

# Minutes

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

10.00 am, Wednesday 8 March 2023

**Present:** Councillors Cameron, Gardiner (items 1-9), Mowat (substituting for Councillor Jones -items 1, 3 and 6-11) and Osler.

### 1. Appointment of Convener

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Councillor Osler was appointed as Convener for item 4.

Councillor Cameron was appointed as Convener for items 5 to 11.

### 2. Minutes

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To approve the minute of the Local Review Body (Panel 1) of 1 February 2023 as a correct record, subject to amendment. (see Appendix)

### 3. 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)

### 4. Request for Review – 6 Castle Gogar Rigg (Land 80 Metres South Of), Edinburgh

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Details were submitted for a request for a review to erect 6 dwellings at Land 80 Metres South of 6 Castle Gogar Rigg, Edinburgh. Application No. 22/02294/FUL.

At the meeting of 1 February 2023, the Panel agreed to continue consideration of the application for further written submissions to allow both the planning officer and the applicant/agent the opportunity to consider the proposals in regard to the policies set out in National Planning Framework 4 (NPF4).

Following receipt of the further written submissions, the request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 8 March 2023.

#### Assessment

At the meeting on 8 March 2023, 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 and holding one or more hearing sessions. 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 01-22, Scheme 1 being the drawings shown under the application reference number 22/02294/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had insufficient information before it to determine the review, and requested continuation for further written submissions.

The LRB in their deliberations on the matter, considered the following:

- 1) The development plan, including the relevant policies of NPF4 and the Edinburgh Local Development Plan, principally:
  - NPF4 Policy 1 Tackling the climate and nature crises
  - NPF 4 Policy 2 – Climate mitigation and adaptation
  - NPF4 Policy 3 – Biodiversity
  - NPF4 Policy 6 – Forestry, woodlands and trees
  - NPF4 Policy 7 – Historic assets and places
  - NPF 4 Policy 9 – Brownfield Land
  - NPF4 Policy 13 – Sustainable Transport
  - NPF4 Policy 14 – design, quality and place
  - NPF4 Policy 16 – Quality Homes
  - NPF4 Policy 22 – Flood risk
  - Edinburgh Local Development Plan Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features)
  - Edinburgh Local Development Plan Policy Des 4 (Development Design - Impact on Setting)
  - Edinburgh Local Development Plan Policy Des 5 (Development Design - Amenity)
  - Edinburgh Local Development Plan Policy Env 3 (Listed Buildings - Setting)
  - Edinburgh Local Development Plan Policy Emp 6 (International Business Gateway)
  - Edinburgh Local Development Plan Policy Env 12 (Trees)
  - Edinburgh Local Development Plan Policy Env 16 (Species Protection)
  - Edinburgh Local Development Plan Policy Env 18 (Open Space Protection)

Edinburgh Local Development Plan Policy Env 21 (Flood Protection)  
Edinburgh Local Development Plan Policy Hou 1 (Housing Development)  
Edinburgh Local Development Plan Policy Hou 3 (Private Green Space in Housing Development)

Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)

Edinburgh Local Development Plan Policy Tra 3 (Private Cycle Parking)

Edinburgh Local Development Plan Policy Tra 4 (Design of Off-Street Car and Cycle Parking)

2) Relevant Non-Statutory Guidelines.

Edinburgh Design Guidance

Listed Buildings and Conservation Area Guidance

Other Relevant policy guidance

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:

- The Panel had given this application significant consideration and a great deal of information had been provided.
- The proposed development would compromise the setting of the category A listed Castle Gogar.
- There has been sporadic building in the west of the City and a master-planned approach was required.
- The tree line avenue should be protected as it forms part of the setting of Castle Gogar

Having taken all the above matters into consideration, 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:

1. The proposals did not comply with LDP policy Env 3 Listed Buildings- Setting

and Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it was likely to impact on the setting of the listed building.

2. The proposals did not comply with LDP Hou 1 Housing Development and Emp 6 International Business Gateway as it was not part of a business-led mixed-use proposal, nor did it meet any of the other use criteria defined under LDP policy Emp 6.
3. Insufficient evidence had been provided to show that the proposal complies with LDP policy Env 12 Trees.
4. Insufficient evidence had been provided to show that the proposal complies with LDP policy Env 16 Species Protection.
5. The proposals did not comply with LDP Policy Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features and Des 4 Development Design - Impact on Setting as it impacted on the setting of the existing new build houses and surrounding area.
6. The proposals did not comply with Env 18 Open Space Protection as the granting of proposed dwellings within the "paddock" area would result in the loss of open space.

