

# Minutes

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

10.00 am, Wednesday 2 August 2023

Present: Councillors Beal, Booth, McNeese-Mechan and Mowat.

### 1. Appointment of Convener

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Councillor Beal 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. Minutes

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To approve the minute of the Local Review Body (LRB Panel 1) of 31 May 2023 as a correct record.

### 4. Request for Review – 27 (Flat 8) Castle Terrace, Edinburgh

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Details were submitted of a request for review for proposal to use the property for short term lets at Flat 8, 27 Castle Terrace, Edinburgh. Application Number. 22/04560/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 2 August 2023.

#### Assessment

At the meeting on 2 August 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 22/04560/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 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)
  - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
  - National Planning Framework 4 Policy 7 (Historic Assets and Places)
  - National Planning Framework 4 Policy 30e (Local Amenity and loss of Residential Accommodation)
- 2) Relevant Non-Statutory Guidelines.
  - Edinburgh Design Guidance
  - Guidance for Businesses
  - West End Conservation Area Character Appraisal
  - Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997
  - Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act)
  - Managing Change in the Historic Environment: Setting
  - Managing Change in the Historic Environment: Guidance on the principles of listed building consent.
- 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:

- Access was gained via a shared communal stair that was shared with ten further properties. There would be serious impact on the amenity of neighbours. The applicant had said that there was support from neighbours, but the majority of the letters of representation were from objectors. Therefore, the LRB should uphold the decision of the planning officer.
- The appellant had indicated that this was not a residential area, but there had been residents living in those flats, also some of the people in the properties were in tied flats, which were used for housing for local businesses and were used by residents who worked and lived in the area. This was a street of mixed use, but there was a definable population of residents and this was evidenced by the number of objections.
- There was agreement with this viewpoint. The proposals had a shared garden and were in a shared residential block. The members were minded to uphold the decision of the planning officer.

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 Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let would have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal was contrary to National Planning Framework Policy 30(e) in respect of local amenity and loss of residential accommodation, as the use of this dwelling as a short stay let would result in an unacceptable impact on local amenity and the loss of a residential property had not been justified.

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

## 5. Request for Review – 16 Clermiston Grove, Edinburgh

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Details were submitted for a request for review for proposal for change of use from residential to short-term let, secondary letting (in retrospect) at 16 Clermiston Grove, Edinburgh. Application No: 22/05999/FULSTL.

## Assessment

At the meeting on 2 August 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 01-02, Scheme 1 being the drawings shown under the application reference number 22/05999/FULSTL 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 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 1 (Sustainable Places Tackling the climate and nature crises)
  - National Planning Framework 4 Policy 30e (Local Amenity and Loss of Residential Accommodation)
- 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:

- The property which was the subject of this application had a floor area of 30 square metres, which was below that recommended in the Edinburgh Design

Guidance, even for a studio apartment. Was there guidance for that particular situation?

- There was no specific guidance for this type of application. The Edinburgh Design Guidance suggested minimum standards for new developments, but this was an existing property. This guidance also suggested that there should be a mix of sizes of residential development to meet all needs across the population, but there was no specific guidance for short-term lets.
- Whether the adjoining properties were the same size and were occupied by full time residents.
- That information was not available. Considering the photos of the upper and lower villas, the missing section in the photographs was probably a staircase that went to the upper floor property. Looking at the images, the render was different on the ground floor, these were two properties that mirrored each other and the section that was missing from the layout plan was probably the staircase that went to the upper level. The front elevation was mirrored at the other end which suggested there were three staircases going to the upper level flatted properties.
- This was a residential area and for this particular property, there was no reason to not uphold the decision of the planning officer.
- There was agreement with this. There was concern regarding the size of the property. It appeared that there were neighbouring properties of similar dimensions and people in residence, so it was primarily a residential building.
- There was further agreement with this. These buildings might not comply with planning standards if built today, but many properties would not comply with current space requirements. However, the buildings did provide suitable residential accommodation. These could potentially provide accommodation, albeit on the small side. This application was contrary to policy, therefore, the officer's recommendations should be upheld.
- Space standards should be considered. This proposal was not change of use if it remained residential. The Panel would be approving a proposal that was change of use from residential. There was no reason to grant this application, because of the nature of its location in a quite a residential street. This was an unusual use for this area with the potential to cause significant disturbance.

Having taken all the above matters into consideration, and although there was some sympathy for the applicant, 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 Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let would have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal was contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let would result in an unacceptable impact on local amenity and the loss of a residential property had not been justified.

