

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

10.00 am, Wednesday 31 January 2024

**Present:** Councillors Gardiner, Jones, Osler and Staniforth.

### 1. Appointment of Convener

---

Councillor Jones was appointed as Convener.

### 2. Minutes

---

To approve the minute of the Local Review Body (LRB Panel 1) of 13 December 2023 as a correct record.

### 3. Planning Local Review Body Procedure

---

#### **Decision**

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

### 4. Request for Review – 130 Alnwickhill Road, Edinburgh

---

Details were submitted of a request for review for attic conversion with two dormers at 130 Alnwickhill Road Edinburgh. Application Number. 23/03021/FUL.

#### **Assessment**

At the meeting on 31 January 2024, 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 - 04, Scheme 1 being the drawings shown under the application reference number 23/03021/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)
  - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
  - 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:

- Clarification was sought that LDP Policy Des 12 applied to the dormer windows on the front and side roof planes.
- It was confirmed that it LDP Policy Des 12 applied to both dormers. However, it was the side dormer in the Report of Handling that was considered to be unacceptable.
- There was no effect on neighbouring amenity, but one response referred to privacy, asking for a velux window rather and a dormer. Did the dormer not overlook a garden and there were worries from neighbours over lack of privacy?
- It was explained that considering the drawings, the Report of Handling did not refer to overlooking of the garden. The side dormer looked onto the gable of a nearby property. The dormer looked on to a sloping angled roof, not the garden. It was over the applicant's garage on one side of the property.
- That it did not look directly into another window? It was advised that this was the case.
- There were no further questions.
- There was sympathy with the officer's recommendations, but it was not possible to uphold this decision. There were a number of dormers in the area, and the side dormer looked onto a blank roof. Where people were trying to remain in their homes and in their local environment, this should be supported. This had no negative impact on residents or created a level of conflict with the local

environment. LDP Policy Des 12 was not a strong ground for refusal and this recommendation should be overturned.

- There was agreement with this. Considering the presentation, there were 4 or 5 dormers in the area and the idea that this proposal impacted on the character of the area was not true. Neither would it impact significantly on the character of the building. This was not a listed building, nor was it located in a conservation area, and the impact on the character of the area did not warrant refusal. The Panel should therefore overturn the officer's decision and approve the application.
- One member agreed with the officer's report. They had no problem with the dormer on the rear, but the dormer on the side was incongruous. Although this was not a listed building, it was important to consider the character and pyramid type roofs in the street. This application could be better and the fact that it was not listed was no reason not to value the building and the street. The officers had made the right decision here. If this was refused, the applicant should come back with a design that was slightly less unbalanced.
- There was concurrence with the comments made earlier. There was no impact on the look or character of the area. Attention was drawn to what already existed on the street and this proposal was not particularly different. There was an inclination not to overturn the officer's recommendation and grant the application.
- There was division of thought on this and members were invited to express a different view.
- The member proposing refusal asked that their dissent be noted as there was no support for their proposal.

Having taken all the above matters into consideration, and although one of the members was in disagreement, the LRB determined to overturn the decision of the Chief Planning Officer and granted planning permission for the reason that the proposal was not contrary to policy Des 12 of the adopted Edinburgh Local Development Plan as the proposed dormers were not detrimental to the existing character and appearance of the surrounding area and were not considered to be incongruous with the existing house. In addition, there would be no detrimental impact on adjacent residential amenity.

### **Decision**

To not uphold the decision by the Chief Planning Officer and to grant Planning Permission, subject to conditions.

### **Reason**

The proposal was not contrary to policy Des 12 of the adopted Edinburgh Local Development Plan as the proposed dormers were not detrimental to the existing character and appearance of the surrounding area and were not considered to be

incongruous with the existing house. In addition, there would be no detrimental impact on adjacent residential amenity.

### **Conditions:-**

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission was granted. If development had not begun at the expiration of this period, the planning permission lapses.

### **Reasons:-**

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

### **Informatives**

1. 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 constitutes a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. 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.

