

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

**10.00 am, Wednesday 5 June 2024**

**Present:** Councillors, Booth, Mattos-Coelho, McNeese-Mechan and Mowat.

### 1. Appointment of Convener

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Councillor Mattos-Coelho was appointed as Convener.

### 2. Minutes

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To approve the minutes of the Local Review Body (LRB Panel 2) of 20 March and 8 May 2024 as correct records.

### 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 Coltbridge Gardens, Edinburgh, Edinburgh

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Details were submitted of a request for review for a change of use from residential to short term let (Sui Generis). The proposal was for the entire house, which was secondary property (in retrospect) at 6 Coltbridge Gardens, Edinburgh. Application No. 23/03776/FULSTL.

At the meeting of 8 May 2024, the Local Review Body decided to continue to consideration of the application to permit the members sufficient time to consider the further information that was submitted by the applicant.

The application and the further information were considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 4 June 2024.

## Assessment

At the meeting on 5 June 2024, the LRB had been provided with copies of the notice of review submitted, 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, being the drawings shown under the application reference number 23/03776/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:
  - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
  - National Planning Framework 4 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 (January 2024)
- 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 Scottish Government had issued guidance on the circumstances in which temporary permissions may be permitted, could this be set out?
- It was confirmed that circular 4/1998: the use of conditions in planning permissions had a section in relation to temporary permissions. The reason for granting a temporary permission could never be because of the effect of the development on the amenity of the area and where such objections to a development arise, if they should instead be met by conditions whose requirements would safeguard amenity not a temporary time limit permission.
- The agent said in their statement that it could be granted on a legally binding 12 months permission. Was this the case?
- It was explained that in the supporting information, the agent commented that if the property was sold within 12 months, then the planning permission would terminate and they would need to reapply. However, planning permission runs with the land not with the applicant, therefore, that statement was not correct.
- Was it the case that temporary permissions should not be granted where there was amenity issue?
- The planning advisor confirmed that this was the guidance in the circular.
- It was confirmed that there were no further questions.
- Neighbours were in favour because they used the property at number 6 for their own family, but regardless of that, within 12 months that would terminate because either the applicant would move back in, or sell it, so they wouldn't have the use after 12 months.
- There were issues regarding the possible impact on amenity, the difficulty of issuing a temporary planning permission as there appeared to be an existing use, the need to consider this and NPF4 Policy 30(e) (ii), whether there was a loss of residential use, and the implications of the applicant intending to use it over the 12 months.
- It had to be established if there had been a loss of residential use and whether a material change of use occurred. This use was in place prior to the Short Term Let Control Area, therefore it was a fact and degree assessment. It was a medium size property and it could be used for parties, which was materially different from family use. Regarding the long garden, a family would use that differently. A change of use had occurred. NPF4 policy 30(e) (ii) had not been met as there was loss of residential use. There were currently no issues for

amenity, but there was the potential for the use of the property by a less considerate owner.

- There was agreement with above comments, the change of use stayed with the property, there was no reason to overturn the officer's recommendations.
- There would be a loss of housing and there could be amenity impact if it were to become a short term let in perpetuity, therefore, there was agreement with colleagues and the officer's recommendations.
- The potential use of the property and garden as a short term let was likely to be different in character to the way that a family might use it.
- It was agreed that the Panel would support the officer's recommendation to 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 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.

(References – Local Review Body of 8 May 2024 (item 4); Local Review Body of 21 February 2024 (item 5); Decision Notice, Notice of Review, Report of Handling, supporting documents and additional information, submitted).

## **5. Request for Review – 7 (2F1) Alvanley Terrace, Edinburgh**

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Details were submitted for a request for review for the use of the flat for short term lets at 2F1 7 Alvanley Terrace, Edinburgh. Application No. 23/03414/FULSTL.

## **Assessment**

At the meeting on 5 June 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, the report of handling and further letters of representation.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01,02, Scheme 1, being the drawings shown under the application reference number 23/03414/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:
  - 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)
  - 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 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 (January 2024)
  - The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal
  - Listed Building and Conservation Area 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:

- Clarification was sought as to what CEL meant, and it was explained that it meant a Certificate of Existing Lawful Use.
- Did the applicant apply for a Certificate of Existing Lawful Use and had that been refused?
- It was confirmed that they applied in January 2023
- Details were requested for the time of use and the reasons for refusal.
- The planning advisor indicated that possibly there was insufficient evidence to prove that the premises had been in constant use as a Short Term Let over 10 years. The applicant suggested in their statement that the premises were used as an HMO since 1979, and then they had been let as a short term let since 2009. This was quite a considerable number of years, but the details were not available of the reasons for refusal of the CEL.
- In terms of the applicant's appeal for this application to use this flat for short term lets, it seemed that, because of the neighbouring public house, the area had become so undesirable that only tourists would need to stay there. Most of the appeal did not seem to be about the property, it seemed to be about the neighbouring property which was (according to the applicant) not pleasant to live next to. Was that something that the Panel could take account of? It seemed to not be a planning issue but possibly a licensing issue.
- It was confirmed that the Panel could consider the character of the area and whether this would be detrimental to residential amenity in terms of its use. Considering the actual proposal and looking at the reasons for refusal, they related to LDP Policy Hou 7. This short term let would have a materially detrimental effect on the living conditions of and amenity of nearby residents. It was something that was part of this local review.
- In their statement, the applicant said that the majority of other flats in the stair were students. From a planning perspective, was an HMO with students still regarded as residential use?
- It was explained that an HMO was still a residential use.
- It was confirmed that there were no more questions.