(References – Planning Local Review Body of 1 February 2023 (item 8); Decision Notice, Notice of Review, Report of Handling and supporting documents, submitted)

## **5. Request for Review – 227 and 229 Portobello High Street, Edinburgh**

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Details were submitted for a request for a review for the proposed alterations extension and use of a hot food takeaway and an office to form a restaurant at 227 & 229 Portobello High Street, Edinburgh. Application No. 21/04749/FUL.

At the meeting on Wednesday 16 November 2022 the Panel agreed to continue consideration of the matter to a further meeting of the Local Review Body (Panel 1) to assess impact on neighbouring residential amenity, following a site visit.

The Panel visited the site on Wednesday 22 February 2023.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 8 March 2023.

### **Assessment**

At the meeting on 8 March 2023, 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 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 01-08, Scheme 1 being the drawings shown under the application reference number 21/04749/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:
  - Plan Policy Des 12 Edinburgh Local Development (Alterations and Extensions)
  - Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
  - Edinburgh Local Development Plan Policy Ret 3 (Town Centres)
  - Edinburgh Local Development Plan Policy Ret 11 (Food and Drink Establishments)
  - National Planning Framework Policy 7, parts d) and e)
- 2) Relevant Non-Statutory Guidelines:
  - Listed Buildings & Conservation Areas
  - Guidance for Businesses
- 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 some confusion regarding this application. The Panel might refuse this application, but it was the case that a previous application was granted consent with no conditions for a similar Class 3 restaurant use, with use of the external rear garden and this consent could be implemented at any time
- Regarding the possible intensification of usage, with the current application, it was explained that the proposed usage was internally more extensive than the current use but extended less far into the rear garden.

- Subsequent to the original delegated refusal, the applicant produced proposals to further reduce the environmental impact in terms of venting cooking odour, did this satisfy Environmental Services?
- Environmental Services had not been re-consulted on the proposals to reduce the environmental impact. Therefore, the information was not available if the proposals would be satisfactory to them. If the Panel intended to approve the application, they could impose suspensive conditions.
- Regarding ventilation issues, the proposals apparently complied with certain standards, which ones did it comply with?
- It was explained that it was the agent that made that claim. The noise in the attic may or may not be capable of meeting the NR25 standard: a condition could be applied to require that the acoustic insulation in the attic of the upstairs flat did meet the required standard.
- This would be a suspensive condition. The panel would be approving the scheme, subject to the applicant providing information that would then be approved.
- If the Panel were to refuse this application, how would this affect the existing consent? Environmental services were not consulted or no comment from them was made.
- Environmental Services were consulted but they objected to the previous consent and that was granted without any condition.
- If this application was to be granted, the applicant would have the option of what scheme they wanted to choose. They said they would rather go with the current proposals, which have been partially built-out.
- Regarding the scheme that had been given consent and the proposed operating times, were these conditions attached to the consented scheme?
- There were no planning conditions attached to the consented scheme, but it was understood the applicant had a licence which dealt with opening hours.
- There was lack of certainty regarding the type of service to be provided. It was explained that the proposed hours were 8.00 am to midnight for the restaurant and 8.00 am to 10.00 pm for the outside garden area. It would not be possible to condition table service in any case. The applicant intended to provide table service.
- Why was the Planning Authority specifying hours of opening, if they were to be controlled by the Licencing Authority?