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

### **Dissent**

Councillor Gardiner requested that his dissent should be recorded in respect of the above decision.

## **5. Request for Review – 113 (3F1) Broughton Street, Edinburgh**

---

Details were submitted for a request for review for change of use from residential to short term let (in retrospect) at 3F1 113 Broughton Street, Edinburgh. Application No. 23/03915/FULSTL.

### **Assessment**

At the meeting on 31 January 2024, 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, a site inspection and holding one or more hearing sessions on specific matters. 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 23/03915/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 Report of Handling notes that the Guidance for Businesses 2023 is also relevant. However, a Judicial Review against the Council ruled on 1 December 2023 that the April 2023 Guidance for Businesses should be reduced, which means it must be disregarded in consideration of this review.

Therefore, 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 (Tourism)
- 2) Relevant Non-Statutory Guidelines.
  - Listed Building and Conservation Area Guidance
  - Managing Change in the Historic Environment: 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:

- From the presentation for the application for change of use from residential to short term let (in retrospect), could it be checked that this was a flat within a common stair and were there other tenemental properties on the stair?
- It was confirmed that there was access via a communal stairwell.

- There were no other questions from the Panel.
- This was a clear loss of residential accommodation, moreover, there were other residents on the stair and short term lets could be very disruptive in communal stairs.
- Although the applicant advised they ran the STL in a way that it was not disruptive, if the Panel granted this short term let, anyone could operate it to a different standard in the future. Additionally, there would be a loss of amenity to allow it to be converted to a short term let. Therefore, the Panel should uphold the officer's decision.
- It was a difficult matter when someone had a business and it had been run in a way that caused no conflict. However, this was a three-bedroom flat and there could be a significant impact on residents, due to its size and being located on the third floor. This was no judgement on the individual running the property, it was purely of whether this property was suitable for that type of usage.
- Planning permission ran with the property in perpetuity. Having heard the officer's report, the Panel should uphold the recommendations. The property was designed as a residential building, not as commercial premises and there was potential impact on other residents in the building. It currently was not detrimental to neighbours, but in the future this could change. On these grounds and the grounds in the officer's report, the recommendations in the report should be upheld.
- To conclude, the Panel should uphold the officer's recommendations to refuse this 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 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 term 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 term let would result in an adverse 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 – 39 Hutchison Medway, Edinburgh

---

Details were submitted for a request for review for proposed change of use from side garden to dog grooming business at 39 Hutchison Medway, Edinburgh. Application No. 23/01614/FUL.

### Assessment

At the meeting on 31 January 2024, 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 1-6, Scheme 1 being the drawings shown under the application reference number 23/01614/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 4 (Development Design - Impact on Setting)
  - Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
  - Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)
  - 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 Businesses
  - Guidance for Householders
  - Edinburgh Design Guidance
- 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:

- This application for the proposed change of use from side garden to dog grooming business, which included the erection of a single storey detached building within the garden ground, was very complex and NPF4 Policy 16 had been used as a ground for refusal. There was a number of subsections to this policy, which one was applicable and was it the case that the issue was whether this was residential development?
- It was confirmed that this proposed development was ancillary to the adjacent property and within their garden ground, therefore, the Report of Handling included policies that related to residential development. Considering NPF4 Policy 16, it referred to quality homes. It stated that household development proposals would be supported where they did not have a detrimental impact on the character or environmental quality of the home and the surrounding area in terms of size, design, and materials. Additionally, that the proposals did not have a detrimental effect on the neighbouring properties in terms of physical impact, overshadowing or overlooking, in terms of the structure.
- Even if this proposal was classed as a business use, it was ancillary to a residential property at that location, and NPF4 Policy 16 was applicable.
- There were no further questions from the Panel.
- It was thought that the Environmental Protection argument was very strong, regarding noise. Even if the application was granted and a condition was applied, from 9am to 6pm, the impact of noise would be substantial. Therefore, the Panel should accept the officer's recommendations and refuse the application.
- There was sympathy with the applicant. However, there was some concern and each of these types of applications had individual aspects. For this application, there would be impact on amenity and this was a split property with more impact on individuals. This was a highly residential area and there would be impact regarding passing traffic. It was not just the impact of business of dogs being in that location, but people coming and going, from 9am to 6pm, to a business in a residential area.
- There was agreement with the officer's report. This area was residential with low ambient noise and there would be a detrimental impact of dogs being taken from cars. Additionally, the ownership of the upper flat and the business operation might be separated at some point. Although there was sympathy for businesses, this was not the right area for this particular business. It was agreed to uphold the officer's recommendations and refuse the application.



