provided on the conversation with the applicant on dimensions of the extension. The LRB were advised that the report of handling and the statement of reasons indicated there had been a discussion regarding reducing the size of the front porch but that the application had not been amended.
- Whether it was appropriate to take into consideration the appellant's submission regarding the proposal being designed to account for the climate crisis.
- Further details were requested on how far forward the porch sat in relation to the bay window which were provided.
- That the predominant issue was the significant size of the wraparound porch.
- That there had been no objections from neighbours regarding the porch.
- That the proposal would improve the condition of the property.

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 12 in respect of Alterations and Extensions, as it would be detrimental to neighbourhood amenity and the character of the property.
2. The proposals were contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as it would be detrimental to neighbourhood amenity and the character of the property.

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

Dissent

In accordance with Standing Order 19.13, Councillor Rose requested that his dissent to the above decision be recorded.

5. Request for Review – 1 Commercial Street, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the new decking area for external tables and chairs including a parasol with 4m cover, portable planters with perspex sound diffusers (in retrospect) at 1 Commercial Street, Edinburgh. Application no 19/04799/FUL.

Assessment

At the meeting on 27 May 2020, the LRB had been provided with copies of the notice of review including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01-03, Scheme 1, being the drawings shown under the application reference number 19/05705/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had insufficient information before it and agreed to visit the site before determining the review.

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 5 (Development Design - Amenity)

Edinburgh Local Development Plan Policy DES 8 (Public Realm and Landscape Design)

Edinburgh Local Development Plan Policy DES 10 (Waterside Development)

Edinburgh Local Development Plan Policy RET 11 (Food and Drink Establishments)

2) Relevant Non-Statutory Guidelines.

‘Guidance for Businesses’

‘The Leith Conservation Area Character Appraisal’

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 it would be difficult to fully to determine the matter without further information on the site and that a site visit would be beneficial, although the difficulties of arranging this with the current Covid-19 situation were recognised. The LRB decided to ask questions of the Planning Adviser to determine whether a site visit would be necessary.
- Whether any photographs of the decking in situ had been submitted and confirmation that the appellant had not submitted any.
- Whether the decking was removable and whether a site visit could clarify this matter.
- That there were concerns regarding the potential noise impact and whether there had been any complaints regarding the noise. The LRB were advised there had been no noise complaints and that the site was operating within its conditions set by Licensing.
- Whether a response could be requested from Environmental Protection on the proposal.
- That the number of representations appeared to be low and whether the required neighbour notifications had all been issued, including whether the Water of Leith Conservation Trust had been notified.

Conclusion

Having taken all the above matters into consideration the LRB felt that they had insufficient information before it and agreed to continue consideration of the matter in order to allow for a site visit before determining the review, to request a response from Environmental Health on this proposal and to confirm that the required neighbour notifications had been issued.

Decision

To continue consideration of the request for review in order to:

1. Allow for a site visit to be conducted safely under social distancing measures.
2. Request a response from Environmental Protection on this proposal.
3. Confirm that the required neighbour notifications had been issued.

The request for review would be further considered by the LRB at a future meeting, once the information requested had been made available and the appropriate arrangements for a site visit had been cleared by the Chief Planning Officer in order to ensure the Council was fully compliant with the Scottish Government's recommendation to practice social distancing.

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

6. Request for Review – 79 Durham Square, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission to erect a dwelling within garden ground at 79 Durham Square, Edinburgh. Application no 19/04925/FUL.

Assessment

At the meeting on 27 May 2020, the LRB had been provided with copies of the notice of review 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 numbered 01, 02A, 03A, Scheme 2, being the drawings shown under the application reference number 19/04925/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 HOU 1 (Housing Development)
 - Edinburgh Local Development Plan Policy HOU 4 (Housing Density)
- 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:

That in the applicant's submission there appeared to be a house of similar character opposite the property and whether further information could be provided on this. The LRB were advised that the property referred to in the statement was not a new build and that there was significantly more space between neighbouring properties for this house than for the proposal.

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 policy Des 1 of the Edinburgh Local Development Plan as the modern design and the use timber cladding bore no relation to the traditional building materials used in the area. The introduction of a mono-pitched roof in an area characterised by slate, hipped roofs would also be out of character. The proposal would not respect the character and appearance of the surrounding area.
2. The proposal was contrary to policy Des 4 of the Edinburgh Local Development Plan in that the sub-division of the garden of No. 79 Durham Avenue would result in the formation of two small gardens which would not be characteristic of the area. The introduction of a mono-pitched roof would be visually prominent given that it would be 50 cm higher than the roofs of surrounding properties and the area was characterised by hipped roofs. The proposal would not contribute positively to the setting of the area.
3. The proposal was contrary to policy Des 5 of the Edinburgh Local Development Plan as it represented overdevelopment of the site and would prevent opportunities for adaptability for the future needs of different occupiers.
4. The proposal was contrary to policy Hou 3 of the Edinburgh Local Development Plan in that the amenity space put forward for the new development did not make adequate provision for green space to meet the needs of future and current residents. In addition, it would be contrary to Edinburgh Design Guidance which expected private gardens to be of a reasonable size, adaptable and designed for a range of functions.
5. The proposal was contrary to LDP policy Hou 4 as it disrupted the established character of the area and would not create an attractive residential environment.