- The Planning Authority were not specifying hours of opening, it was an option. It would be a competent planning condition or it could be left to be covered by the Council as Licencing Authority.
- Whether the Panel granting planning consent till 10.00 would affect Licensing's power to control that, as the hours of opening might only be to 8.00 or 9.00 pm, because of complaints from residents.
- The seating in the original consented scheme was more enclosed and there might be less noise transference. Did Environmental Health have any comments about outdoor seating as it seemed that their comments were more about ventilation, and did Environmental Health and any concerns about outdoor seating?
- Their principal concerns were about breakout noise from the restaurant itself. They did not make a comment about external rear seating.
- It was confirmed that if the current scheme was consented and the old consent still existed, the applicant would have to choose to implement one or the other.
- A panel member had been on the site visit and was minded to approve the application. They had read the papers and had their questions answered satisfactorily. However, there should be a condition imposed regarding ventilation and the submission by the applicant of a front elevation drawing. This was a difficult issue, as there was frontage onto the High Street, but the representations tended to be favourable to this proposal. Moreover, it was not contrary to LDP Polices Hou 7 or Ret 11.
- Environmental Health did not raise objections regarding outside seating. However, it might be useful to impose a condition regarding noise from the kitchen.
- It was confirmed that if the application was approved, there was a need to impose conditions regarding hours of opening, ventilation, noise insulation and for the applicant to provide the missing front elevation plans, prior to work commencing.
- It was noise from the restaurant itself that was the main concern, but it was difficult to condition that.
- The applicant was trying to address concerns regarding ventilation and the other aspects. There was a possibility of the applicant bringing forward a facility that would be much more vibrant. There was support for overturning the officer's recommendation and granting the application, with those conditions attached.

Having taken all the above matters into consideration, the LRB determined to overturn the decision of the Chief Planning Officer and granted planning permission for the following reasons:

1. The proposals were not contrary to Local Development Plan Policies:

- (a) Hou 7 in respect of Inappropriate Uses in Residential Areas, as it would not have a materially detrimental effect on the living conditions of nearby residents.
  - (b) Ret 11 in respect of Food and Drink Establishments, as it would not be likely to lead to an unacceptable increase in noise and disturbance to the detriment of living conditions for nearby residents.
2. The proposals complied with the relevant sections of the National Planning Framework 4, principally Policy 7.

The panel also agreed to impose several conditions on the consent.

### **Decision**

To not uphold the decision by the Chief Planning Officer and to grant planning permission.

### **Reasons:**

1. The proposals were not contrary to Local Development Plan Policies:
  - (a) Hou 7 in respect of Inappropriate Uses in Residential Areas, as it would not have a materially detrimental effect on the living conditions of nearby residents.
  - (b) Ret 11 in respect of Food and Drink Establishments, as it would not be likely to lead to an unacceptable increase in noise and disturbance to the detriment of living conditions for nearby residents.
2. The proposals complied with the relevant sections of the National Planning Framework 4.

### **Conditions:**

1. Operating hours should be restricted to 08.00 to 12.00 midnight for the restaurant and to 08.00 to 22.00 for the use of the rear garden.
2. Notwithstanding the solution shown in Drawing No. 6, kitchen cooking odours should be extracted internally to a point above the existing level of the pitched roof ridgeline; the extract duct should extend up inside the west wall to the upper floor and run into the attic space of the residential flat, extending to the opposite (east) wall, passing into the chimney stack on that elevation and then continuing up through the chimney and extracting at rooftop, level; there should be no external ducting; extraction equipment, including the extract fan, should be installed and operational prior to the restaurant use commencing and should be maintained thereafter.
3. Sound-proofing for the extract fan and motor in the attic of the upstairs residential flat sufficient to achieve Noise Rating (NR25) (maximum of 25 Dba) in the upstairs flat should be installed prior to the restaurant use commencing and shall be maintained thereafter.

4. A front elevation drawing should be submitted within two months of the date of this decision notice, for the approval of the planning authority; following approval, material alterations to the façade should be implemented prior to the restaurant use commencing; elements should include the removal of tile cladding and the re-exposure and restoration of original stonework and cast-iron columns.

### **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' has 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.

(Reference – Planning Local Review Body of 16 November 2022 (item 8); Decision Notice, Notice of Review, Report of Handling and supporting documents, submitted)

## **6. Request for Review – 10 Chalmers Crescent, Edinburgh**

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Details were submitted for a review to add external stair to ground floor flat roof extension and create roof terrace at 10 Chalmers Crescent, Edinburgh. Application No. 22/03157/FUL.

### **Assessment**

At the meeting on 8 March 2023, 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 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 01-08, Scheme 1 being the drawings shown under the application reference number 22/03157/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 NPF4 and Edinburgh Local Development Plan, principally:  
NPF4 Policy 7 – Historic Assets and Places

NPF4 Policy 16 – Quality Homes

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

Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)

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.

