

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

10.00am, Wednesday 16 September 2020

Present: Councillors Booth (substituting for Councillor Mary Campbell), Mitchell and Mowat.

1. Appointment of Convener

Councillor Mitchell was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 1) of 19 August 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 – 35 Inverleith Row, Edinburgh

Details were submitted of a request for a review for refusal of planning permission for the proposal to replace existing roof slate with Cupa Heavy 3 slate roof tiles and removal of existing central hipped roof section (not visible from principle elevations) to create a flat roof with two flat roof lights and the removal of three existing chimneys at 35 Inverleith Row, Edinburgh. Application No. 20/01373/FUL.

Assessment

At the meeting on 16 September 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 - 08, Scheme 1, being the drawings shown under the application reference number 20/01373/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) Relevant Government Guidance on Historic Environment.

Planning Advice Note 71 on Conservation Area Management recognised conservation areas need to adapt and develop in response to the modern-day needs and aspirations of living and working communities.

Managing Change in the Historic Environment: External Fixtures set out Government guidance on the principles that applied to altering the external fixtures of listed buildings.

Managing Change in the Historic Environment: Roofs set out Government guidance on the principles that apply to altering the roofs of listed buildings.

2) The development plan, including the relevant policies of the Edinburgh Local Development Plan.

Edinburgh Local Development Plan Policy Env 4 (Listed Buildings - Alterations and Extensions)

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

3) Relevant Non-Statutory Guidelines.

'Listed Buildings and Conservation Areas'

'The Inverleith Conservation Area Character Appraisal'

4) The procedure used to determine the application.

5) 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:

- It was difficult to see where the loss of the M-shaped roof could be seen from at ground level, however, it might be overlooked by properties on Inverleith Place.
- It would only be possible to see the front elevation and side elevation roofscape from the public street at ground.
- According to the new information, the applicant was content to retain the original chimney on the north elevation and remove the two chimneys on the west elevation, which were not original.
- On listed buildings, it was original features that were of concern and not if they were visible from the street.

- A Listed Building application was concerned with the integrity of the building, including interiors and exteriors. A Planning Application was concerned with the appearance of building and the impact on the wider area.
- Listed building guidance on chimneys stated that the original chimneys should be retained and non-original features could be removed.
- There was concern about the removal of the original roof and slates as it was part of a listed building.
- Listed building guidance on roofs stated that the retention of the original structure, pitch and cladding was important.
- That implementing these renovations to high standard, would be assisting the life of this listed building going forward.
- This M-type roof was an important part of the architecture of this period. However, Historic Environment Scotland's (HES) advice had changed and to preserve a building, the roof had to be useable.
- The applicant would have to remove this roof as it was now 160 years old. There was not an issue with the Cupa Slate, but there was concern about the lack of diminishing coursing proposed.
- Whether the proposals preserved this building in a way that was not publicly visible and whether the change in the form of the roof would have a significant adverse impact on the building.
- If the separate LBC appeal was not allowed, the applicant would have to replace the roof. With regards to the Planning Application, it was the effect on the conservation area that had to be considered and there would not be a huge effect on this by replacing the central hipped roof.
- Considering later HES guidelines, this would probably help the usability of the building by letting in more light and helping to stop water ingress.

Having taken all the above matters into consideration, the LRB determined that although there were some minor infringements, the proposals broadly complied with LDP Policies Env 4 and Env 6 and did not significantly adversely affect the special architectural and historic interest of the listed building and did not have a detrimental impact on the special character and appearance of the conservation area.

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:

Condition:

- a) the chimney on the north elevation (Inverleith Place elevation) should be retained.

Reason:

- a) In order to protect the character and appearance of the listed building and the wider conservation area.

The following informatives:

- (a) The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
- (b) No development should 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 is 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 must be given in writing to the Council.

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

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

Details were submitted of a request for a review for refusal of planning permission for the erection of one-and-a-half storey, detached, 5 bedroomed family home at the Old Dairy House, Dundas Home Farm, South Queensferry. Application No. 19/05253/FUL.

Assessment

At the meeting on 16 September 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 further written submissions on specific matters. 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 01-09, Scheme 1, being the drawings shown under the application reference number 19/05253/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 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 10 (Development in the Green Belt and Countryside)

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)

2) Relevant Non-Statutory Guidelines.

‘Listed Buildings and Conservation Areas’

‘Development in the Countryside and Green Belt’

‘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:

- Whether there had been any previous applications on this site, and confirmation that there had not.
- Confirmation that the site to the east had been granted consent for a single house in 2016 and 2019, and that there was a current live application for a larger house on this site.
- The applicant described the site as an infill site. Officers considered the proposal as overdevelopment, creating a suburban feel to this rural location. Although there was sympathy for the applicant, there was agreement with the officers that the proposals represented overdevelopment.

