

The City of Edinburgh Planning Local Review Body (Panel 1)

10.00am, Wednesday 24 June 2020

Present: Councillors Mary Campbell, Dixon (substituting for Councillor Gordon), Griffiths, Mitchell and Mowat.

1. Appointment of Convener

Councillor Mowat was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 1) of 26 February 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 – 14 (Flat 6) York Place, Edinburgh

Details were submitted of a request for a review for refusal of planning permission to replace existing kitchen roof lights with catslip dormer with French windows and small concealed terrace; alter attic store to living room gallery; replace existing rear roof hatch and front facing roof light with new conservation roof lights at 14 (Flat 6) York Place, Edinburgh. Application no 19/03581/FUL.

This request had been continued from the meeting of 26 February 2020 to permit the appeal decision from the Scottish Government, for the Listed Building Consent, to be circulated to all interested parties.

Assessment

At the meeting on 24 June 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, the report of handling and the appeal decision from the Scottish Government, for the Listed Building Consent, as was requested at the meeting of 26 February 2020.

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 1-9, Scheme 1, being the drawings shown under the application reference number 19/03581/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 examples provided of similar dormers that had been granted planning permission. 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)
Edinburgh Local Development Plan Policy ENV 4 (Listed Buildings - Alterations and Extensions)
Edinburgh Local Development Plan Policy ENV 6 (Conservation Areas - Development)
- 2) Relevant Non-Statutory Guidelines.
'Guidance for Householders'
'Listed Buildings and Conservation Areas'
'The New Town 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 the Dublin Street Lane South was not a main thoroughfare so the alteration being visible would not be significant and overall would not be detrimental to the character and appearance of the conservation area.
- That the proposal was in keeping with the area and would not harm the historic structure and therefore would not be contrary to LDP policies Env 4 and Env 6.
- That the alteration would not be detrimental to the appearance of the building.

Conclusion

Having taken all the above matters into consideration, the LRB finally determined that the proposal would not be contrary to LDP Policies Env 4 and Env 6 as it would not harm the historic structure, would not be detrimental to the character and appearance of the conservation area and would be in keeping with the local area.

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, Notice of Review and Listed Building Consent Decision Notice, submitted)

5. Request for Review – 6 Castle Gogar Rigg (at Land 80 Metres South of), Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the proposed development of five new detached homes at 6 Castle Gogar Rigg (at Land 80 Metres South of), Edinburgh. Application no 19/04849/FUL.

Assessment

At the meeting on 24 June 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 hearing session. 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 1-41, Scheme 1, being the drawings shown under the application reference number 19/04849/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 flood plan provided by the appellant which determined that there would be no flood risk to the proposed developments. 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 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 DEL 1 (Developer Contributions and Infrastructure Delivery)

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 (Development Design - Impact on Setting)

Edinburgh Local Development Plan Policy DES 5 (Development Design - Amenity)

Edinburgh Local Development Plan Policy EMP 6 (International Business Gateway)

Edinburgh Local Development Plan Policy ENV 3 (Listed Buildings - Setting)

Edinburgh Local Development Plan Policy ENV 12 (Trees)

Edinburgh Local Development Plan Policy ENV 16 (Species Protection)

Edinburgh Local Development Plan Policy ENV 18 (Open Space Protection)

Edinburgh Local Development Plan Policy ENV 21 (Flood Protection)

Edinburgh Local Development Plan Policy HOU 1 (Housing Development)

Edinburgh Local Development Plan Policy HOU 2 (Housing Mix)

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

Edinburgh Local Development Plan Policy HOU 4 (Housing Density)

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)

Edinburgh Local Development Plan Policy TRA 4 (Design of Off-Street Car and Cycle Parking)

Edinburgh Local Development Plan Policy TRA 12 (Edinburgh Airport Public Safety Zones)

- 2) Relevant Non-Statutory Guidelines.
'Edinburgh Design Guidance'
- 3) Relevant Government Guidance on Historic Environment
'Managing Change in the Historic Environment: Setting'
- 4) The procedure used to determine the application.
- 5) 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 there was confusion regarding Historic Environment Scotland's recommendation of refusal on the grounds that the proposal would be detrimental to Castle Gogar given that there was already development on the surrounding site. It was clarified that the development to the west of the grounds had formerly been part of the walled garden area with ancillary buildings and these houses had been approved to enable the restoration of Castle Gogar, whereas the new proposed development would be located on the rural paddock area and along the approach to the historic building.
- Discussion occurred on whether flooding was an issue, given that the appellant's flood plan contradicted the objection from SEPA that two of the properties were partially on the flood plain and two were fully within the flood plain. It was confirmed that if the application was overturned it would require final approval from Ministers due to the SEPA objection.
- Whether it would be appropriate to continue consideration of the Review for further information to be provided including an ecological survey, tree survey, surface water management plan and a response from SEPA on the flood plain issue. The Planning Adviser informed the LRB that this was possible but there could be difficulty in undertaking the surveys given the current circumstances due to the Covid-19 outbreak and due to the season requirements related to ecological surveys. Discussion also took place as to whether it was reasonable to request this additional information if the proposals failed to comply with other policies in the LDP.
- That there was concerns regarding the proposal not meeting the criteria for development within the International Business Gateway. Policy required that development should be employment-led and not housing-led.