- As there was no opposing view, it was agreed to uphold the officer's recommendations and refuse the application.

Having taken all the above matters into consideration and although there was sympathy with 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:**

The proposal was contrary to the National Planning Framework 4 Policy 16 and Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as the proposed use would be inappropriate on a residential street due to increased noise and disturbance.

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

## **7. Request for Review – 12 Jordan Lane, Edinburgh**

---

Details were submitted for a request for review for dormer extension to an existing detached dwellinghouse at 12 Jordan Lane, Edinburgh. Application No. 23/02387/FUL.

### **Assessment**

At the meeting on 31 January 2024, 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, 13A, 14, Scheme 1 being the drawings shown under the application reference number 23/02387/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 Report of Handling notes that the Guidance for Businesses 2023 is also relevant. However, a Judicial Review against the Council ruled on 1 December 2023 that the April 2023 Guidance for Businesses should be reduced, which means it must be disregarded in consideration of this review.

Therefore, 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 7 (Historic Assets and Places)

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

2) Relevant Non-Statutory Guidelines.

Listed Buildings and Conservation Areas

Managing Change in the Historic Environment: Conservation Areas

Managing Change in the Historic Environment: Roofs

Managing Change in the Historic Environment: Windows

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:

- To clarify matters, there was no objection to the dormers, the objection was the alteration and extension to the roof. The problem was the alteration to the roof itself. Was this the case?
- It was confirmed that this was correct and this was the assessment in the Report of Handling.
- There was agreement with the officer's report, as the changes to the roof would be substantial and would have a detrimental impact on the character of the building and the conservation area. This was a conservation area, so there would be significant impact. Therefore, the Panel should uphold the officer's recommendations.
- There was sympathy for residents seeking to improve their own amenity, however, this was a conservation area. This roof alteration was not appropriate. Therefore, the Panel should uphold the officer's recommendations.
- Considering the weight of policies against approval, it might be more advantageous for the applicant to submit a new design. The design was reasonably good, but could be improved. It was necessary to go with the officer's recommendations.

- There was agreement with some of the earlier comments. This was especially the case regarding the point of clarification that it was not the design of the dormer windows, but the size of the roof which could impact on character of neighbourhood. Additionally, this property was in a conservation area. Although there was sympathy for the applicant, the Panel agreed to uphold the officer's recommendation to refuse the application.

Having taken all the above matters into consideration and although there was 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.

1. The proposal would be contrary to NPF4 Policy 7 in that it would have an adverse impact on the character and setting of the listed building, the character and appearance of the conservation area.
2. The proposal was contrary to the Local Development Plan Policy Des 12 in respect of Alterations and Extensions, as the design and form and positioning were incompatible with the character of the existing building.
3. The proposal would have an adverse impact on the character and setting of the listed building and was unacceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
4. The proposal would have an adverse impact on the character and appearance of the conservation area and was unacceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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

## **8. Request for Review – 158A (Land 15 Meters North West Of) Lanark Road West, Currie**

---

Details were submitted for a request for review for proposed 2x apartment development at Land 15 Meters North West Of 158A Lanark Road West, Currie. Application No. 23/02074/FUL.

