

Edinburgh Osteopathic Surgery.
Mr Paul Barratt.
187 Dalkeith Road
Edinburgh
EH16 5DS

Decision date: 15 June 2021

TOWN AND COUNTRY PLANNING (SCOTLAND) ACTS
DEVELOPMENT MANAGEMENT PROCEDURE (SCOTLAND) REGULATIONS 2013

To create on off-road parking space The surface is and will be porous paving; no water will run off the property.
At 187 Dalkeith Road Edinburgh EH16 5DS

Application No: 21/02339/FUL

DECISION NOTICE

With reference to your application for Planning Permission registered on 7 May 2021, this has been decided by **Local Delegated Decision**. The Council in exercise of its powers under the Town and Country Planning (Scotland) Acts and regulations, now determines the application as **Refused** 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, are shown below;

Conditions:-

1. The proposal is contrary to the Local Development Plan Policy Tra 4 in respect of Design of Off-Street Car and Cycle Parking, as the proposed space raises issues of road safety to pedestrians and other road users.

Please see the guidance notes on our [decision page](#) for further information, including how to appeal or review your decision.

Drawings 1,2, represent the determined scheme. Full details of the application can be found on the [Planning and Building Standards Online Services](#)

The reason why the Council made this decision is as follows:

The proposal raises concerns of road safety to both vehicles and pedestrians contrary to LDP policy Tra4.

This determination does not carry with it any necessary consent or approval for the proposed development under other statutory enactments.

Should you have a specific enquiry regarding this decision please contact Stephen Dickson directly at stephen.dickson@edinburgh.gov.uk.



Chief Planning Officer
PLACE
The City of Edinburgh Council

NOTES

1. If the applicant is aggrieved by the decision to refuse permission for or approval required by a condition in respect of the proposed development, or to grant permission or approval subject to conditions, the applicant may require the planning authority to review the case under section 43A of the Town and Country Planning (Scotland) Act 1997 within three months beginning with the date of this notice. The Notice of Review can be made online at www.eplanning.scot or forms can be downloaded from that website. Paper forms should be addressed to the City of Edinburgh Planning Local Review Body, G.2, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG. For enquiries about the Local Review Body, please email localreviewbody@edinburgh.gov.uk.

2. If permission to develop land is refused or granted subject to conditions and the owner of the land claims that the land has become incapable of reasonably beneficial use in its existing state and cannot be rendered capable of reasonably beneficial use by carrying out of any development which has been or would be permitted, the owner of the land may serve on the planning authority a purchase notice requiring the purchase of the owner of the land's interest in the land accordance with Part 5 of the Town and Country Planning (Scotland) Act 1997.

Report of Handling

**Application for Planning Permission
187 Dalkeith Road, Edinburgh, EH16 5DS**

Proposal: To create on off-road parking space The surface is and will be porous paving; no water will run off the property.

**Item – Local Delegated Decision
Application Number – 21/02339/FUL
Ward – B15 - Southside/Newington**

Recommendation

It is recommended that this application be **Refused** subject to the details below.

Summary

The proposal raises concerns of road safety to both vehicles and pedestrians contrary to LDP policy Tra4.

SECTION A – Application Background

Site Description

The property is a ground floor commercial property within an otherwise residential tenement forming one of a long group of similar buildings.

The adjacent road is a busy arterial route linking the city centre to Dalkeith and areas to the south and is also a public transport corridor.

Description Of The Proposal

The application proposes creation of parking in the front garden creating a space parallel to the building accessed by a new 4m wide opening in the boundary wall. The surface is to be changed from paving slabs to porous paviers.

Relevant Site History

No relevant site history.