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 adopted Edinburgh Local Development Plan policy Hou 1, as it did not meet the criteria for housing development within the International Business Gateway.
2. The proposal was contrary to adopted Edinburgh Local Development Plan policy Des 4, as the proposal would have a negative impact upon the setting of its surroundings.

3. The proposal was contrary to adopted Edinburgh Local Development Plan policy Env 3, as the proposal would be detrimental to the setting of the listed building.
4. The proposal was contrary to adopted Edinburgh Local Development Plan policy Env 12, as the proposal was likely to have a damaging impact upon trees worthy of retention.
5. The proposal was contrary to adopted Edinburgh Local Development Plan policy Env 16, as the proposal could have had an adverse impact upon species protected under European or UK law.
6. The proposal was contrary to adopted Edinburgh Local Development Plan policy Env 18, as the proposal would result in the loss of valuable open space which would have a significant impact upon the quality and character of the local environment.
7. The proposal was contrary to adopted Edinburgh Local Development Plan policy Env 21, as the proposal could have increased a flood risk or be at risk of flooding itself.
8. The proposal was contrary to Historic Environment Scotland Managing Change in the Historic Environment Guidance Note on setting as the proposed new houses would detrimentally impact on the approach and wider setting of Category A listed Castle Gogar.
9. The proposal was contrary to adopted Edinburgh Local Development Plan policy Emp 6, as it did not meet the criteria for housing development within the International Business Gateway.

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

6. Request for Review – 30 Greenbank Crescent, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for Planning Permission in Principle for construction of dwelling at 30 Greenbank Crescent, Edinburgh. Application no 19/04982/PPP.

Assessment

At the meeting on 24 June 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 01-02, Scheme 1, being the drawings shown under the application reference number 19/04982/PPP on the Council's Planning and Building Standards Online Services.

The Planning Adviser also brought to the LRB's attention new information regarding the two similar developments in the area that had been given planning consent. 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 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 4 (Development Design - Impact on Setting)
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 3 (Private Green Space in 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:

While the LRB acknowledged that new properties should be allowed where possible in order to increase the housing stock, it was felt that the proposed footprint of the dwelling would be small in comparison to the surrounding properties, would appear incongruous and would not be in keeping with surrounding area.

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 and Des 4 of the adopted Edinburgh Local Development Plan as it would have an adverse impact on the character and appearance of the surrounding area by virtue of the subdivision of an existing plot, which disrupted the established character of the area and did not create an attractive residential environment due to its size and location in comparison to other buildings in the area.

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

7. Request for Review – 9 – 21 Salamander Place, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for 5 new parking places in lieu of parking and mews building structure (2 dwellings) forming part of Planning Consent for ref. 16/03356/PPP (as amended) at 9 – 21 Salamander Place, Edinburgh. Application no 19/04487/FUL.

Assessment

At the meeting on 24 June 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, Scheme 2, being the drawings shown under the application reference number 19/04487/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 request further information 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 DEL 3 (Edinburgh Waterfront)
 - Edinburgh Local Development Plan Policy DES 1 (Design Quality and Context)
 - Edinburgh Local Development Plan Policy DES 2 (Co-ordinated Development)
 - 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 7 (Layout Design)
 - Edinburgh Local Development Plan Policy DES 8 (Public Realm and Landscape Design)
 - Edinburgh Local Development Plan Policy ENV 3 (Listed Buildings - Setting)

Edinburgh Local Development Plan Policy ENV 6 (Conservation Areas - Development)

Edinburgh Local Development Plan Policy ENV 9 (Development of Sites of Archaeological Significance)

Edinburgh Local Development Plan Policy ENV 21 (Flood Protection)

Edinburgh Local Development Plan Policy TRA 4 (Design of Off-Street Car and Cycle Parking)

2) Relevant Non-Statutory Guidelines.

‘Edinburgh Design Guidance’

‘The Leith Conservation Area Character Appraisal’

‘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:

- That it would be difficult to apply conservation area guidance to this proposal as it was situated just outwith the boundary of the conservation area.
- Whether a bin store would be considered active frontage.
- Confirmation that the original application comprised two mews properties above the bin store and parking, but these were no longer considered to not be financially viable by the appellant.
- Although the original application proposed four parking spaces, the increase to five parking spaces was not considered to be significant.
- That the proposal was part of a wider phased development in the area.
- That there were concerns regarding the amenity of neighbouring residents if the application was refused, as the bins could potentially cause an eyesore without a store.
- That this was a partially retrospective application and if the application was refused it would become an enforcement issue.
- That there were concerns regarding the number of policies the application contravened.
- That the adjacent site to the south of the proposal appeared to be industrial and whether future redevelopment of this site was proposed.
- Whether further information on access to the back site could be provided.
- It was felt that members did not have enough information to make a decision and that further information on the wider context of redevelopment for the area

and how this linked into the proposed site and the adjacent site to the south was required in order to make a decision.

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 for a plan of the proposed development in the wider area, including the adjacent site to the south, to be provided to members.

Decision

To continue consideration of the request for review to a further meeting of the Planning Local Review Body in order for a plan of the proposed development in the wider area, including the adjacent site to the south, to be provided to members.

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