

## The City of Edinburgh Planning Local Review Body (Panel 2)

10.00am, Wednesday 23 February 2022

**Present:** Councillors Booth, Child, Dixon, Mitchell and Osler.

### 1. Appointment of Convener

---

Councillor Dixon was appointed as Convener.

### 2. Minutes

---

To approve the minute of the Local Review Body (LRB Panel 2) of 19 January 2022 as a correct record., subject to the correction of the error on item 6 of the minute where the address should reflect the address Manor Place, not Minto Place.

### 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 – 1 North Bughtlin Neuk, Edinburgh

---

Details were submitted of a request for review to remove and replace the existing timber boundary fence on the front elevation with a new taller timber fence at 1 North Bughtlin Neuk, Edinburgh. Application number 21/04625/FUL.

#### Assessment

At the meeting on 23 February 2022, the LRB had been provided with copies of the notice of review submitted, including a request that the review proceed on the basis of an assessment of the review documents.

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 21/04625/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 that a site visit was necessary to determine the review.

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:

- That it would be permitted development if the fence had been 1 metre high, and that the applicant had stated within their appeal that they were content with a 1 metre fence height however the applicant was not happy with reasons for refusal as they felt the proposed fence was not detrimental to the character of the area or the character of the existing property.
- That the fence currently sat at 600mm.
- That there was a slope and an embankment to the property and it was queried whether it was known the height difference between the path and the fence.
- That it was confirmed that the height of the embankment was not particularly high.
- Clarification on the height of the fence the appellant wished to erect was provided and it was confirmed that the proposed height was 1.5 metres.
- That the panel needed to decide if they would uphold the Chief Planning Officer's decision and refuse the application on the basis of it being out with policy which enabled the appellant the option of building a one metre high fence which did not require planning permission as this could be undertaken under permitted development.
- That the photographs sent by the appellant, appeared to be back garden fences, and that the fence proposed was to the front elevation of the property therefore not directly comparable.
- That a one metre fence would offer a deterrent to pedestrians crossing the boundary and would still comply with policy.

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 and to refuse planning permission.

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

## **5. Request for Review – 2F 10 Randolph Crescent, Edinburgh**

---

Details were submitted of a request for review to access and provide permanent stairs to the new opening roof light, remove existing lantern over bathroom and replace with new, flat glass rooflight and alter inward facing pitched roof faces to give enlarged, accessible flat roof area - application number 21/04427/FUL.

### **Assessment**

At the meeting on 23 February 2022, 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.

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 21/04427/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 to determine the review.

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 Env 4 (Listed Buildings - Alterations and Extensions)  
  
Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)
- 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:

- That it was highlighted that when the building was listed, the roof line had been alerted from the original design.

- That clarification was sought as to whether there had been alterations to the roofscape since the date of the listing, however it was advised that this was not known.
- That the appellant had included photographs where there had been a different roof form in the past.
- That a Member asked whether it would be appropriate to continue consideration of this application until the DPEA had considered the listed building consent appeal which was related to the fabric of the building.
- That the Listed Building Consent application looked specifically at the character and appearance of the listed building. The full planning application would consider the wider impact of the development and would need to be considered in accordance with the Development Plan.
- That the DPEA LBC Appeal was still awaiting determination.
- That Historic Environment Scotland (HES) had not objected to this application however had done for prior applications of a similar nature relating to this property and the significance of HES not objecting to this planning application was queried.
- That it was advised that the glass balustrade which Historic Environment Scotland objected to previously was due to the reflective nature of the glass from long views, which could draw attention to the material and could lead to the diminution of the conservation area. The concern was that this change would give the visual impression of a flat roof and impact the appearance of the street. It was highlighted that this application had removed the glass balustrade.
- That it was not felt that the proposals differed significantly from previously submitted proposals and that the panel felt that there was enough information to make a decision and that the preference was to make a decision in advance of the DPEA making their LBC determination.
- That another member felt there was sufficient information to make a determination and that while this application removed the glass, and that was a step forward, it was up to the panel to determine whether it was an acceptable change overall.
- That although the roof was not an original form, this was since the 1970s when the building was listed which was a significant period of time.
- That it was accepted that the change would not be readily visible, but when thinking of listed buildings and the historical environments, consideration ought to be given to the acceptability of the change, the visibility and the integrity of the listed building, and this application would diminish integrity of the built heritage.
- That the value of outdoor space was understood and there was sympathy for the appellant however it was understood that there was residents' access to outdoor space via a private garden for a fee nearby.
- That the application was quite out of keeping with the character of the area.

