

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

10.00am, Wednesday 26 May 2021

Present: Councillors Mary Campbell, Gordon, Griffiths, Mitchell and Mowat.

1. Appointment of Convener

Councillor Gordon was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 1) of 28 April 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 – 4 Pentland Villas, Edinburgh

Details were submitted of a request for a review for refusal of planning permission to form single-storey kitchen extension and 2nd storey flat-roof extension above existing extension at 4 Pentland Villas, Edinburgh. Application No. 20/04772/FUL.

Assessment

At the meeting on 26 May 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 - 03, Scheme 1, being the drawings shown under the application reference number 20/04772/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 6 (Conservation Areas - Development)
- 2) Relevant Non-Statutory Guidelines.
Guidance for Householders
Listed Buildings and Conservation Areas
The Juniper Green 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.

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 property at the far end of the street had a large extension, but this property used similar materials to that used in the area.
- That there had been other alterations in the area and there had been large scale alterations to a neighbouring property, but this was similar in appearance to the rest of the area. The proposed alterations would not match the surrounding area. Although the extension was subservient it was disjointed with the surrounding area.
- The property was at the end of a row of cottages, therefore the proposed extension would be very visible. Some of the examples provided by the applicant of other properties illustrated the use of a variety of materials, however, the use of close boarded cedar cladding was not considered appropriate in this instance.
- The main issue was the use of materials rather than the entire form of the extension. The principle of the structure may be acceptable. There was nothing in the application to overturn the decision of the Chief planning officer.

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 was not compatible with the character of the existing property and will be detrimental to neighbourhood amenity.
2. The proposal was contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it did not preserve or enhance the character and appearance of the conservation area.
3. The proposals were contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as it did not fit with the original building and respect its neighbours.
4. The proposals were contrary to non-statutory guidance on Listed Buildings and Conservation Areas as it did not preserve or enhance the character and appearance of the conservation area.

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

5. Request for Review – 229 Willowbrae Road, Edinburgh

Details were submitted of a request for a review for refusal of planning permission for a residential led development consisting of 48 apartments over 2 apartment buildings with a commercial unit at ground floor at 229 Willowbrae Road, Edinburgh. Application No. 20/02101/FUL.

Assessment

At the meeting on 26 May 2021, 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 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 01-21, being the drawings shown under the application reference number 20/02101/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 2 (Co-ordinated Development)

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 Des 6 (Sustainable Buildings)

Edinburgh Local Development Plan Policy Des 7 (Layout 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 16 (Species Protection)

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 Tra 2 (Private Car Parking)

Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)

2) Relevant Non-Statutory Guidelines.

Edinburgh Design Guidance

Guidance for 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:

- There were concerns that there was a significant material difference between the applicant's statement and the assessment by the officer regarding the calculation of useable green space. There should be further written submissions regarding green space and the impact of the development on the setting.
- The disparity in the calculation of the greenspace tipped the balance with regards to environmental policies and required further clarification.
- There should also be more information about materials and the height of the proposed buildings, and clarification if it would protrude above the height of the existing telecommunications mast.
- It might be necessary to continue consideration of the application for further information from the applicant.
- The Planning Adviser drew the Panel's attention to the applicant's landscape plan and the drawing indicating the total area of amenity space.
- It was confirmed that the case office had calculated areas of usable open space, as defined in the Edinburgh Design Guidance, which is described as areas of seating, land suitable for vegetable growing and hanging out washing. Whereas the applicant had included all areas of open space in their calculation, including pathways and amenity planting.
- Regarding usable green space, the bulk of the green space faced on to a busy main road and the usability of that space had to be questioned.
- Regarding the green space next to the busy road, there was also a wall in that location and this was an urban environment.
- In previous applications, where green space was being considered, sometimes a factor was the proximity of other green spaces. In this case there would be only a 10-minute walk to Holyrood Park.
- That the proximity issue had not been included in the Report of Handling. Although Holyrood Park was nearby, consideration should be given to the type and nature of the open space. The Edinburgh Design Guidance sought areas for sitting, growing food, hanging out washing etc. Holyrood Park provided a different type of amenity space more suited to walking and exercise.
- Clarification was sought regarding the height disparity between the housing adjacent to the rear of the site and the proposed development. The section drawings were highlighted, indicating the height difference.

- The properties at the rear comprised five storey flatted blocks but due to the sloping ground, these flats sat much lower than the proposed development.
- It was confirmed that there would be no overshadowing to adjacent housing developments due to the distance between the two developments.
- It was not easy to justify the reasons for refusal. If this was overturned, there would still have to be legal agreement put in place regarding Affordable Housing. The issue regarding the level of greenspace was only slightly under what was required by policy and the site was in proximity to other green spaces. This was an improvement on the current use of the land and it was providing housing in a desirable location and on an arterial route.
- Reasons for refusal stating LDP Policies Des 1 and Des 4 were probably not applicable and this could be used as a gateway site. However, this proposal would probably represent over development.
- There were concerns about the usability of green space on site and the proximity to Holyrood Park which was in fact a 15-minute walk. The height of the proposals was of concern, as was the amount of development proposed on this tight corner site that was highly visible.
- The green space referred to would not meet that which was envisaged in the policy and the proposals failed to comply with LDP Policies Des 1 and Des 4. This was a very prominent site and the proposals were impactful and intrusive. Although there were large flats to the rear, they were recessed and were not comparable to this proposal.

Having taken all the above matters into consideration and although there was some sympathy for the proposals from two of the members, 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 policy Des 1 as it did not draw on the positive characteristics of the area. It represented overdevelopment of the site and failed to comply with the Edinburgh Design Guidance, particularly in terms of its height, impact on local views and its relationship with the wider surroundings.
2. The height and form of the proposal would not integrate well with its surroundings, was inappropriate in its context and would adversely impact on local views, contrary to policy Des 4 Development Design - Impact on Setting.
3. The provision of green space within the development did not meet requirements of policy Env Hou 3 Private Green Space in Housing Developments or the Edinburgh Design Guidance in terms of amount and quality of space provided for end users.

- Moved by Councillor Gordon, seconded by Councillor Griffiths.

Amendment

To continue consideration of the application to get further clarification from the applicant on the disparity of green space from their calculation to that of Report of Handling and to permit the applicant to submit an application that would be more acceptable.

- Moved by Councillor Mowat, seconded by Councillor Mitchell.

Voting

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

(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 policy Des 1 as it did not draw on the positive characteristics of the area. It represented overdevelopment of the site and failed to comply with the Edinburgh Design Guidance, particularly in terms of its height, impact on local views and its relationship with the wider surroundings.
2. The height and form of the proposal would not integrate well with its surroundings, was inappropriate in its context and would adversely impact on local views, contrary to policy Des 4 Development Design - Impact on Setting.
3. The provision of green space within the development did not meet requirements of policy Env Hou 3 Private Green Space in Housing Developments or the Edinburgh Design Guidance in terms of amount and quality of space provided for end users.

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