### **Assessment**

At the meeting on 31 January 2024, 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 01-04, Scheme 1 being the drawings shown under the application reference number 23/02074/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 Hou 1 (Housing Development)
  - Edinburgh Local Development Plan Policy Hou 4 (Housing Density)
  - 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 16 (Quality Homes)
- 2) Relevant Non-Statutory Guidelines.
  - Listed Buildings and Conservation Areas
- 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:

- One member indicated that they would like a site visit to see the impact of the proposals on the adjoining residential property, and it would be useful to see the Currie Conservation Area. It would be helpful for the Panel to go on a site visit to determine this application.
- As there was no support for a site visit, it was confirmed that a site visit was a not an option at this point.
- Confirmation was sought as to whether the proposed green space was sufficient for 2 dwellings, and if not, were the proposals near a park or other green space?
- It was confirmed that there did not seem to be green space surrounding this site. Green space was provided with the application, it was not subdivided and seemed to be communal. With the two flats, considering the site plan, the ground floor apartment seemed to have patio doors which opened directly on to green space. Access to the upper property was from the side of the property,

access to the ground floor flat was round the back. Access for both properties would be passing the communal space.

- Referring to the side windows, the adjoining property with a dormer window seemed to be residential. On the upper levels, was there any information of windows overlooking into the neighbouring property.
- It was explained that the Report of Handling was silent regarding amenity, overshadowing privacy and daylight. Regarding the windows on the elevations, one was looking out onto the adjacent properties. There was an access door at the rear. It was not possible to determine how the upper floors of the adjacent property were used, although it seemed to be a former bank. There was no assessment in the Report of Handling of overlooking, daylighting and overshadowing.
- This was quite a complex application. Regarding access, it was up to the applicant to have permission to get access to a property for building works. However, was there sufficient access for the property to be built here?
- It was advised that regarding the ability for the applicant to build it, this was not for the Panel to consider. Regarding access to the property, according to the application and Report of Handling, access was via a small path via the Main Street. This was a constrained site.
- The report of handling stated that the proposals did not enhance the character and appearance of the surrounding buildings in the Conservation Area. Which buildings were the Panel considering, with regard to the Conservation Area?
- It was confirmed that the conservation area covered a wide area, so all the surrounding properties and locality were part of that conservation area. Lanark Road West was a long road covered by the Currie Conservation Area. With reference to the properties directly adjacent to the site area, the Report of Handling was concerned with density and the linear character of this location, as well as this property forming development in the rear of the properties.
- That the majority of properties surrounding this development were modern?
- It was explained that it was not possible to make that assumption, the Panel could only go with the information supplied with the application.
- Reference was made to grass land, that there was no presumption against building on this land and that it was this particular proposal which was the issue.
- It was advised that this was an open area, but not allocated in the LDP as open space. It was part of the surrounding back land for these properties, this was not protected open space.
- The applicant stated that this development could not be seen from the road, but could it be seen from everywhere that would significantly impact on the conservation area? Previously, the Panel stated that if a development was not

visible, then it was less impactful. Was there a significant visual effect on the conservation area?

- It was confirmed that surrounding buildings included a scout hut and there was a lock up garage on the adjacent property. The proposed development was a two storey building and the property fronting onto Lanark Road West was of one and a half storeys. The information was not available regarding long views for this application.
- There were no further questions from the Panel.
- There was some sympathy with the applicant. There was a piece of unused land and it would be beneficial to have residential use here, however, it was not thought that this application fitted this site. There would be impact, given the constraints of the site and it did not conform with the area. This was not the correct building and was not suitable for this site. Therefore, it was necessary to uphold the officer's recommendations.
- This was a more balanced application. There was open space, but there was slab of concrete in the middle of it, and there would not be a huge impact on the Conservation Area. There was the question of the spatial character and of cramming a large amount of building into a small space. It would be possible to build something in this location to utilise this land, but it was not possible to support this application and the Panel should uphold the officer's recommendations.
- One member thought that a site visit would be beneficial as the Panel was not familiar with the area and this was a conservation area. Without the level of detail regarding the details on overlooking and the adjacent properties, it was not possible to know what the impact this would have with its side gable windows. Therefore, it was necessary to take cognisance of this and uphold the officer's decision.
- One member took the opposing view. This proposal could not be seen from the road and would not have much impact on the Conservation Area. This member would have overturned the application, but there was no support for this, therefore, their dissent was noted in respect of the decision.