Consultation Engagement

Publicity and Public Engagement

Date of Neighbour Notification: 13 May 2021

Date of Advertisement: Not Applicable

Date of Site Notice: Not Applicable

Number of Contributors: 4

Section B - Assessment

Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the Planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

Assessment

To address these determining issues, it needs to be considered whether:

- a) the principle of the proposal is acceptable in this location;
- b) the proposed scale, design and materials are acceptable;
- c) the proposal will result in an unreasonable loss of neighbouring amenity;
- d) the proposal affects road safety;
- e) any impacts on equalities and human rights are acceptable; and
- f) any comments have been addressed.

a) Principle of Development

Ancillary car-parking does not constitute a change of use in planning terms and is acceptable subject to other policy objectives being met.

b) Scale, design and materials

The physical alterations (demolition of wall etc) do not constitute development in their own right and do not require assessment.

c) Residential Amenity

The works have no impact upon neighbouring amenity.

d) Traffic and Car parking

LDP policy Tra 4 considers the design and layout of private parking.

The proposed space does not provide a turning area and vehicles could not enter and leave the site in forward gear. Whilst this may be acceptable on quiet side streets, in this instance it requires a vehicle to reverse onto a busy city street, across a public pavement and with very limited sight lines. This manoeuvre is potentially dangerous for both pedestrians and vehicles contrary to LDP policy Tra4.

It is noted that the proposal would necessitate the loss of a potential on-street parking space, so does not represent a physical gain in parking provision.

Policy guidelines discourage parking in tenemental front gardens due to visual impact. The creation of parking in the front garden would be visually disruptive to the block contrary to LDP policy Tra 4.

It is noted that even where the principle of parking here is acceptable, the space created is substandard. This would either greatly restrict the size of vehicle which could be accommodated or may result in a standard sized vehicle overhanging the pavement, again contrary to the safety principles of LDP policy Tra4.

e) Equalities and human rights

The proposal has been assessed and no issues of equalities or human rights arise.

f) Public comment

Objection was received from three neighbours and the Grange Community Council. Objections related to loss of existing on-street parking and principle. This is assessed in section d) above.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reasons

1. The proposal is contrary to the Local Development Plan Policy Tra 4 in respect of Design of Off-Street Car and Cycle Parking, as the proposed space raises issues of road safety to pedestrians and other road users.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - [Local Development Plan](#)

Date Registered: 7 May 2021

Drawing Numbers/Scheme

1,2

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Stephen Dickson, Senior planning officer
E-mail: stephen.dickson@edinburgh.gov.uk

Appendix 1

Consultations

NAME: Roads Authority

COMMENT: The application should be refused due to:

1. Position is contrary to policy
2. The size of the space is substandard

Comments for Planning Application 21/02339/FUL

Application Summary

Application Number: 21/02339/FUL

Address: 187 Dalkeith Road Edinburgh EH16 5DS

Proposal: To create on off-road parking space The surface is and will be porous paving; no water will run off the property.

Case Officer: Emma Fitzgerald

Customer Details

Name: Dr Adam Stevens

Address: 179 Dalkeith Road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: If the parking space is intended to be for customers then they are never going to park as displayed in the attached scale drawing, especially because by doing so they would have to reverse turn with no view of oncoming traffic or ability to gauge incoming pedestrians. This would be a very unsafe parking arrangement.

The only way to safely reverse out of the space would be if parked at right angles to the road, in which case there is definitely not enough space for anything but a small hatchback - a saloon car or larger will hang over onto the pavement, which is already too small for the amount of foot traffic, especially given the amount of street furniture (mostly communal bins) in the area, which also reduce visibility.

Comments for Planning Application 21/02339/FUL

Application Summary

Application Number: 21/02339/FUL

Address: 187 Dalkeith Road Edinburgh EH16 5DS

Proposal: To create on off-road parking space The surface is and will be porous paving; no water will run off the property.

Case Officer: Emma Fitzgerald

Customer Details

Name: Dr Magnus Currie

Address: 177/4 Dalkeith Road Edinburgh

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment: Current access for the business is immediately outside and parking free most of the day.

The footpath on the East side of Dalkeith Road is already cluttered with large bins and having cars crossing/reversing is both an annoyance and safety hazard for pedestrians and especially children during their morning walk to the nearby nurseries and primary schools.