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

## 6. Request for Review – 31 Dean Park Mews, Edinburgh

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Details were submitted for a request for review for alteration to roof and associated formation of roof terrace to rear elevation (resubmission relating to 22/00498/FUL within 12 months) at 31 Dean Park Mews, Edinburgh. Application No: 22/05264/FUL.

### Assessment

At the meeting on 2 August 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, the report of handling and further reps.

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 – 07, Scheme 1 being the drawings shown under the application reference number 22/05264/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 1 (Design Quality and Context)
  - Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
  - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
  - National Planning Framework 4 Policy 14 (Design, quality and place)

## National Planning Framework 4 Policy 16 (Quality Homes)

### 2) Relevant Non-Statutory Guidelines.

#### Guidance for Householders

### 3) The procedure used to determine the application.

### 4) The reasons for refusal and the arguments put forward in the request for a review.

## Conclusion

The LRB considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- Whether a site visit might be appropriate to consider the possible impact of the proposals for the alteration to roof and associated formation of roof terrace to rear elevation, on the building and the wider street.
- A site visit might be advantageous to determine what the buildings on the street were like, the nature of the vicinity and the potential impact on amenity. However, it would be necessary to be in the back garden to view the property.
- It was thought that a site visit would only be beneficial if there was access to the back garden, however, this was not in the ownership of the applicant and it might be difficult to get access.
- It was concluded that even with the site visit, the panel was unlikely to get what they were looking for in the back garden. It was then agreed that there was enough information to proceed and that there was no need for a site visit.
- LDP policy Des 12 had three elements to it: (a) The works would not be in keeping with the existing building or character of the wider area, (b) would not be acceptable in terms of scale, form, design and (c) would have an unacceptable impact on neighbouring amenity.
- It was thought that the proposal was not compatible with the building as the privacy screen would not be in proportion with the chimney stacks, so the proposal was not in compliance with part (a) of Des 12. But parts (b) and (c) of Des 12 might not be applicable as there was no unreasonable loss of privacy or natural light and the proposal would not be detrimental to neighbourhood amenity and character.
- It was explained that in the report of handling the proposals were considered not to comply with LDP Policy Des 12 (part a), as the works were incongruous and would not be in keeping with the existing building or character of the wider area, part b (scale, form and design) was not considered to be an issue, but part c (impact on neighbouring amenity) was debatable.

- One member was having problems with this application as the proposed alterations were not incongruous, nor a bad design. It had to be asked what was the change to the property, if the masonry wall was constructed of the same materials and of the same type as the rest of building. It was understood that there was no such concept as precedent in planning matters. The applicant might be quite aggrieved, as a neighbour had a similar application approved. In terms of the reasons for refusal, Des 1 was fairly subjective. The only one was part (a) of Des 12, which was relevant. It was unclear whether it would have a detrimental impact on character of the street.
- It was difficult to see how this proposal was different from other alterations nearby. Therefore, it might be necessary to put forward an alternative proposal.
- There was no chimney stack at this location, no masonry screen and it was the wrong place for chimneys. This was out of character and LDP Policies Des 1 and Des 12 were relevant. It had to be asked why this was being proposed in this location. In the image provided, the applicant should have given more details of the screening on the other balcony. This was incongruous, an inappropriate addition to the building, and the application should therefore be refused.
- There was agreement with this. This was an inappropriate alteration to what already existed. There was a single rear roof terrace previously given permission in 2002, however, this was a number of years ago and in any case, precedent did not apply in planning matters. This was inappropriate to the setting of the house, LDP Policy Des 12 (part a and c) did apply. Although there was some sympathy for the applicant, the proposal was inappropriate in that setting and it was necessary to uphold the recommendations of the planning officer.
- Having debated the issue, it was thought that this application could go either way. However, ultimately this was the wrong location for the privacy screen which was intended to replicate a chimney stack, and although there was some sympathy for the applicant, on balance, it was necessary to refuse the application.
- The members agreed to uphold the decision of the planning officer and to refuse the application.

Having taken all the above matters into consideration, and although there was some sympathy for the applicant, 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 did not comply with NPF4 Policy 14c as the works would be



poorly designed and inconsistent with the six qualities of successful places as the proposal did not reinforce the distinctive local architectural style, design, materials, and traditional sense of place achieved by the neighbourhood.