Listed Buildings and Conservation Area' Guidance

Guidance for Householders

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:

- There were no questions from the Panel members.
- It was proposed to uphold the officer's recommendations and refuse the application.

Having taken all the above matters into consideration, 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:**

1. The proposal was not acceptable with regards to LDP Policy Env 4 or Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it would adversely impact the special character of the listed building.
2. The proposal was not acceptable with regards to LDP Policy Env 6 or Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it would not preserve or enhance the special character or appearance of the conservation area.

3. The proposal did not comply with LDP Policy Des 5 as it would adversely impact the amenity of neighbouring residents.
4. The proposal did not comply with LDP Policy Des 12 as in its design and form, choice of materials and positioning are not compatible with the character of the existing building, would result in an unreasonable loss of privacy or natural light to neighbouring properties and would be detrimental to neighbourhood amenity and character.

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

## **7. Request for Review – 68 Inverleith Row, Edinburgh**

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Details were submitted for a request for a review for retrospective consent sought for change of use from retail shop unit (Class 1) to coffee shop /cafe, (Class 3 restricted use), including outdoor seating areas. Ancillary Class 1 retail use to be retained as a bookshop at 68 Inverleith Row, Edinburgh. Application No. 22/03124/FUL.

### **Assessment**

At the meeting on 8 March 2023, 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 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 22/03124/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 adopted NPF4 and Edinburgh Local Development Plan, principally:
  - Edinburgh Local Development Plan Policy Des 1 (Design Quality and Context)
  - Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
  - Edinburgh Local Development Plan Policy Ret 10 (Alternative use of Shop Units - Elsewhere in Defined Centres)
  - Edinburgh Local Development Plan Policy Ret 11 (Food and Drink Establishments)
  - Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)

National Planning Framework 4: Policy 7

2) Relevant Non-Statutory Guidelines.

The Relevant Scottish Planning Policy – Sustainable Development Principles  
Guidance for Businesses

Inverleith 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:

- There was no disabled toilet on the ground floor; could planning deal with that? There was new planning legislation that might be applicable.
- It was confirmed that this would be a building warrant matter, rather than a planning change of use issue.
- As this establishment had previously had class 3 consent, could that previous use not be reused?
- It was currently class 1 use, it had been a café until 1999, then consent was granted to change the use to class 3 use and then it went to class 1 under permitted development. The applicant was now applying for class 3 usage.
- Regarding the applicant retaining class 3 usage, it was confirmed that they needed to get planning condition to go from Class 1 to 3 use.
- There was no objection in principle to go to class 3, but there was concern regarding the equipment being used. Most residents seemed happy with the proposals, however, there was potential for it to be detrimental to amenity. What measures did Environmental Services require that the applicant put in place?
- It was explained that they were looking for a ventilation strategy that ducted odours internally up to roof level if unrestricted Class 3 was proposed, including an oven and a hob.
- Regarding the possibility of conditioning that, it was confirmed that any external ducting might in itself be problematic in the context of a commercial unit beneath tenement flats.
- The Panel had no objection in principle to the premises being used as a restricted Class 3 use. The question was how the equipment would be used and how this might impact on residential amenity in terms of cooking odour, given a

future occupier could benefit from any consent that did not restrict cooking equipment. Would it be possible to condition the way in which the equipment was used?