During rush hour access will not be possible without a lot of waiting due to volume of traffic and bus lane. During day time access will not be possible to proposed space as cars are free to park until 4.30pm. Removing spaces at this location for the access inhibits those needing access to tenements for loading/deliveries and also local businesses.

Due to the fact the space is very small and 3 point turn not possible cars will need to reverse in or out into a busy road which has a lot of cycle traffic to/from Royal Infirmary. High hedges, large bins and having to reverse out through a row of parked cars means this will increase cyclist risks.

There are no other properties with such an access on the block or adjacent blocks and this would create a negative precedent.

Comments for Planning Application 21/02339/FUL

Application Summary

Application Number: 21/02339/FUL

Address: 187 Dalkeith Road Edinburgh EH16 5DS

Proposal: To create on off-road parking space The surface is and will be porous paving; no water will run off the property.

Case Officer: Emma Fitzgerald

Customer Details

Name: Dr Aryan Stanley

Address: 189/1 Dalkeith Road EDINBURGH

Comment Details

Commenter Type: Neighbour-Residential

Stance: Customer made comments neither objecting to or supporting the Planning Application

Comment Reasons:

Comment: We are slightly concerned that this will remove public parking from the road, which is already limited and in high demand, especially on weekends. This is of particular impact for those with small children and babies, for whom close access to their front doors is of great importance at these times, and is also useful for general shopping or access from trades-persons.

Could we please get some more information about the proposed plans, specifically how much of the space currently available for public road-side parking will be lost?

Many thanks.

Comments for Planning Application 21/02339/FUL

Application Summary

Application Number: 21/02339/FUL

Address: 187 Dalkeith Road Edinburgh EH16 5DS

Proposal: To create on off-road parking space The surface is and will be porous paving; no water will run off the property.

Case Officer: Emma Fitzgerald

Customer Details

Name: Mr Tony Harris (Grange/Prestonfield Community Council)

Address: 21 Mentone Terrace Edinburgh

Comment Details

Commenter Type: Community Council

Stance: Customer objects to the Planning Application

Comment Reasons:

Comment:1. Grange/Prestonfield Community Council (GPCC) considered this application at its online meeting on 19th May 2021, the proposal being to form an off-road parking space in the front garden area of 187 Dalkeith Road, commercial premises operating as Edinburgh Osteopathic Surgery. The front garden area is about 7.25m wide and at its maximum 4.6m front to back, paved with precast slabs and bounded at its front by a low masonry wall topped with mesh fencing panels, in which there is a pedestrian gate. This is the only commercial premises along this terrace on the east side of Dalkeith Road from Kilmaurs Terrace to Prestonfield Avenue. This side of Dalkeith Road is overwhelmingly residential with 3 floors of tenements above ground floor residencies with planted front gardens and low masonry boundary walls. Opposite on the west side of Dalkeith Road are local businesses with residential tenements above. Opposite 183-187 is a pavement build-out on the west side of Dalkeith Road for the bus stop, which constricts the main road at this point. Both sides of the road are fully used by vehicles waiting/parking outside peak time restrictions.

2. The proposed parking space would take up the whole of the paved front garden and require an opening in the front boundary wall 4.1m wide, taking in the existing gate opening, just on the north side of which is a lighting column at the back of the footway. Accessing this parking space would necessitate a section of dropped kerb about 4.5m long, with also a similar length of footway being strengthened as a vehicle crossing. Using this parking space would require parking inline with the main road due to the inadequate distance front to back.

3. Although there is no change of business use in this application, what is new is using the front garden for car parking. CEC Guidance for Businesses under "Parking in Gardens" states, " Further information on the design of parking in gardens can be found in the Guidance for

Householders". This Guidance allows a parking space where the front garden is at least 6m deep, but in this case it is only 4.6m, less in front of a bay window. Guidance for Householders further stipulates a maximum parking area of 21sq.m. or 25% of the front garden, whichever is the greater. In this case both criteria would be exceeded. GPCC considers that there is no reason to overthrow CEC Guidance in assessing this application.

