

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

10.00am, Wednesday 4 November 2020

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

1. Appointment of Convener

Councillor Rose was appointed as Convener.

2. Minutes,

To approve the minute of the Local Review Body (LRB Panel 1) of 30 September 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 – 52 Saughton Mains Gardens, Edinburgh

Details were submitted of a request for a review for refusal of planning permission to demolish existing buildings and redevelop the site for mixed, predominantly residential use, with flatted development and retail floor space at 52 Saughton Mains Gardens Edinburgh. Application No. 20/01318/FUL

Assessment

At the meeting on 4 November 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, 03A-07A, 08B, being the drawings shown under the application reference number 20/01318/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 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 Policy Des 2 (Coordinated 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 6 (Sustainable Buildings)
 - 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 Des 13 (Shopfronts)
 - 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 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 Hou 6 (Affordable Housing)
 - Edinburgh Local Development Plan Policy Ret 6 (Out-of-Centre Development)
 - Edinburgh Local Development Plan Policy Ret 11 (Food and Drink Establishments)
 - 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)
- 2) Relevant Non-Statutory Guidelines.
 - Edinburgh Design Guidance
 - Guidelines - on affordable housing
- 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:

- Although there were eight grounds for refusal, it had to be decided if all the grounds for refusal were relevant.
- That all the grounds for refusal should be upheld.

It was evident that this was not currently a great environment and that this area would benefit from redevelopment. However, the proposal was not considered to be an outstandingly attractive development.

Having taken all the above matters into consideration, although one of the members thought that not all of the grounds for refusal were relevant, 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 and that all the grounds for refusal should apply.

Decision

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

Reasons for Refusal:

1. The proposal was contrary to LDP Policy Des 2 a) Co-ordinated Development and Edinburgh Design Guidance, in that it had failed to satisfactorily consider the effective development of the adjacent land and regeneration of the wider site as part of a coordinated design and development proposal.
2. The proposal was contrary to LDP Policies Des 1 Design Quality and Context, in that it had not been demonstrated that the development would create or contribute towards a sense of place. The proposed design had not been based on an overall concept that drew upon the positive character of the surrounding area.
3. The proposal would be contrary to LDP Policy Des 4 - Development Design - Impact upon Setting, parts a) b) c) and d) and the Edinburgh Design Guidance by virtue of the proposed height and form, scale and proportions, position of buildings on the site and materials and detailing. The proposal would not result in a positive impact to the surroundings and had not sought to draw upon the positive characteristics of the locality and wider townscape.

4. The proposal would be contrary to LDP Policy Des 7 a) and Des 8, Public Realm and Landscape Design and the Edinburgh Design Guidance in that the proposed design has not demonstrated a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths, public and private open spaces and services. The proposal had failed to consider the planting of trees to provide a setting for buildings, boundaries and road sides and create a robust landscape structure, as stipulated through LDP Policy Des 8 c).
5. The proposal would be contrary to LDP Policy Hou 4 a) and b) Housing Density and the Edinburgh Design Guidance in that the design and development concept had not adequately considered the characteristics of the surrounding area nor would it result in an attractive residential environment and safeguard living conditions within the development.
6. The proposal was contrary to LDP Policy Hou 3 a) and the Edinburgh Design Guidance in that the proposals did not make adequate provision for private greenspace and would fail to achieve a standard of 10 square metres per flat. The location, quality and detail of the various spaces is inadequate for the scale and nature of the proposed development.
7. The proposal was contrary to LDP Policies Hou 2, Hou 6 and Edinburgh Design Guidance in that it had not been demonstrated through an Affordable Housing Statement that the requirements of the Council's Affordable Housing Policy had been fully addressed, that the homes had been designed to RSL standards and requirements or that the proposed house types would meet a range of housing needs, including those of families, older people and people with special needs and having regard to the character of the area and its accessibility.
8. The proposal was contrary to LDP Policy Des 5 a) and Edinburgh Design Guidance in that it had not been demonstrated that future occupiers would have acceptable levels of amenity in relation to noise, daylight, sunlight and immediate outlook. The proposals did not address requirements of the Edinburgh Design Guidance in relation to the proportion of single aspect flats. No Noise Assessment had been provided to demonstrate impacts arising from the proposed commercial retail premises at ground floor level and other potential noise sources.

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

Dissent

Councillor Rose requested that his dissent be recorded in respect of the above item.

5. Request for Review – Old Dairy House, Dundas Home Farm, South Queensferry

Details were submitted of a request for a review submitted for refusal of planning permission for construction of single storey extension to North and West Elevations of existing house at 16A Skerryvore Loan Edinburgh. Application No. 20/01981/FUL.

Assessment

At the meeting on 4 November 2020, 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 numbered 01-04 Scheme 1, being the drawings shown under the application reference number 20/01981/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 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.

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:

- A previous application for a side extension had been granted, however, there was some confusion about whether this was at the side or rear of the property.
- The rejected applications had been for two storey proposals, whereas this was a one storey proposal, contrary to what was detailed on page 2 of the report of handling.
- Clarification was sought regarding the front elevation of the property. It was confirmed that this was located to the north, overlooking the area of open space.
- That this application should be refused as it would be detrimental to the character of the area for reasons detailed in the report of handling.
- Guidance on households was clear on extensions and building lines, irrespective of whether a front elevation should be treated as a side elevation. This was a "wrap around" extension and was not acceptable.

- That this was a distinctive location and design guidance encouraged the creation of new and distinctive places. This was a unique, end-terraced property and was also a fairly new development.
- This was the first building to have an extension of this type and should not be rejected for these design reasons. The purpose of the policy was to encourage innovation and design in the layout of new building streets and spaces and local distinctiveness should be encouraged.
- One of the purposes of planning guidance was for the design and adaptation of premises for high quality accommodation. In this case, the applicant wanted to make the premises suitable for his family.
- That this was an improvement on the original proposals which had been granted.
- There had been some confusion about the issue of the front elevation. The view of the extension provided clarification by specifying the location of the door.
- Considering the application that had been granted and the situation of the house, this application was not as clear cut as first appeared. This gave a definition of how the house was accessed.

Having taken all the above matters into consideration and although some of the members were opposed to granting the application, the LRB determined that by reason of its distinctive location and that it was a relatively new development, it was not contrary to Edinburgh LDP Policy Des 12 in respect of Alterations and Extensions and the non-statutory Guidance for Householders.

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 should be commenced no later than the expiration of three years from the date of the consent.
 - (b) No development should 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 Rose, seconded by Councillor Munn.

Amendment

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

Reasons for Refusal:

The proposal was contrary to Edinburgh Local Development Plan Policy Des 12 in respect of Alterations and Extensions and the non-statutory Guidance for Householders. The proposed development was of an inappropriate scale, form and design and was not compatible with the existing building, terrace, or neighbourhood character.

- moved by Councillor Child, seconded by Councillor Booth

Voting

For the motion - 3 votes

(Councillors Munn, Osler and Rose.)

For the amendment - 2 votes

(Councillors Booth and Child.)

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 should be commenced no later than the expiration of three years from the date of the consent.
- (b) No development should 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)