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

7. Request for Review – 25 Peffer Bank, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the construction of a building to replace previous in-situ structures and for its use for Class 11 (leisure) purposes at 25 Peffer Bank, Edinburgh. Application no 19/04874/FUL.

Assessment

At the meeting on 27 May 2020, the LRB had been provided with copies of the notice of review including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01-03, being the drawings shown under the application reference number 19/04874/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 5 (Development Design - Amenity)
 - Edinburgh Local Development Plan Policy EMP 9 (Employment Sites and Premises)
 - Edinburgh Local Development Plan Policy HOU 7 (Inappropriate Uses in Residential Areas)
 - Edinburgh Local Development Plan Policy RET 7 (Entertainment and Leisure Developments - Preferred Locations)
 - Edinburgh Local Development Plan Policy RET 8 (Entertainment and Leisure Developments - Other Locations)
 - 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.
 - '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:

- Whether Environmental Protection were consulted on the proposal and confirmation that this was not deemed necessary due to the proposed change of use to Class 11 which was not generally compatible with a residential area.
- Confirmation on the current use of the site and whether this would result in potential noise disturbances for neighbouring properties. The LRB were advised that the site was currently a Class 4 use which could acceptably be adjacent to residential properties and would not result in adverse noise.
- Whether the portacabin that previously occupied the site had planning consent or permitted development. While there was no information available on planning permission the LRB were advised that the portacabin was part of the previous business premises.
- It was felt that there was an undersupply of this type of premise in the area and it currently served the area well.
- That the premises were on the point where residential transitioned into industrial and would therefore be in keeping with the area.
- There were, however, concerns that the broad category of uses under Class 11 could allow the premises to be used inappropriately for the area.
- Whether the hours of operation could be conditioned to limit disturbance to neighbouring properties.
- Whether it would be suitable to also include a condition on noise impact to limit the impact of noise disturbance on neighbouring properties.
- Whether it was possible to include a condition or informative on private cycle parking. The LRB were advised that there was limited space available to include this and so it would be difficult to condition.

Conclusion

Having taken all the above matters into consideration, the LRB finally determined that premises served the area well and that there was an undersupply of such premises in the area, that there was no indication of there being a noise impact on neighbouring residents and that the premises would be in keeping with the area.

Decision

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

1. The following conditions:

- (a) Details of the sound attenuation scheme demonstrating inaudibility for any nearby living apartment would be submitted to the Planning Authority within three months of this decision and implemented within 6 months of this decision.

Reason:

To ensure there would be no significant noise impact caused by the use of the premises on the neighbouring residential properties.

- (b) The hours of operation of the premises would be limited from 7am to 10pm each day.

Reason:

To ensure there would be no significant disturbance caused by the use of the premises on the neighbouring residential area.

2. The following informatives:

- (a) The development hereby permitted would be commenced no later than the expiration of three years from the date of this consent.
- (b) No development would take place on the site until a 'Notice of Initiation of Development' had been submitted to the Council stating the intended date on which the development was to commence. Failure to do so constituted 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 would be given in writing to the Council.
- (d) To explore the options to provide cycle parking on the premises in order to comply with LDP Policy Tra 3 (Private Cycle Parking).

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

8. Request for Review – 358 South Gyle Road (at Land 24m West of), Edinburgh

Details were submitted of a request for a review for the refusal of planning permission in principle for the erection of a single dwelling house including car parking space at 358 South Gyle Road (at Land 24m West of), Edinburgh. Application no 19/04343/PPP.

Assessment

At the meeting on 27 May 2020, the LRB had been provided with copies of the notice of review including a request that the review proceed on the basis of an assessment of the review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were numbered 01-02, being the drawings shown under the application reference number 19/04343/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 DEL 4 (Edinburgh Park/South Gyle)
Edinburgh Local Development Plan Policy DES 1 (Design Quality and Context)
Edinburgh Local Development Plan Policy DES 5 (Development Design - Amenity)
Edinburgh Local Development Plan Policy ENV 12 (Trees)
Edinburgh Local Development Plan Policy ENV 21 (Flood Protection)
Edinburgh Local Development Plan Policy HOU 1 (Housing Development)
Edinburgh Local Development Plan Policy HOU 4 (Housing Density)
Edinburgh Local Development Plan Policy TRA 2 (Private Car Parking)
- 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:

That the proposal would be contrary to policies Hou 1, Hou 4, Des 1, Des 4 Env 12 and Env 21 of the adopted Edinburgh Local Development Plan as it would have an adverse impact on the character and appearance of the surrounding area, would result in the loss of trees and landscaping worthy of retention, would not create a satisfactory residential environment and raised issues in respect of road maintenance and flood prevention.

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:

The proposal was contrary to policies Hou 1, Hou 4, Des 1, Des 4 Env 12 and Env 21 of the adopted Edinburgh Local Development Plan as it would have an adverse impact on the character and appearance of the surrounding area, would result in the loss of trees and landscaping worthy of retention, would not create a satisfactory residential environment and raises issues in respect of road maintenance and flood prevention.

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