

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

10.00am, Wednesday 13 October 2021

Present: Councillors Cameron, Gordon, Mitchell, Mowat, and Staniforth.

1. Appointment of Convener

Councillor Staniforth was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 1) of 15 September 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 – 10 Belmont Drive, Edinburgh

Details were submitted of a request for a review of proposals to erect a new garage with office above to be erected in the grounds at 10 Belmont Drive, Edinburgh. Application no. 21/02367/FUL.

At the meeting of the Local Review body of 15 September 2021, the Panel agreed to continue consideration of the request for review in order to:

1. Allow for a site visit to be conducted safely under social distancing measures.
2. Provide the Panel with the opportunity to view the site and the surrounding area.
3. Confirm the impact of the proposed loss of trees.

Note: The site was visited by the Panel on 30 September 2021

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 13 October 2021.

Assessment

At the meeting on 13 October 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 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 being the drawings shown under the application reference number 21/02367/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)
Edinburgh Local Development Plan Policy Env 12 (Trees)
- 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 discussion had taken place with the applicant about bridging the tree roots as opposed to felling the trees.
- It was confirmed that no discussions regarding this issue had taken place. Additionally, one of the trees was located in the centre of the development and would be required to be removed regardless. Also, due to the topography of the site, evacuation into the embankment would be necessary. Therefore, it was probable that bridging the tree roots would not be feasible.
- The discussion with the applicant that should have taken place had not done so, because this application had not been processed timeously. There had been a response from the Arboricultural Officer, who stated that trees made a contribution to the wood cover of Corstorphine Hill. However, it could be argued that the proposed development was on the edge of Corstorphine Hill.
- Regarding the part they played in wider tree cover, it should be determined if the trees were so integral to this that they deserved a higher rating, or were they medium to low value and it would not be in breach of policy to remove them.

- There was sympathy with the applicant that the removal of the trees would not have a massive impact on the Conservation Area. If it was possible to condition the replacement of trees, rather than remove them, the application could be granted, but with a condition for tree replacement.
- It was confirmed that it would be possible to impose a condition if it was reasonable, necessary and enforceable. It should be decided if the replacement trees were necessary to make this development feasible or could it take place without replacing the lost trees.
- At a previous application, it was necessary to impose an informative, rather than a condition, regarding the replanting of trees.
- This might be referring to a construction on Princess Street to the entrance to the Galleries. Because it was outside the site, in that instance it was not possible to impose a condition.
- That the site visit confirmed the opinion of the officer, that the trees in question, formed part of the overall character of Corstorphine Hill and it would damage the Conservation Area if the trees were removed. Replanting would not be the solution as it would take a considerable length of time for the replacement trees to grow and be a feasible replacement. The application should therefore be refused on the grounds of LDP Policy Env 6 and Env 12.

Having taken all the above matters into consideration, although one of the members was in disagreement, the LRB determined that if a condition on replacement trees was imposed, it made the application acceptable and the exact placement of trees was not as relevant as the extent of the tree cover. Therefore, the proposals were not contrary to Edinburgh Local Development Plan Policies Des 12 (Alterations and Extensions), Env 6(Conservation Areas - Development) and Edinburgh Local Development Plan Policy Env 12 (Trees).

It therefore overturned the decision of the Chief Planning Officer and granted planning permission, subject to a condition regarding replacement trees.

Decision

To not uphold the decision by the Chief Planning Officer and to grant planning permission subject to conditions and informatives:

Condition

1. Only the trees shown for removal on the approved drawing/s should be removed. A landscape plan, showing details of the three replacement trees should be submitted to and approved in writing by the Planning Authority before work was commenced on site; the approved landscape plan should be implemented within 6 months of the completion of the development.

Reason

1. In order to protect the character and appearance of the conservation area and ensure that a high standard of landscaping was achieved, appropriate to the location of the site.

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 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.
- (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 – The City of Edinburgh Planning Local Review Body, 15 September 2021 (item 4); Notice of Review and Supporting documents, submitted)

Dissent

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

5. Request for Review – 2 Roseburn Avenue, Edinburgh

Details were submitted of a request for a review of proposals to create a driveway in front garden (amended) at 2 Roseburn Avenue, Edinburgh. Application No. 21/01281/FUL.

Assessment

At the meeting on 13 October 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, the report of handling, a further letter of representation and a reply from the Appellant.

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 01B, 02B, Scheme 3 being the drawings shown under the application reference number 21/01281/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 Tra 2 (Private Car Parking)

- 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:

- If the only issue was that the proposed driveway would occupy an area greater than 25% of the front garden there would be material reason for allowing this development to take place, because the garden was not a significant amount of green space or provide substantial garden amenity. But on the grounds of safety, and neighbouring amenity, it should be refused.
- That the applicant might only park overnight in the proposed driveway, as intended, and this would not affect residential amenity. However, they might move to a new dwelling house in the future and the new resident might park during the day, and regular use of this area as a driveway would have an impact to neighbouring amenity both in terms of neighbouring outlook and disturbance from vehicular usage.

Having taken all the above matters into consideration and 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:

The proposed development did not meet the minimum size requirements in terms of depth as recommended by the Roads Authority and highlighted in the non-statutory Guidance for Householders. The proposal would also have a significant impact on neighbouring amenity. Therefore, the proposal was not in accordance with LDP policies Des 12, Tra 2 and, the non-statutory Guidance for Householders and was not acceptable.

(References – Decision Notice, Report of Handling, Notice of Review, supporting documents and further correspondence, submitted).