

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

10.00 am, Wednesday 12 October 2022

Present: Councillors Cameron, Gardiner, Jones, O'Neil (items 5-9) and Osler.

1. Appointment of Convener

Councillor Osler was appointed as Convener.

2. Minutes

- 2.1 To approve the minute of the Local Review Body (LRB Panel 1) of 14 September 2022 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 – 69 (2F) Madeira Street, Edinburgh

Details were submitted of a request for a review for alterations to existing flatted property. Installation of new stair within common stairwell. Creation of new studio flat within existing attic space C.W new dormer, external terrace and solar PV /hot water panels at 69 (2F) Madeira Street, Edinburgh. Application No. 22/02716/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 12 October 2022.

Assessment

At the meeting on 12 October 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, holding one or more hearing sessions on specific matters 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 01-02, Scheme 1 being the drawings shown under the application reference number 22/02716/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, principally:
 - Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
 - 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
 - Listed Buildings and Conservation Areas
 - Leith Conservation Area Character Appraisal
 - Managing Change in the Historic Environment – Roofs
 - Managing Change in the Historic Environment – Interiors
 - The Relevant Scottish Planning Policy – Sustainable Development Principles
- 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 no issues with the report of handling and the Panel should uphold the officer's recommendations. There was some sympathy for the applicant wishing to extend, but there were clear guidelines about roof extensions. If the applicant wanted to do make alterations, they should consider these.
- There was agreement with the above comments as the proposed design compromised the special architectural and historic interest of the listed building.
- There was scope for adaptation in historic buildings, but there were questions about this design. The proposed use of cedar looked quite dominant and did not blend with the roofscape, therefore the Panel should support the recommendations in the officer's report.

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:

1. The proposal was contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposal would not preserve nor enhance the conservation area.
2. The proposal was contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as the materials proposed were inappropriate for the building.
3. The proposal was contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposal was inappropriate and out of keeping with the original building.

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

5. Request for Review – 1 Brand Place, Edinburgh

Details were submitted of a request for a review for change of use from residential to short-term let use at 1 Brand Place, Edinburgh. Application No. 22/02680/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 12 October 2022.

Assessment

At the meeting on 12 October 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 only. The LRB had also been provided with copies of the letters of representation.

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 drawing 01, as shown under the application reference number 22/02680/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, principally:
 - Local Development Plan Policy Hou 2 (Housing Mix)
 - Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)

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

Guidance for Businesses

Listed Buildings and Conservation Areas

The Relevant Scottish Planning Policy – Sustainable Development Principles

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 no material detrimental effects on neighbours and no complaints regarding noise since it had been running as an air bnb. There was no reason not to grant this request.
- Regarding the need for accessible housing, this looked like a property that could help give up to four people an accessible abode. Clarification was sought as to whether LDP Policy Hou 2 be applicable, as well as LDP Policy Hou 7.
- LDP Policy Hou 2 would be a relevant policy as the proposal was for a change of use, therefore, a loss to housing. There was currently no LDP policy for retention of housing so LDP Policy Hou 2 should be considered. However, this policy was perhaps for larger developments, where it would be stipulated that there should be a mix of house types.
- Clarification was sought as to whether LDP Policy Hou 7 was relevant. It was confirmed that LDP Policy Hou 7 was the principal policy in this case, as the proposals were concerned with change of use and whether this would be detrimental to existing residential amenity.
- The difficulty of these types of development was that many main doors and accessible homes were being lost to short term lets. However, when permission for short term lets had been refused, the authority had not been very successful in upholding the refusals, where there were no shared facilities.
- The Panel should grant this based on their previous experience, the proposals being presented, and the fact that anything with its own access without shared facilities was generally considered to be acceptable. It was not felt that LDP Policy Hou 2 was a sufficient ground for refusal in this instance because this was a single dwelling and there had been no complaints. The applicant was trying to take the correct action, so the application should be granted.

- This application should be refused as it was contrary to LDP Policies Hou 7 and Hou 2. The primary reasons for refusal were the impact on the area and that there should be enhancement of residential quality in area. There were surrounding residential properties and this could have a detrimental impact on residential amenity. Additionally, the owner might sell the property and this would also have a potential negative impact on residential amenity.
- Consideration should also be given to external activity as tourist activity tended to be different from residential activity.

Having taken all the above matters into consideration and although two of the members had sympathy for the proposals, the LRB was of the opinion that the proposals were contrary to policy and the application should be refused.

Decision:

To refuse planning permission.

Reasons for Refusal:

The proposals were contrary to Edinburgh Local Development Plan Policy Hou 2 (Housing Mix) and Policy Hou 7 (Inappropriate Uses in Residential Areas) as the proposal could impact on residential amenity.

(References – Notice of Review and supporting documents, submitted).

6. Request for Review – 21 (2F1) Maryfield, Edinburgh

Details were submitted of a request for a review for change of use from residential to short-term lets at 21 (2F1) Maryfield, Edinburgh. Application No. 22/02651/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 12 October 2022.

Assessment

At the meeting on 12 October 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 only. The LRB had also been provided with copies of the letters of representation.

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 drawing 01, as shown under the application reference number 22/02651/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, principally:

Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)

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.

Guidance for Businesses

The Relevant Scottish Planning Policy – Sustainable Development Principles

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 a shared stairwell and the proposals would have impact on residential amenity.
- As there was common access to the stairwell, there would be access to the rear garden.
- It was clear that this would have big impact on residential amenity and this application should be refused under LDP Policy Hou 7.