- It would be difficult to do this. There were two possible strategies that might be pursued. Either an open class 3, with a ventilation strategy which might fall if it was appealed, or to restrict it to a class 3 and impose a normal condition for a restricted class 3. But the applicant should restrict their cooking operations to the use of a toaster, a single panini machine, a soup tureen and one microwave only, and no other forms of cooking would take place without the written approval of the planning authority.
- The applicant would have to decide which appliances they wanted to use on-site; if odours were produced, and the Council received a report of a breach of planning control, an enforcement case would be opened.
- It was confirmed that a condition would state that no other cooking should take place without permission from the Planning Authority. This would safeguard residential amenity in the future where new occupants could generate odours which did affect local residential amenity.
- It was thought that this was a positive aspect of the Local Review Body. There was the possibility to support a venture that was working. Would it be possible to impose a condition that meant that the current use was supported, but of a limited nature? It was necessary to test the condition that should be imposed. Significantly, this use of the premises was supported locally.
- This would have to be approved by the Chief Planning Officer. Any future operator would also operate under the same restrictions. The panel should go with that approach. It was felt that this was a well-run local cafe. Would it be possible to get an informative to provide a disabled toilet on the ground floor? It was not possible to refuse this application on that basis, but the applicant should be aware that the disabled toilet would be advantageous for them.
- There was support for this proposal, but it was thought that given the proximity of this café to the Botanic Gardens, which had disabled toilet facilities, the supporting letters indicated that people were using the gardens and then choosing this facility rather than the gardens facility. Therefore, an informative for a disabled toilet would be beneficial for the applicant.
- There was agreement with these comments. This was a small establishment, but it was felt that the Panel had to be cautious of giving smaller establishments wider responsibility. If an informative was to be added for the provision of an accessible disabled toilet, it would be beneficial that the applicant was made aware of the potential benefits of this to them.

- This application should be approved, as it was not contradictory to LDP Policies Ret 11 and Hou 7. There should also be an informative imposed in relation to disabled toilets being provided.
- The Panel would be applying the restricted Class 3 condition with the rider that no other cooking activities should take place without the written approval of the Planning Authority.
- There should be a noise mitigation condition, which would state that noise mitigation measures, as specified in the applicant's noise impact assessment dated 2 September 2022, should be installed prior to occupation of the development.

Having taken all the above matters into consideration, the LRB determined to overturn the decision of the Chief Planning Officer and granted planning permission for the reasons that the proposals were not contrary to Local Development Plan Policies:

- (a) Ret 11 in respect of Food and Drink Establishments, as it would not have an unacceptable impact on residential amenity.
- (b) Hou 7 in respect of Inappropriate Uses in Residential Areas, as it would not impact on residential amenity.

The panel also imposed several conditions and an additional informative.

### **Decision**

To not uphold the decision by the Chief Planning Officer and to grant planning permission,

### **Reasons:**

The proposals were not contrary to Local Development Plan Policies:

- (a) Ret 11 in respect of Food and Drink Establishments, as it would not have an unacceptable impact on residential amenity if appropriately conditioned.
- (b) Hou 7 in respect of Inappropriate Uses in Residential Areas, as it would not impact on residential amenity, if appropriately conditioned.

### **Conditions**

1. That cooking operations on the premises should be restricted to the use of a toaster, single panini sandwich machine, soup tureen and one microwave oven only; no other forms of cooking should take place without the prior written approval of the planning authority.
2. The noise mitigation measures as specified within the Sound and Noise Impact Assessment dated 02.09.2022 should be installed and in operation prior to occupation of the development.

## **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.

## **Additional Informative**

That the applicant considered the provision of an accessible disabled toilet within the premises.

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

## **8. Request for Review – 12 Lomond Road, Edinburgh**

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Details were submitted for a request for a review for the widening of drive and garden wall (as amended) at 12 Lomond Road, Edinburgh. Application No. 22/03144/FUL.

### **Assessment**

At the meeting on 8 March 2023, 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 01-02A, Scheme 2 being the drawings shown under the application reference number 22/03144/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 NPF4 and Edinburgh Local Development Plan, principally:
  - NPF4 7 – Historic Assets and Places
  - NPF4 16 – Quality Homes

Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)

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

2) Relevant Non-Statutory Guidelines.

Trinity Conservation Area Character Appraisal

Listed Buildings and Conservation Area' guidance

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:

- There were no questions or comments from the Panel.
- It was agreed to uphold the officer's decision and refuse the application.

Having taken all the above matters into consideration, 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:**

1. The proposal was contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it failed to preserve or enhance the special character or appearance of the conservation area and failed to preserve the boundary wall which contributed positively to the character of the area.
2. The proposal was contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as it was not an acceptable scale, form, or design; and was detrimental to the character of the neighbourhood.

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

## **9. Request for Review – 13A Manor Place, Edinburgh**

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Details were submitted for a request for a review for the change of use from residential to short-term let property, (in retrospect) at 13A Manor Place, Edinburgh. Application No. 22/02963/FUL.

