

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

10.00am, Wednesday 28 April 2021

Present: Councillors Mary Campbell, Gordon, Griffiths, 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 3 February 2021 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 – 36 Cammo Gardens, Edinburgh

Details were submitted of a request for a review for refusal of planning permission to raise the roof level to form a full height first floor; for small extension to the rear of the garage; and for additional accommodation at the secondary entrance to create a utility area and prep kitchen at 36 Cammo Gardens, Edinburgh. Application No. 20/04344/FUL.

Assessment

At the meeting on 28 April 2021, 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 01-06, Scheme 1, being the drawings shown under the application reference number 20/04344/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:

- The application was contrary to LDP Policy Des 12 as it would have an adverse impact on the character of the property and the neighbouring area. However, if the property was further along the road, it would be next to a two-storey house, therefore, would the decision to refuse the application be different?
- It was necessary to consider each application on its own merits. Further along the street there were two storey properties and the area was varied, however it was difficult to state what might be the case in different circumstances.
- The master bedroom appeared to have a first-floor balcony less than 9m from the boundary with no screening for privacy. This did not appear to be referred to in the report of handling.
- This seemed a straightforward case, the property was located in the immediate context of other bungalows and it was necessary to retain streetscape. This application would represent overdevelopment and was in fact a new house.
- That the proposed extensions would swamp the original bungalow.
- The new information showed that there was a number of two storey properties in the wider Cammo area. It was difficult to tell the applicant that their bungalow should not be converted to two storeys, as other bungalows in the area had been altered. It was not the case that the design was out of keeping with the area and if this property was re-positioned along the road, it would be next to a two-storey building.
- This was a large plot and the residents wanted to remain in the area and to expand their property. This was not a bungalow which was particularly pleasing in appearance, but it was not the case that the extra storey, which was admittedly large, would be detrimental to the character of the area, which was of a mixed nature.

- When these houses were built, the area was masterplanned to provide for the provision for green space. This development was not subservient to the building and there had already been significant development to the rear of the property.
- Although there were other two storey buildings in the area, the guidance on bungalows was clear and any development should not be of a dominant nature.
- The appeal should be granted, as the proposal was not contrary to LDP Policy Des 12, as it did not have an adverse impact on residential amenity, and there had been no objections from neighbours.

Having taken all the above matters into consideration, although some of the members were sympathetic to the proposals, 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.

Motion

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 have an adverse impact on the character of the property and the neighbouring area.
2. The proposal was contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as it was not compatible with the character of the existing building or neighbourhood.
 - Moved by Councillor Gordon, seconded by Councillor Mary Campbell.

Amendment

To not uphold the decision by the Chief Planning Officer to grant planning permission for the reasons that:

1. The proposal was not contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would not have an adverse impact on the character of the property and the neighbouring area.
2. The proposal was not contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as it was not incompatible with the character of the existing building or neighbourhood and there had been no objections from neighbours.
 - Moved by Councillor Mitchell, seconded by Councillor Mowat.

Voting

For the motion - 3 votes
 For the amendment - 2 vote

(For the motion: Councillors Gordon, Griffiths and Mary Campbell.)

(For the amendment: Councillors Mitchell and Mowat.)

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 have an adverse impact on the character of the property and the neighbouring area.
2. The proposal was contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as it is not compatible with the character of the existing building or neighbourhood.

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

5. Request for Review – 1 Craigmount Avenue North, Edinburgh

Details were submitted of a request for a review for refusal of planning permission for the internal alterations/extensions to existing bungalow to create 2 additional bedrooms within roof space with en-suite facilities; new build single storey extensions to either gable side to provide garage and open plan living/dining/kitchen space; new dormer windows to both sides of existing tiled roof; and new opening in existing low garden wall to give access to garage via existing drop kerb in pavement at 1 Craigmount Avenue North, Edinburgh, Application No. 20/05098/FUL.

Assessment

At the meeting on 28 April 2021, 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 01-07, Scheme 1, being the drawings shown under the application reference number 20/05098/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:

- There was some sympathy for the applicant, but this proposal was large and represented significant overdevelopment.
- It was understood that amendments to the proposals had been discussed with the architect, but the applicant wanted the current proposals to be considered.
- Guidance on privacy required all habitable rooms to have windows 9m from the boundary. Bathrooms are not considered habitable rooms.
- Because this was a corner plot and represented overdevelopment, there were no reasons to grant the application. Additionally, there had been no attempt to amend the proposals to make them more acceptable.
- Due to the scale of the development, this should be refused.
- That this was a small property and the proposed development was significant in size.
- There was sympathy for residents who wished to improve their properties and this proposal and potentially screening could improve the situation in this instance.
- Some of these houses were built on generous plots, however, the proposals were completely unbalanced. For aesthetic reasons, the porch should be re-considered and it would have been better not to have a double extension, these additions would make the property look out of place and it was located in a prominent site in the area. The applicant should have discussed the proposals with the case officer.

Having taken all the above matters into consideration, although there was some sympathy for the proposals, 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 have a detrimental impact upon the character and appearance of the host property.

2. The proposals were contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they would impact on the existing building, neighbouring amenity and the neighbourhood character.