2. The proposal did not comply with LDP policy Des 1 as the works would be an inappropriate design which was damaging to the character and appearance of the surrounding area.
3. The proposal did not comply with NPF4 Policy 16g as the works would have a detrimental effect on the character of the home and surrounding area; would not be acceptable in terms of size, design, and materials; and would have a detrimental effect on neighbouring properties.
4. The proposal did not comply with LDP policy Des 12 as the works would not be in keeping with the existing building or character of the wider area; would not be acceptable in terms of scale, form, design; and would have an unacceptable impact on neighbouring amenity.

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

## **7. Request for Review – 2 (Flat 6) Gayfield Close, Edinburgh**

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Details were submitted for a request for review for change of use from residential to short-term let, secondary letting (in retrospect) at Flat 6, 2 Gayfield Close Edinburgh. Application No: 22/06000/FULSTL.

### **Assessment**

At the meeting on 2 August 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 01-02, Scheme 1 being the drawings shown under the application reference number 22/06000/FULSTL 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 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 1 (Sustainable Places Tackling the climate and nature crises)

National Planning Framework 4 Policy 7 (Historic Assets and Places)

National Planning Framework 4 Policy 30(e) (Local Amenity and Loss of Residential Accommodation)

2) Relevant Non-Statutory Guidelines.

Edinburgh Design Guidance

Guidance for Businesses

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:

- It was queried as to where the flat was located with the residential block. It was explained that the report indicated that this was a two-bedroom flat. As it had a balcony, this suggested that it was on an upper level and was probably not a ground floor flat.
- There was a communal stair, it would breach LDP Policy Hou 7 and NPF4 30 (e). Therefore, there was no reason to overturn the officer's recommendations.
- There was agreement with this point of view, this did not comply with aspects of NPF4, it was 2 bedroom flat and it could sleep a number of adults. There would, therefore, be a number of people using the stair which would impact on neighbouring amenity.
- There was further agreement with this. The appeal statement from the applicant referred to the block, indicating that there were some residents staying there on long term lets, but they deserved a good quality of life and the second homes might come back into residential use. It was necessary to consider the impact on the neighbours, even if there had been no objections from immediate neighbours and the need to preserve the future amenity of the block.

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 Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this dwelling as a short stay let would have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal was contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let would result in an unacceptable impact on local amenity and the loss of a residential property had not been justified.

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

## **8. Request for Review – Long Dalmahoy Road (Anderson Transport Newhouse Farm), Dalmahoy, Kirknewton**

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Details were submitted for a request for review for application for 2 dwellings, access, and landscaping at Anderson Transport Newhouse Farm, Long Dalmahoy Road, Dalmahoy, Kirknewton. Application No: 23/00663/FUL.

### **Assessment**

At the meeting on 2 August 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 01-06, Scheme 1 being the drawings shown under the application reference number 23/00663/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 1 (Design Quality and Context)

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 Des 7 (Layout design)

Edinburgh Local Development Plan Policy Del 1 (Developer Contributions and Infrastructure Delivery)

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

Edinburgh Local Development Plan Policy Env 16 (Species Protection)

Edinburgh Local Development Plan Policy Env 21 (Flood Protection)

Edinburgh Local Development Plan Policy Env 22 (Pollution and Air, Water and Soil Quality)

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 Hou 4 (Housing Density)

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 1 (Sustainable Places Tackling the climate and nature crises)

National Planning Framework 4 Policy 2 (Climate mitigation and adaptation)

National Planning Framework 4 Policy 3 (Biodiversity)

National Planning Framework 4 Policy 4 (Natural Places)

National Planning Framework 4 Policy 5 (Soils)

National Planning Framework 4 Policy 7 (Historic Assets and Places)

National Planning Framework 4 Policy 8 (Green belts)

National Planning Framework 4 Policy 9b (Brownfield, vacant and derelict land)

National Planning Framework 4 Policy 14 (Design, quality and place)

National Planning Framework 4 Policy 15 (Local Living and 20 minute neighbourhoods)

National Planning Framework 4 Policy 16 (Quality Homes)

National Planning Framework 4 Policy 17 (Rural Homes)

2) Relevant Non-Statutory Guidelines.