## Assessment

At the meeting on 8 March 2023, 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 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 22/02963/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 NPF4 and Edinburgh Local Development Plan, principally:
  - Edinburgh Local Development Plan Policy Del 2 (City Centre)
  - 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)
  - National Planning Framework 4: Policy 30 - Tourism
- 2) Relevant Non-Statutory Guidelines.
  - The Relevant Scottish Planning Policy – Sustainable Development Principles
  - Guidance for Businesses
  - Listed Buildings and Conservation Area Guidance
  - New Town Conservation Area Character Appraisal
  - Managing Change in the Historic Environment - Extending Listed Buildings
  - 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:

- The planning advisor was asked to read out the relevant NPF 4 policy regarding short- term lets.
- As requested, the planning advisor read out the relevant policy in relation to NPF 4 Policy Ret 30(e) on Tourism. The policy in relation to the re-use of existing buildings for short term holiday lets stated that proposals would not be supported where that was an unacceptable impact on local amenity or there was a loss of residential accommodation, which was not outweighed by economic benefits.
- There were no further questions from the Panel.
- It was thought to uphold the decision of the planning officer as the proposals would result in a loss of accommodation and be detrimental to the amenity of residents.
- There was general agreement with this point of view.
- One member wanted to respond to the statement in the appeal documentation. This stated that the appeal premises were previously an office and had been converted to residential accommodation and the proposals would not represent a loss of residential. But from the pictures and floorplan displayed, it was clearly suitable for residential accommodation, for a 3 bedroom flat and a growing family. So, there would actually be a loss of this type of housing. Therefore, the panel should refute the statement which said it would not be suitable for residential accommodation.

Having taken all the above matters into consideration, 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 will 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).

## **10. Request for Review – 19 (PF2) Murieston Crescent, Edinburgh**

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Details were submitted for a request for a review for the retrospective change of use from residential (sui generis) to short-term let (sui generis) at PF2 19 Murieston Crescent, Edinburgh. Application No. 22/01943/FUL.

## Assessment

At the meeting on 8 March 2023, 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 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 22/01943/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 NPF4 and Edinburgh Local Development Plan, principally:
  - NPF4 Policy 30 - Tourism
  - 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
- 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 some sympathy with the applicant. It was evident that the applicant worked hard to look after the communal areas and all the flats in the stairwell were currently rented out. However, the Planning Authority's Short-Term Lets policy was applicable and it was important to uphold the policies that were in place.
- It was agreed by the Panel to uphold the officer's decision.

Having taken all the above matters into consideration and although there was some sympathy for the proposals, 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.

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

## **11. Request for Review – 27 Southfield Square, Edinburgh**

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Details were submitted for a request for a review of proposals to remove bungalow roof entirely, extend rear of property + provide mansard roof (55-degree pitch) to accommodate 4 bedrooms + bathroom. Enlarge existing extension, with new roof (at existing level) and new lowered floor. All finishes to match existing, including reuse of existing slates at 27 Southfield Square, Edinburgh. Application No. 22/05076/FUL.

### **Assessment**

At the meeting on 8 March 2023, 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 01-11, Scheme 1 being the drawings shown under the application reference number 22/05076/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 NPF4 and Edinburgh Local Development Plan, principally:
  - Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
  - NPF4 Policy 16: Quality Homes part g)

2) Relevant Non-Statutory Guidelines.

The Relevant Scottish Planning Policy – Sustainable Development Principles  
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:

- There were no questions or comments from the Panel.
- It was thought that the Panel should uphold the decision of the Planning Officer for the reasons given in report and refuse the application.
- There was general agreement for this position.

Having taken all the above matters into consideration, 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:**

1. The design, form and position of the proposal would fail to respect the established form of the existing property which would be harmful to its character and appearance. It would be an incompatible and incongruous addition on the street scene detrimental to the existing neighbourhood character. The proposal was therefore contrary to Edinburgh Local Development Plan policy Des 12 (Alterations and Extensions).
2. The proposals were contrary to development plan policy on extensions and alterations as interpreted using the non-statutory Guidance for Householders as they were not compatible with the character of the existing building and would affect the neighbourhood character.

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

## **Appendix**

Amend title of item 8. From “Request for Review – 6 Castle Google Rigg (At Land 80 Metres South Of), Edinburgh” to

“Request for Review – 6 Castle Gogar Rigg (At Land 80 Metres South Of), Edinburgh”