Having taken all the above matters into consideration, although there was sympathy for the proposal, 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 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. It would introduce a further dwelling house into the garden of the Old Dairy House without any justification of exceptional circumstances and would harm the rural character of the site.
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 design policies Des 1 and Des 4 of the LDP as the creation of another suburban style house into this rural setting adversely impacted on the rural character of the area.
4. The proposal was contrary to policy Tra 2 as it exceeded the Council's parking standards which sought to limit private car parking and encourage active travel.
5. There was insufficient information provided to assess the impact on trees and protected species.

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

6. Request for Review – 29 Peffer Place, Edinburgh

Details were submitted of a request for a review for the refusal of planning permission for the change of use from class 5 to class 11 at 29 Peffer Place, Edinburgh.

Application No. 20/00879/FUL

Assessment

At the meeting on 16 September 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 further written submissions on specific matters. 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 20/00879/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 5 (Development Design – Amenity)
Edinburgh Local Development Plan Policy Ret 8 (Entertainment and Leisure Developments)
Edinburgh Local Development Plan Policy Emp 8 (Business and Industry Areas)
- 2) Relevant Non-Statutory Guidelines.
'Guidance for Businesses'
- 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:

- There was some confusion with the definition of business in LDP Policy Emp 8, as this seemed to be a business, with an individual running a martial arts school for profit which would comply with policy.
- It was advised that the Town and Country Planning (Use Classes) (Scotland) Order 1997 defined the classes and what is acceptable in each category. Leisure use would fall under a different category in terms of the Use Classes Order. Policy Emp 8 usually referred to large scale office type development or industrial use.
- The explanatory note, in relation to Policy Emp 8 seemed to refer to a range of business activities across the city, as opposed to the narrow use classes described by officers.
- In relation to Use Class 5 activities, these were not compatible with residential areas due to the impact on amenity.
- The LRB could apply some flexibility. In other applications in other parts of the city, the change of use had been accepted, however, in this case, officers had strictly interpreted the policy to an excessive extent.
- It was difficult to see why this business was not appropriate in this location, particularly when there was not a shortage of business/industry space in the local area and there was safe access for pedestrians.
- This was a narrow interpretation of policy by officers, without considering the wider benefits. This proposal was in the spirit of Policy Emp 8, was creating

employment opportunities, providing the community with a service to improve health and supporting the city's wider economy.

Having taken all the above matters into consideration, the LRB determined that although there was some minor infringement of policy, the proposals complied in the broader sense and were not contrary to LDP Policy Emp 8 as they would support a local business and the local economy.

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 should be commenced no later than the expiration of three years from the date of this consent.
- (b) No development should 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 is 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 must be given in writing to the Council.

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

7. Request for Review – 11 Riselaw Terrace, Edinburgh,

Details were submitted of a request for a review for the refusal of planning permission to renovate and extend existing front dormer; extend the existing rear dormer to create additional roof space in adjacent rooms; new dormer on side elevation to allow the division of current room into two smaller bedrooms; new dormer at front to create more roof and storage space in bedroom; all dormers timber framed and rosemary tiled to match existing modern rear dormer; and addition of timber framed porch to front elevation at 11 Riselaw Terrace, Edinburgh, which was issued a mixed decision refusing the front porch and front dormers; and granting the side dormer and rear dormer. Application No. 20/00879/FUL.

Assessment

At the meeting on 16 September 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, 04, 05, 06, Scheme 1, being the drawings shown under the application reference number 20/00879/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:

- Whether the applicant had permitted development rights and whether the size of the porch would be permitted development.
- It was confirmed that the proposed works would not be permitted development as the dimensions of the porch exceeded what was permitted.
- The dormers on the front were excessive and the applicant could have considered a smaller porch. The proposed porch would be obtrusive.
- The proposals, in general, would have a negative impact on the rest of street.
- There was some sympathy for the applicant's reasoning not to strictly match with neighbours because their internal layout was different, however, they could have built a porch on a smaller scale
- There was sympathy for residents who want to maximise their living space, however, this proposal was considered to be overdevelopment.

Decision

To uphold the decision by the Chief Planning Officer to issue a **mixed decision** in accordance with the particulars given in the application.

Any condition(s) attached to this consent, with reasons for imposing them, or reasons for refusal, were shown below;

1. This permission related to the side dormer and rear dormer. **** **.

2. This refusal related to the front dormers and porch. **** **.

Reasons:-

1. In order to recognise the elements of the application which were compatible with the character and appearance of the existing house, and existing neighbourhood character.
2. The proposed front porch and front dormers were contrary to Edinburgh Local Development Plan policy Des 12 (Alterations and Extensions) and the non-statutory guidance as they were not of an acceptable scale, form or design, would be detrimental to neighbourhood character and the character of the host building.

Informatives:-

It should be noted that:

1. The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
2. No development should 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.
3. 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)