

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

10.00 am, Wednesday 14 December 2022

**Present:** Councillors Booth (substituting for Councillor O'Neill, Gardiner and Jones.

### 1. Appointment of Convener

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Councillor Booth was appointed as Convener.

### 2. Planning Local Review Body Procedure

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#### Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

### 3. Request for Review – 21B Abercromby Place (Flat 1), Edinburgh

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Details were submitted for a request for a review for the proposed change of use from residential apartment to short-term letting apartment in line with recent legislation changes (for an already established short-term let since 2018) at 21B Abercromby Place (Flat 1), Edinburgh. Application No. 22/03088/FUL.

#### Assessment

At the meeting on 14 December 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 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 22/03088/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 Env 1 (World Heritage Sites)

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 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

**Other Relevant policy guidance**

The Relevant Scottish Planning Policy – Sustainable Development Principles

The New Town Conservation Area Character Appraisal

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Managing Change in the Historic Environment: Interim Guidance on the principles of listed building consent.

Managing Change in the Historic Environment: Setting.

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:

- Clarification was requested on the shared entrance, and the location of the flat in comparison to the adjoining bed and breakfast (B&B), and the property above.
- It was confirmed that the proposals were at basement and sub-basement level. Further reference was made to the adjacent flat that was currently operating as a B&B and it was advised that the applicant's supporting statement referred to the premises above being in commercial use.
- Access to this property would be from Nelson Street to a courtyard, which was a communal space, shared between the two basement flats. After accessing the courtyard, there would be a main door, which accessed the two basement flats.

This gave access to the two separate flats from the communal hall. Therefore, it had shared access.

- Whether the flats above the B&B and short-term let were offices.
- Clarification was sought as to whether, in planning terms, a B&B was classified as change of use or was it still in residential use. It was advised that if the owner was still living in a property and letting rooms, then the premises may still be classified as a residential use. If a large number of bedrooms were let out, then it might be considered to be more of a commercial use. There did not appear to be any history of applications for change of use at the basement properties.
- In planning terms, whether there was anything to stop the operator ceasing to use the property as B&B and using it purely as a residential property or selling the property for solely residential use. It was confirmed that this was the case, as it still seemed to be a residential property.
- It was confirmed that the layout of opposite flat was not available.
- There were no planning grounds whereby a B&B could not be turned into residential use. The property had no planning permission to operate as a sole B&B and it was a residential use in planning terms. Because it shared an entrance way, it had a potential impact on residential amenity, therefore, the officer's recommendations were robust.
- The B&B was a managed premise, because the manager was in residence. A short-term let was quite different, with up to 6 guests moving through confined spaces. This could have a significant potential impact on amenity, therefore the officer's recommendations should be supported.
- There was some agreement with the points made. However, it was slightly unfair that there was an operating B&B in the immediate vicinity, and their status regarding the licence was not known. Also, there was an office above the property and the proposals would not immediately impact on amenity.
- There was some sympathy for the applicant, the property was well-run and there had been no complaints from neighbours. However, this could not be controlled by the planning system and another operator could take over and operate differently, which might have much more impact on residential amenity.

Having taken all the above matters into consideration, although one of the members was in favour of the proposals and there was some overall sympathy for the proposals, the other two members of the LRB were 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 proposal was contrary to Local Development Plan policy Hou 7 in respect of Inappropriate Uses in Residential Areas, 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.

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

## 4. Request for Review – 9 (3F2) Marchmont Street, Edinburgh

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Details were submitted for a request for a review for proposed new roof windows to attic conversion at 9 (3F2) Marchmont Street, Edinburgh. Application No. 22/04083/FUL.

### Assessment

At the meeting on 14 December 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 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 01-03, Scheme 1 being the drawings shown under the application reference number 22/04083/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 Env 4 (Listed Buildings - Alterations and Extensions)
  - Edinburgh Local Development Plan Policy Env 6 (Conservation Areas - Development)
- 2) Relevant Non-Statutory Guidelines.
  - Guidance on Listed Buildings and Conservation Areas

### Other Relevant policy guidance

The Relevant Scottish Planning Policy – Sustainable Development Principles

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal

Managing Change in the Historic Environment: Roofs - sets out Government guidance on the principles that apply to altering the roofs of listed buildings.

- 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:

- Clarification was requested regarding the positioning of the velux windows and their possible appearance. The Planning Advisor provided the drawings submitted and talked the Panel through the submission, showing the rooflights on the flanks of the protruding dormer, the two rooflights on the front roof plane and the rooflights on the flat roof.
- Clarification was sought regarding the visibility of the rooflights from street level. Using the submitted drawings it was explained that the roof planes would be visible from long distance views. From various angles it was possible to get glimpses of the roofs.
- Clarification was requested about the proposed roof lights and whether they were conservation style rooflights. One Panel member considered the rooflights overly large for conservation style rooflights.
- Clarification was sought regarding adding a condition that controlled the size of the rooflights. It was advised that this was unlikely to be acceptable as an assessment would be necessary to ensure any proposed rooms had sufficient daylight.
- One Panel member referred to the guidelines for installing velux-type windows or dormers, which requires them to be located 0.5m from the ridgeline. It was advised that this refers to dormers and not necessarily rooflights.
- Whether it be possible to look at the visuals for number 7 Marchmont Street, which has a rooflights on the projecting dormer roof. The rooflights at no.7 appeared to be smaller than what was being proposed.

- This was a finely balanced case. This proposal was both a listed building and in the Marchmont, Meadows and Bruntsfield Conservation Area. According to the Character Appraisal, it was necessary to approach this type of development with great sensitivity, especially with regard to public views. Would this be visible from the Meadows to Warrender Park Terrace?
- It was established that the proposal did not sit in the viewpoint mentioned in the Character Appraisal, but there was still an overall concern about the roofscape.
- There was some sympathy for the proposals in principle, but there was a problem with the size of these windows.
- There was some sympathy for the application. The principle of developing the attic space was acceptable, but the detail, the size of the windows on the outshoot and fact that one of the proposed rooflights was not a conservation style rooflight, raised significant concerns. These types of windows in conservation areas needed to be handled with sensitivity. Additionally, it was not possible to condition the size of the windows, therefore, the officer's decision should be upheld.

Having taken all the above matters into consideration, 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 4 in respect of Listed Buildings - Alterations and Extensions, as the rooflights would have an adverse impact on the character of the listed building.
2. The proposal was contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposed rooflights would have an adverse impact on the character and appearance of the conservation area.

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

## **5. Request for Review – 13 (1F1) Upper Grove Place, Edinburgh**

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Details were submitted for a request for a review to change a residential property to a self-catering unit at 13 (1F1) Upper Grove Place, Edinburgh. Application No. 22/03060/FUL.

### **Assessment**

At the meeting on 14 December 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 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 22/03060/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 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

#### **Other Relevant policy guidance**

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:

- Whether the surrounding flats were entirely residential.
- It was confirmed that this was a tenemental area in a residential street.
- Although this was a well-run establishment, it was necessary to determine the application on planning grounds. The Report of Handling specified that this was a shared stair, therefore the potential impact on residential amenity was

significant. The recommendations in the report were robust and officer's decision should be upheld.

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:**

The proposal was contrary to Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, 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 – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).