Having taken all the above matters into consideration and although one member was in disagreement about the lack of a site visit and one member was in disagreement about the decision, 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.

1. The proposal did not have regard to the desirability of preserving or enhancing

the character or appearance of the conservation area. The proposal was not acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 and NPF4 Policy 7.

2. The proposal was contrary to LDP Policies Hou 1, Hou 4 and NPF4 Policy 16. The proposal was not acceptable as it will have a detrimental impact on the spatial character of the surrounding area.

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

### **Dissent**

Councillor Jones requested that his dissent should be recorded in respect of the above decision.

Councillor Gardiner requested that his dissent should be recorded in respect of the lack of a site visit.

## **9. Request for Review – 4 Wemyss Place Mews, Edinburgh**

---

Details were submitted for a request for review for change of use from office to apartment hotel unit, new exhaust vents at 4 Wemyss Place Mews, Edinburgh. Application Number. 23/01733/FUL.

### **Assessment**

At the meeting on 31 January 2024, 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 23/01733/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 Report of Handling notes that the Guidance for Businesses 2023 is also relevant. However, a Judicial Review against the Council ruled on 1 December 2023 that the April 2023 Guidance for Businesses should be reduced, which means it must be disregarded in consideration of this review.

Therefore, 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 (Tourism)

2) Relevant Non-Statutory Guidelines.

Listed Buildings and Conservation Areas

The New Town Conservation Area Character Appraisal

Managing Change in the Historic Environment: 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:

- One member asked to see the site plan regarding Albyn Place and car parking, to establish if it was possible to gain access to 8 and 9 Albyn Place from Queen Street.
- It was explained that the statement for review covered this and explained how they were accessed. It noted that of the two of the properties in the basement, one was in number 8 and one was in 9 Albyn Place and they could only be accessed from the rear of the property. So, these two short term lets would only be accessed via the Mews and the other properties within 8 and 9 Albyn Place could be accessed from the street on the other side.
- Where were the short term lets in Wemyss Place?
- It was confirmed that the application site was number 4 Wemyss Place Mews, the short term let application that was referred to in the Statement of Review was number 8 and 9 Albyn Place. It was possible to see the relationship with the car park to the rear of the Albyn Place and the access to the Mews.
- It was useful to see the ground plan, because 8 and 9 Albyn Place were some distance from the triangle which formed the Mews, where most of the movements would be. This would have an impact on the surrounding



properties, as there would be significant movement through the courtyard. This member had considered that aspect of it, but it did not change their overall consideration. Because of the potential impact on the residents of Wemyss Place Mews, they would uphold the officer's report.

- This application for a change of use from office to apartment hotel unit, new exhaust vents for 20 short term lets was not clear cut. It was necessary to look at each application individually. The other properties were not in Wemyss Place and the discussion was concerning what existed within Wemyss Place. There could be continuous access to the property, but the authority had little control over that. The Panel was being asked about residential amenity in Wemyss Place and whether LDP Policy Hou 7 was applicable. The officer's recommendations were solid on this aspect. This was mainly a residential area and the officer's report should be upheld for that reason. Although the property used to be an office and there was not a loss of residential accommodation. The Panel should uphold the officer's recommendation. It had been well thought out and explained why the property should not be granted as a short term let.
- There was agreement with this. This was a quiet area, the change to the pattern of movements from office to short term let was a significant change and would risk disruption to the residents. The Panel should uphold the recommendations of the officer. There was sympathy for the applicant, who was not removing residential accommodation, but this was a quiet area and the proposals would be too disruptive.
- As there were no alternative comments, the Panel should uphold officer's recommendations and 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 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 term 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)(i) in respect of Local Amenity as the use of this dwelling as a short term let would result in an unacceptable impact on local amenity.

(References – Decision Notice Report of Handling, Notice of Review, supporting documents, Further Representations and Response from Applicant submitted).