4. Dalkeith Road is a busy main road heavily used by all types of vehicle, cyclists and pedestrians. As well as the constriction opposite at the bus stop, further congestion can occur when there are deliveries to the businesses there. Southbound traffic often tails back beyond 187 Dalkeith Road when waiting at the signal controlled Prestonfield Avenue junction. Trying to park in or exit from the proposed car parking space would require the negotiation of all these hazards often in heavy traffic, with risks to all road users and potential danger to cyclists and pedestrians, including children.

5. For these reasons GPCC strongly objects to this application and asks that it be refused.

Business Centre G.2 Waverley Court 4 East Market Street Edinburgh EH8 8BG Email: planning.support@edinburgh.gov.uk

Applications cannot be validated until all the necessary documentation has been submitted and the required fee has been paid.

Thank you for completing this application form:

ONLINE REFERENCE 100434976-001

The online reference is the unique reference for your online form only. The Planning Authority will allocate an Application Number when your form is validated. Please quote this reference if you need to contact the planning Authority about this application.

Applicant or Agent Details

Are you an applicant or an agent? * (An agent is an architect, consultant or someone else acting on behalf of the applicant in connection with this application)

Applicant Agent

Applicant Details

Please enter Applicant details

<p>Title:</p> <input type="text" value="Mr"/>	<p>Other Title:</p> <input type="text"/>	<p>You must enter a Building Name or Number, or both: *</p>	
<p>First Name: *</p> <input type="text" value="Paul"/>	<p>Last Name: *</p> <input type="text" value="Barratt"/>	<p>Building Name:</p> <input type="text"/>	<p>Building Number:</p> <input type="text" value="187"/>
<p>Company/Organisation</p> <input type="text" value="Edinburgh Osteopathic Surgery"/>	<p>Telephone Number: *</p> <input type="text" value="██████████"/>	<p>Address 1 (Street): *</p> <input type="text" value="Dalkeith Road"/>	<p>Address 2:</p> <input type="text"/>
<p>Extension Number:</p> <input type="text"/>	<p>Mobile Number:</p> <input type="text" value="██████████"/>	<p>Town/City: *</p> <input type="text" value="Edinburgh"/>	<p>Country: *</p> <input type="text" value="United Kingdom"/>
<p>Fax Number:</p> <input type="text"/>	<p>Email Address: *</p> <input type="text" value="██"/>	<p>Postcode: *</p> <input type="text" value="EH16 5DS"/>	

Site Address Details

Planning Authority:

City of Edinburgh Council

Full postal address of the site (including postcode where available):

Address 1:

187 DALKEITH ROAD

Address 2:

Address 3:

Address 4:

Address 5:

Town/City/Settlement:

EDINBURGH

Post Code:

EH16 5DS

Please identify/describe the location of the site or sites

Northing

671789

Easting

327244

Description of Proposal

Please provide a description of your proposal to which your review relates. The description should be the same as given in the application form, or as amended with the agreement of the planning authority: *
(Max 500 characters)

To create one off-road parking space. The surface is already porous paving. The space is outside a clinic and is intended for occasional use only and mainly for people with mobility issues (not necessarily registered disabled).

Type of Application

What type of application did you submit to the planning authority? *

- Application for planning permission (including householder application but excluding application to work minerals).
- Application for planning permission in principle.
- Further application.
- Application for approval of matters specified in conditions.

What does your review relate to? *

- Refusal Notice.
- Grant of permission with Conditions imposed.
- No decision reached within the prescribed period (two months after validation date or any agreed extension) – deemed refusal.

Statement of reasons for seeking review

You must state in full, why you are seeking a review of the planning authority's decision (or failure to make a decision). Your statement must set out all matters you consider require to be taken into account in determining your review. If necessary this can be provided as a separate document in the 'Supporting Documents' section: * (Max 500 characters)

Note: you are unlikely to have a further opportunity to add to your statement of appeal at a later date, so it is essential that you produce all of the information you want the decision-maker to take into account.