Having taken all the above matters into consideration, the LRB was of the opinion that the proposals were contrary to policy and the application should be refused.

Decision:

To refuse planning permission.

Reasons for Refusal:

The proposals were contrary to Local Development Plan Policy Hou 7 (inappropriate uses in residential areas) and also the Non-Statutory Guidance for Businesses as the use of the property as a short stay let would have a materially detrimental effect on the living conditions and amenity of nearby residents.

(References – Notice of Review and supporting documents, submitted).

7. Request for Review – 131 (1F1) Montgomery Street, Edinburgh

Details were submitted of a request for a review for change of use from residential to short-term lets at 131 (1F1) Montgomery Street, Edinburgh. Application No. 22/02681/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 12 October 2022.

Assessment

At the meeting on 12 October 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 only. The LRB had also been provided with copies of the letters of representation.

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 drawings 01, as shown under the application reference number 22/02681/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, principally:
 - Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
 - 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.
 - Guidance for Businesses
 - The Relevant Scottish Planning Policy – Sustainable Development Principles
- 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:

- It was confirmed the proposal would be accessed off a common stairwell, and this would have a negative impact on neighbours. The panel should refuse the application under LDP Hou 7 and Non- Statutory Guidance for Businesses.
- The Panel seemed to be rejecting these applications out of hand. This proposal would not be detrimental to residents and the property was above an office. It could also be argued that taking tourists out of the city centre would be beneficial to businesses outwith the city centre.
- There was strong disagreement with the previous statement. The Panel were not just rubber stamping these applications, but were considering them each on their own merits. LDP Policy Hou 7 should apply in this case.
- The proposals should be refused under LDP Policy Hou 7. This proposal would create movement of traffic in the common areas, would be detrimental to the area and would put residents at risk. Generally, applications were not granted for short-term lets in shared stairwells with access to gardens.

- The Panel should grant this application on the grounds that it would not have a detrimental effect on the area, the property was above an office and there were no complaints from neighbours about how with this would be managed.

Having taken all the above matters into consideration and although one of the members was sympathetic to the proposals, the LRB was of the opinion that the proposals were contrary to policy and the application should be refused.

Decision

To refuse planning permission.

Reasons for Refusal:

The proposals were contrary to Local Development Plan Policy Hou 7 (inappropriate uses in residential areas) and also the Non-Statutory Guidance for Businesses as the use of the property as a short stay let would have a materially detrimental effect on the living conditions and amenity of nearby residents.

(References – Notice of Review and supporting documents, submitted).

8. Request for Review – 2 (Flat 6) Saunders Street, Edinburgh

Details were submitted of a request for a review for change of use from residential to short-term lets at 2 (Flat 6) Saunders Street, Edinburgh. Application No. 22/02682/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 12 October 2022.

Assessment

At the meeting on 12 October 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 only. The LRB had also been provided with copies of the letters of representation.

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 drawing 01, as shown under the application reference number 22/02682/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, principally:
 - Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
 - Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - 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.

Guidance for Businesses

Listed Buildings and Conservation Areas

The Relevant Scottish Planning Policy – Sustainable Development Principles

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:

- It was clarified that the applicant had confirmed that there was a common hallway stairwell and a communal corridor that accessed all the properties on that level.
- There was an unusual aspect to this property, in that there was a code for access for the communal doors, rather than keys, which could give access to 44 properties. Considering the shared amenity, this was not appropriate in this area.
- LDP Policy Env 6 was not applicable in this case as there were no proposed alterations, only LDP Policy Hou 7 and the Guidance for Businesses were relevant.

Having taken all the above matters into consideration, the LRB was of the opinion that the proposals were contrary to policy and the application should be refused.

Decision:

To refuse planning permission.

Reasons for Refusal:

The proposals were contrary to Local Development Plan Policy Hou 7 (inappropriate uses in residential areas) and also the Non-Statutory Guidance for Businesses as the use of the property as a short stay let would have a materially detrimental effect on the living conditions and amenity of nearby residents.

(References – Notice of Review and supporting documents, submitted).

9. Request for Review – 2 (2F1) West Norton Place, Edinburgh

Details were submitted of a request for a review for change of use from residential to short-term lets at 2 (2F1) West Norton Place, Edinburgh. Application No. 22/02643/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 12 October 2022.

Assessment

At the meeting on 12 October 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 only. The LRB had also been provided with copies of the letters of representation.

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 drawing 01, as shown under the application reference number 22/02643/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, principally:
 - Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
 - Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - 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.
 - Guidance for Businesses
 - Listed Buildings and Conservation Areas
 - The Relevant Scottish Planning Policy – Sustainable Development Principles
- 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:

- It was not the case that this property was not suitable for long term residential accommodation, considering that it consisted of a block of flats that seemed to be occupied by residents' content with their housing.
- There was an issue with shared accommodation and the impact on amenity. It should be refused under LDP Hou 7 the non-statutory guidance on business only, as LDP Policies Env 6, Tra 2 and Tra 3 did not apply.

Having taken all the above matters into consideration, the LRB was of the opinion that the proposals were contrary to policy and the application should be refused.

Decision:

To refuse planning permission.

Reasons for Refusal:

The proposals were contrary to Local Development Plan Policy Hou 7 (inappropriate uses in residential areas) and also the Non-Statutory Guidance for Businesses as the use of the property as a short stay let would have a materially detrimental effect on the living conditions and amenity of nearby residents.

(References – Notice of Review and supporting documents, submitted).