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 and to refuse planning permission.

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

## **6. Request for Review – 77A George Street, Edinburgh**

---

Details were submitted of a request for a review for extensions to enlarge existing windows to doors including protective barrier at 77A George Street, Edinburgh. Application number 21/02872/FUL.

### **Assessment**

At the meeting on 19 January 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. The Panel had also been provided with a copy of the DPEA decision notice which granted listed building consent on appeal for the same proposals.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions. He also explained the reporter's reasoning as set out in the listed building consent decision notice.

The plans used to determine the application being the drawings shown under the application reference number 21/02872/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:

### **Assessment**

At the meeting on 23 February 2022, 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.

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 21/02872/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 to determine the review.

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 Ret 11 (Food & Drink Establishments)

Edinburgh Local Development Plan Policy Ret 9 (Alternative Use of Shop Units in Defined Centres)

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

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

Edinburgh Local Development Plan Policy Des 5 (Development Design - Amenity)

City Centre Retail Core Supplementary Guidance (Policy CC 3)

- 2) Relevant Non-Statutory Guidelines.

The New Town 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:

- That in January 2020, the Supplementary Guidance for the City Centre was reviewed.
- That no more than one third of the frontages in this block should be in a non-retail use and that was why the application did not meet the terms of the City Centre Retail Core Supplementary Guidance (Policy CC 3).
- That this would be a difficult application to consider, as it was a very subjective and there was sympathy for the applicant.
- That the proposed use would be complementary to the street.
- That it would be lovely to have a vibrant street with restaurants, however the Members did not know what the future held, and the Supplementary Guidance for the City Centre had been reviewed recently. Once the change of use from retail to restaurant was granted, it was unlikely that the unit would return to a retail use.
- That while this proposal infringed on policy and guidance, the city centre was suffering greatly. Ultimately this was a successful cluster of restaurants which

could be added to and restaurants were still destinations in a way that some shops were no longer.

- That retail in George Street was important and that a loss of retail was not in accordance with the development plan, and there was no reason to accept this.
- That there were strong arguments on both sides. This application did not comply with the City Centre Retail Core Supplementary Guidance (Policy CC 3) but that Local Development Plan Ret 9 offered a range of arguments which leant toward overturning the Chief Planning Officer's decision. The policy aimed to avoid areas of dead frontage which would detract from the character and vitality of the centre and the vacancy rate on George Street could not be ignored, reflecting the change of shopper behaviour to online instead of in store, particularly exacerbated by the pandemic.
- That Environmental Protection had no objections subject to conditions in the event that the panel decided to overturn the chief planning officer's decision and grant planning permission.
- That this application had an opportunity to add to the vitality of the area and a panel Member was persuaded by the support from Essential Edinburgh.
- That the rationale for preserving retail was important, and that a Member felt the Officer's recommendations should be upheld.
- That a Member felt the Officer's recommendation should be refused and that the decision should be overturned and planning permission should be granted.
- That the pandemic had changed shopper behaviour.
- That a Member felt that the application complied with LDP Ret 9.

With contrasting opinions between the panel Members on whether to grant or refuse planning permission, the final decision was taken by means of a vote, with three members of the panel voting to refuse planning permission and two members voting to grant permission.

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.

### **Motion**

To overturn the decision by the Chief Planning Officer and grant planning permission.

### **Reasons for Approval:**

To overturn the decision of the Chief Planning Officer and grant permission for the reason that:

The proposals were not contrary to Edinburgh Local Development Plan Policy Ret 9 (Alternative Use of Shop Units in Defined Centres)

Moved by Councillor Booth, seconded by Councillor Mitchell.

### **Amendment**

To uphold the decision by the Chief Planning Officer and to refuse planning permission.

Moved by Councillor Dixon, seconded by Councillor Child.

**Voting**

For the motion - 2 votes

For the amendment - 3 votes

For the Motion: Councillors Booth and Mitchell.

(For the Amendment: Councillors Child, Dixon and Osler.

**Decision**

To uphold the decision by the Chief Planning Officer and to refuse planning permission.

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