You should not however raise any new matter which was not before the planning authority at the time it decided your application (or at the time expiry of the period of determination), unless you can demonstrate that the new matter could not have been raised before that time or that it not being raised before that time is a consequence of exceptional circumstances.

There was one reason for refusal: 'the proposed space raises issues of road safety to pedestrians and other road users.' I would wish it to be taken into account that there are already two other such parking spaces on the same stretch and side of the road, 290 metres north (no. 123 Dalkeith Road) and 350 meters to the south (no. 299 Dalkeith Road), and I am not aware of any issues of safety associated with them. There is a range of dropped kerbs on the opposite side of the road also.

Have you raised any matters which were not before the appointed officer at the time the Determination on your application was made? *

Yes No

If yes, you should explain in the box below, why you are raising the new matter, why it was not raised with the appointed officer before your application was determined and why you consider it should be considered in your review: * (Max 500 characters)

Please provide a list of all supporting documents, materials and evidence which you wish to submit with your notice of review and intend to rely on in support of your review. You can attach these documents electronically later in the process: * (Max 500 characters)

N/A

Application Details

Please provide the application reference no. given to you by your planning authority for your previous application.

21/02339/FUL

What date was the application submitted to the planning authority? *

07/05/2021

What date was the decision issued by the planning authority? *

15/06/2021

Review Procedure

The Local Review Body will decide on the procedure to be used to determine your review and may at any time during the review process require that further information or representations be made to enable them to determine the review. Further information may be required by one or a combination of procedures, such as: written submissions; the holding of one or more hearing sessions and/or inspecting the land which is the subject of the review case.

Can this review continue to a conclusion, in your opinion, based on a review of the relevant information provided by yourself and other parties only, without any further procedures? For example, written submission, hearing session, site inspection. *

Yes No

In the event that the Local Review Body appointed to consider your application decides to inspect the site, in your opinion:

Can the site be clearly seen from a road or public land? *

Yes No

Is it possible for the site to be accessed safely and without barriers to entry? *

Yes No

Checklist – Application for Notice of Review

Please complete the following checklist to make sure you have provided all the necessary information in support of your appeal. Failure to submit all this information may result in your appeal being deemed invalid.

Have you provided the name and address of the applicant?. *

Yes No

Have you provided the date and reference number of the application which is the subject of this review? *

Yes No

If you are the agent, acting on behalf of the applicant, have you provided details of your name and address and indicated whether any notice or correspondence required in connection with the review should be sent to you or the applicant? *

Yes No N/A

Have you provided a statement setting out your reasons for requiring a review and by what procedure (or combination of procedures) you wish the review to be conducted? *

Yes No

Note: You must state, in full, why you are seeking a review on your application. Your statement must set out all matters you consider require to be taken into account in determining your review. You may not have a further opportunity to add to your statement of review at a later date. It is therefore essential that you submit with your notice of review, all necessary information and evidence that you rely on and wish the Local Review Body to consider as part of your review.

Please attach a copy of all documents, material and evidence which you intend to rely on (e.g. plans and Drawings) which are now the subject of this review *

Yes No

Note: Where the review relates to a further application e.g. renewal of planning permission or modification, variation or removal of a planning condition or where it relates to an application for approval of matters specified in conditions, it is advisable to provide the application reference number, approved plans and decision notice (if any) from the earlier consent.

Declare – Notice of Review

I/We the applicant/agent certify that this is an application for review on the grounds stated.