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

6. Request for Review – 1 East Mayfield, Edinburgh

Details were submitted of a request for a review for refusal of planning permission to convert attic level to form new three-bedroom dwelling at 1 East Mayfield, Edinburgh. Application No. 20/01824/FUL.

Assessment

At the meeting on 28 April 2021, 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 01-15, Scheme 1, being the drawings shown under the application reference number 20/01824/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)
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.
Listed Buildings and Conservation Areas
The Waverley Park Conservation Area Character Appraisal
Managing Change in the Historic Environment: Roofs
- 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:

- This application was for a listed building and it was detrimental to the character of the conservation area and the listed building.
- There was no evidence to indicate that the applicant wanted to allow their family greater accommodation, as this was a new apartment for commercial purposes.
- The Panel had been consistent about roofscape interventions and there had been some sympathy regarding the infilling of roofs, however, this was not small or subtle and was quite a significant intervention. Additionally, it was located on a prominent corner site and was inappropriate.
- This proposal was very prominent, was a clear breach of guidance and was totally inappropriate.
- The applicant had indicated that this approach did not appear to be a problem at 16-18 Minto Street, where wholesale redevelopment was deemed acceptable, but this was not relevant to the application.

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:

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 Env 6 in respect of Conservation Areas - Development, as the introduction of the roof extension failed to preserve or enhance the character and appearance of the conservation area which was particularly important in terms of its roofscapes.
2. The proposal was contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the formation of the roof extension was not justified and would cause a diminution of the special interest of the listed building by the alteration of the roof which was not in keeping with the character of the building and so fail to preserve it and its setting.

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

7. Request for Review – 76 Merchiston Avenue, Edinburgh

Details were submitted of a request for a review for refusal of planning permission for the removal of existing slate and flat roof and formation of a new steep pitched slated roof and flat roof; formation of a second floor level with new windows to front elevation and balcony to rear with velux roof windows to new shower room and extended stair

well; formation of a flat roof with single ply felt having a mineralised finish, all new flashings and water gates to be code 4 lead; and build up the existing wall between 74 and 76 with stone to match existing and remove redundant chimneys at 76 Merchiston Avenue, Edinburgh, which was dealt with by the Chief Planning Officer under delegated powers. Application No. 20/03927/FUL.

Assessment

At the meeting on 28 April 2021, 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 01-04, Scheme 1, being the drawings shown under the application reference number 20/03927/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:

- This proposed development would detract from the amenity of the neighbouring property.
- The proposal would create a balcony to the rear which would be situated in a close proximity to the windows of terrace houses causing a privacy issue.
- It would create three roof lines which would be unaligned, raising the roof of the property and this would have a significant negative impact on the neighbourhood and other properties.
- The proposed development did not comply with LDP Policy Des 12.

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 the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it would have an adverse impact on the property and the wider area and would prejudice neighbouring amenity.

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

8. Request for Review – 46 Bath Street Edinburgh

Matter Ruled Urgent

The Convener ruled that the following item, notice of which had been given at the start of the meeting, be considered as a matter of urgency to allow the Panel to give early consideration to this matter.

Details were submitted of a request for a review for an application for change of use from (class 1) shop to (class 3) sandwich and patisserie with restricted cooking at 46 Bath Street Edinburgh. Application No. 20/05505/FUL.

Specifically, the review sought to amend Condition 2 of application 20/05505/FUL to extend the operating hours to 07.00 to 20.00 from 1 November to 28 February and 07.00 to 23.00 from 1 March to 31 October.

Assessment

At the meeting on 28 April 2021, 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 1-2, being the drawings shown under the application reference number 20/05505/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 5 (Development Design - Amenity)

Edinburgh Local Development Plan Policy Des 13 (Shopfronts)

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

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

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

- 2) Relevant Non-Statutory Guidelines.
Guidance for Businesses
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.

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:

- Regarding the proposed 7.00 am start, residents were usually concerned with early morning deliveries, why did this facility which had limited cooking on site require a 7.00 am start?
- That information was not available, but it was the case that consent had been granted for a 7.00 am start.
- There was a change of use from class 1 to class 3, as there were no tables or chairs, why could it not operate under class 1?
- They had applied for class 3 use with various restrictions. This review was to determine if it was appropriate to extend the hours of opening.
- This was an enclosed, tight area unlike the businesses fronting the promenade and an 11pm closing time is too late. The current hours of opening should be retained as otherwise, there was potential for more disruption to residents.
- That Condition 2 should remain in its current form, that the premises should operate between 07:00 and 20:00 only.

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 and in accordance with Local Delegated Decision, to grant planning permission in accordance with the particulars given in the application.

Conditions:

1. Cooking, heating and reheating operations on the premises should be restricted to the use of microwave, toastie machine and soup tureen only.
2. The premises should operate between 07:00 and 20:00 only.
3. The existing stonework should be repaired, and missing sections replaced, using natural stone chosen to match the existing stonework.
4. Prior to the shop opening for customers the acoustic ceiling proposed in the plans hereby approved should be fully installed.

Reasons:

1. In order to safeguard the amenity of neighbouring residents and other occupiers.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to minimise potential damage to the stonework.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.

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.
4. The applicant was encouraged to contact waste services to resolve the general bin storage arrangements on Bath Street.
5. The applicant was reminded that advertisement consent would be required for any signage on the building.

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