Edinburgh Design Guidance

Guidance for Countryside and Green Belt

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:

- Could it be confirmed that this application for 2 dwellings, access, and landscaping was on greenfield and not brownfield land.
- It was confirmed that it was an agricultural field at present and reference was made to the photographs supplied.
- Some clarification of the reasons for refusal was required. The report of handling focused on NPF4 Policy 8 (Green Belt). But one member's interpretation of policy was that LDP Policy Env 10 was not superseded by NPF4, so did Env 10 still apply?
- It was confirmed that LDP policies were still relevant, the LDP still formed part of the development plan. In this case, NPF4 policy 8 was sufficient, but the Panel could make amendments to the reasons for refusal, if it was minded to refuse the application.

- There was surprise that the proposed two dwellings could be described as a modest addition, NPF4 policies 15 (Local Living and 20 minute neighbourhoods) and 9b (Brownfield, vacant and derelict land) were relevant and there was agreement with the officer's decision on this application.
- Could it be confirmed if the Transport Division had a view on this?
- It was confirmed that the Report of Handling did not note that there was a response from Transport. There was existing access from the main road, because of the previous consent, but no formal response from Transport.
- This was a substantial report. However, planning policies did not support building in the greenbelt, except in limited circumstances and there were objections from local residents, This was a clear cut case and policies contained in NPF4 and LDP policies ENV10 would apply as reasons for refusal. There was no reason to overturn the officer's assessment.
- There was agreement with the above viewpoint, the proposal represented an encroachment on greenbelt and agricultural land. This would be contrary to planning policy and it was necessary to uphold the decision of the planning officer.

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 NPF 4 policy 8 (Green belts) as it did not meet the relevant criteria for residential development in this green belt location and would be harmful to its landscape quality and rural character through intrusion onto agricultural land.
2. The proposal was contrary to NPF 4 policy 9 b) (Brownfield, vacant and derelict land) as the residential use of this greenfield site was not supported in principle by policies in the LDP.
3. The proposal was contrary to NPF 4 policy 15 (Local Living and 20 minute neighbourhoods) as the proposal would not contribute towards local living as the residential development would not have good local access to range of sustainable modes of transport, local facilities or services.
4. The proposal was contrary to NPF 4 policy 17 (Rural Homes) as the new homes were not located on land designated for housing in the LDP and did not meet the relevant circumstances where this land use will be supported.

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

## 9. Request for Review – 18 (BF2) Saxe-Coburg Street, Edinburgh

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Details were submitted for a request for review for change of use from residential to short term let (in retrospect) at, 18 Saxe-Coburg Street, Edinburgh. Application No: 22/05480/FULSTL.

### Assessment

At the meeting on 2 August 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 01-02, Scheme 1 being the drawings shown under the application reference number 22/05480/FULSTL 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 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 1 (Sustainable Places Tackling the climate and nature crises)
  - National Planning Framework 4 Policy 7 (Historic Assets and Places)
  - National Planning Framework 4 Policy 30e (Local Amenity and Loss of Residential Accommodation)
- 2) Relevant Non-Statutory Guidelines.
  - Guidance for Businesses

## Listed Buildings and Conservation Areas

### 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:

- The applicant argued that this application was judged retrospectively as it was submitted before NPF4 was approved, and the policies in NPF4 should not be applicable. .
- It was explained that when considering a Local Review, the Panel must make its determination based on the Development Plan at that point in time. If NPF4 came into use during the course of that application being considered, the appellant had the opportunity to make add additional comments prior to it being determined.,.
- Whether the shared stairwell was outside the building.
- Reference was made to the plan in the papers submitted. If one was coming in from the front to the corridor, there was an internal stairwell to the basement level. Access was from the communal door, into a common stair and down to the flatted property.
- It was indicated that there was a shared stairwell, there was also access to a shared garden to the rear and the private patio to the front of the property. There was also access from the bedroom to the shared garden at the rear.
- The property was at the basement level of a four storey tenement and there were residential properties on upper floors. This was an unusual layout, with probably four flats at basement level. There was concern that not only was there a shared stair, but access to share spaces. There was further concern that even though this was a relatively small flat, people lived in close proximity and with introducing this type of use, there would be trespassing on peoples' private areas. Access to outdoor space would cause disturbance to residents. Therefore, the recommendation of the planning officer should be upheld.
- There was agreement with this, and the issue that if visitors were using the shared garden, residents may feel uncomfortable using the space.
- The proposals were in breach of LDP Policy Hou 7, this was a shared stairwell, there were two shared spaces front and rear and there were no reasons to overturn the decision of the planning officer.



- There was agreement with this viewpoint.

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 Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the use of this property as a short stay let would have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal was contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this dwelling as a short stay let would result in an unacceptable impact on local amenity and the loss of a residential property had not been justified.

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