Declaration Name: Mr Paul Barratt

Declaration Date: 24/06/2021

Proposal Details

Proposal Name	100434976
Proposal Description	To create one parking space for one car and/or for cycles. The proposed space is already paved with porous paving, outside a clinic and intended for occasional use only, for people with mobility issues (not necessarily registered disabled).
Address	187 DALKEITH ROAD, EDINBURGH, EH16 5DS
Local Authority	City of Edinburgh Council
Application Online Reference	100434976-001

Application Status

Form	complete
Main Details	complete
Checklist	complete
Declaration	complete
Supporting Documentation	complete
Email Notification	complete

Attachment Details

Notice of Review	System	A4
Notice_of_Review-2.pdf	Attached	A0
Application_Summary.pdf	Attached	A0
Notice of Review-001.xml	Attached	A0

Sarah Forsyth

From: Tony Harris <[REDACTED]>
Sent: 07 July 2021 17:37
To: Local Review Body
Cc: Raphael Bleakley
Subject: GPCC Submission in response to Notification dated 25th June 2021 of Request for Review of the Refusal of Planning Application 21/02339/FUL - LRB Reference 21/00058/REVREF

To CEC Local Review Body

1. This submission on behalf of Grange/Prestonfield Community Council (GPCC) is in response to the Notification dated 25th June 2021 of reference to the Local Review Body (LRB) of the refusal of 21/02339/FUL. GPCC confirms that it wishes its previous representation on this application to be considered by the LRB and supports the refusal of this application for the reasons set out in the Report of Handling and Decision Letter of 15th June 2021.
2. GPCC notes that the Description of Proposal in the LRB form differs from that in the Planning Application form, the former being, *"To create one off-road parking space. The surface is already porous paving. The space is outside a clinic and is intended for occasional use only and mainly for people with mobility issues (not necessarily registered disabled)"*, whereas the Planning Application states, *"To create an off-road parking space outside my (commercial) property"* followed by dimensions and description of the proposed parking area.
3. In the LRB form under "Statement of reasons for seeking review" the applicant states:-
"There was one reason for refusal: 'the proposed space raises issues of road safety to pedestrians and other road users.' I would wish it to be taken into account that there are already two other such parking spaces on the same stretch and side of the road, 290 metres north (no. 123 Dalkeith Road) and 350 meters to the south (no. 299 Dalkeith Road), and I am not aware of any issues of safety associated with them. There is a range of dropped kerbs on the opposite side of the road also".
4. 123 Dalkeith Road, on the north side of the Priestfield Road junction, has a paved front garden area for car parking. Currently the property is to let. This parking space is of some age and it and the vehicle access would not comply with current CEC Guidance. As far as we can determine it does not have planning permission. The other property referred to is actually 299B Dalkeith Road (not 299), on the south side of Prestonfield Crescent, where there is a block paved end- on front garden parking space for one car, currently in use. We do not know if it has planning permission but we suggest that the front garden may be too short for it to be compliant now.
5. The road outside both these properties has an entirely different character from opposite 187 Dalkeith Road, which is the only business in a continuous block of dwellings with an unbroken pavement. Between 123 & 299B is 0.64km (0.4mile) of the east side of Dalkeith Road with blocks of traditional tenements, with just a few businesses and guesthouses, characterised by mature planted front gardens with no car parking. Keeping this local amenity we suggest is important and a reason to resist front garden car parking rather than allow what does not currently exist.
6. Furthermore, as set out in our objection to 21/02339/FUL, there are specific road safety issues at the application site, where opposite 183-187 Dalkeith Road is a pavement build-out on the west side of the road for the bus stop, constricting the road at this point. Also both sides of the road are often fully occupied by vehicles waiting or parking outside peak time restrictions. The A7 Dalkeith Road is a busy main road heavily used by all types of vehicle, cyclists and pedestrians. As well as the constriction opposite at the bus stop, further congestion can occur when there are deliveries to the businesses there. Also southbound traffic often tails back beyond 187 Dalkeith Road when waiting at the signal controlled Prestonfield Avenue junction. The LRB Description of Proposal implies that osteopathic clinic patients using

the proposed car parking space would have to negotiate these hazards, often in heavy traffic, with risks to other road users and potential danger to cyclists and pedestrians, including children.

Tony Harris

Planning Spokesperson GPCC

21 Mentone Terrace EH9 2DG