- Students were still entitled to amenity especially during exam time and although they could be busy, HMO'S were homes for students. This was quite a large flat, with potential for parties and impact on neighbours. This was nearby a busy public house but there was a quiet garden associated with the flat and most of the surrounding properties were in residential use. There was concern about the impact on the wider area, a material change of use had occurred and it was not justified in terms of the Development Plan according to LDP Policy Hou 7, and NPF4 Policy 30 (e).
- Because there was a noisy public house next door, this proposal was not necessarily justified. HMO's were an important part of the housing mix and gave students somewhere to live. This was a slightly larger property that was used as an HMO and has been permitted since 1979. The housing crisis crossed all sectors of housing. There has been a material change of use and there was support for the officer's decision.
- This area was very good for student housing, it was within walking distance to universities and the size of this flat meant there could be a large family, or several students living there. If it was full of a large group of short-term tourists, there was a substantial risk of amenity issues to the neighbouring students. So, there was agreement with the recommendation of the officer.
- There was agreement with this comment, the other flats were HMO's, therefore, the Panel was in agreement with the officer's recommendations to 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 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 is 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 – 65 Dublin Street, Edinburgh

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Details were submitted of a request for review for change of use to short term let accommodation (in retrospect) at 65 Dublin Street, Edinburgh. Application No. 23/03632/FULSTL.

### Assessment

At the meeting on 5 June 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, the report of handling and further letters of representation.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01, Scheme 1, being the drawings shown under the application reference number 23/03632/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:
  - 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)
  - 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 (January 2024)



- 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:

- Had a material change of use occurred for this application for a change of use to short term let accommodation (in retrospect)?
- The Panel had to decide if a material change of use had occurred, the applicant said it had been in use since 2006 and had they applied for a certificate of lawfulness? If the Panel were to uphold the officers' decision to refuse planning permission, could the applicant apply for a certificate of lawful use, because it was a slightly different test and they had to show that there had been 10 years continuous use?
- It was confirmed that it was a different test, for a certificate of lawfulness the test was on the balance of probability and evidence is required to demonstrate that there had been continuous use over a 10 year period. So, it was a different assessment to the that for the change of use for a planning application, which took into account an assessment on amenity and the loss of residential accommodation, as part of the policies that the planning application was assessed against.
- If the Panel uphold the Officer's Decision, was it open to the applicant to apply for a certificate of lawful use?
- It was explained that this opportunity would be available to the applicant.
- It was stated in the appeal document comments that the property had been used for a longer term let for a period of time, but the short-term let use had been re-established. It had to be established if a material change of use had occurred and if the use of this small, main door property as a short term let was significant.
- There were three objections and one neutral comment. In the statement from the applicant, they were questioning that given the distance between the objectors and the application of flat, whether it could have had such a big impact. Had there been any complaints and had any enforcement action been taken?

- The planning advisor confirmed that looking at the case history there were no enforcement cases.
- It was confirmed that there were no more questions.
- In terms of fact and degree assessment, it was necessary look at the size of property, the character of the property and the frequency of arrivals and departures. This was small flat, there was no access to a shared garden and there was no shared stair. It had been used since 2006 and there had been no complaints from immediate neighbours.
- This application was finely balanced when considering the legislation for short term lets. Given this was a second home there would be economic benefit to local businesses if someone was staying there. The applicant had addressed Policy 30(e) regarding economic benefit. Therefore, the Panel should grant this application.
- There was agreement with the above comments.
- The argument had been made that whilst this could be an excellent residential property, that was not what was being proposed, it would be kept as second home and would therefore lying empty a lot of the time if the permission was not granted. The long-established short term let use was interrupted, there were no amenity issues, this proposal created economic benefit, therefore, the Panel should overturn the officer's decision and grant planning permission.
- There was no alternative proposed. On balance, a change of use had occurred, the economic case had been made and the amenity case was weak. There was agreement with the argument put forward by the applicant that the two objections were from such as distance that the impact of a one bedroom flat was likely to be minimal.
- There was overall agreement to overturn the officer's recommendation and to grant the application.

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 proposal was not 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 not have a materially detrimental effect on the living conditions and amenity of nearby residents.
- 2) The proposal was not contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of

this property as a short term let would not result in an unacceptable impact on local amenity and the loss of a residential property had been justified in this instance.

## **Decision**

To **NOT UPHOLD** the decision by the Chief Planning Officer and to **GRANT** planning permission for the following reasons:

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

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

## **7. Request for Review – 72 (1F) Great King Street, Edinburgh**

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Details were submitted for a request for review for internal alterations to upper storey duplex flat, and attic alterations to allow installation of heat pump to roof of category A listed property at 1F 72 Great King Street, Edinburgh. Application No. 23/03647/FUL.

### **Assessment**

At the meeting on 5 June 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, the report of handling and further letters of representation.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 1-18, Scheme 1, being the drawings shown under the application reference number 23/03647/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:
  - National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)
  - National Planning Framework 4 Policy 2 (Climate mitigation and Adaptation Policy)
  - National Planning Framework 4 Policy 7 (Historic Assets and Places)
  - National Planning Framework 4 Policy 14 (Design, quality and place)
  - Edinburgh Local Development Plan Policy Des 1 (Design Quality and Context)
  - Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
- 2) Relevant Non-Statutory Guidelines.
  - Edinburgh Design Guidance
  - The New Town Conservation Area Character Appraisal
  - Listed Building and Conservation Area 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:

- The Listed Building Consent (LBC) appeal was dismissed, would the Panel's decision have any impact on this?
- It was confirmed that the applicant could not complete the works if they did not have LBC. However, it remained that the Panel had a planning application before it to be determined for internal alterations to upper storey duplex flat, and attic alterations to allow installation of heat pump to roof.
- In the statement from the Scottish Government Reporter in dismissing the LBC appeal, part of the reason was the removal of the staircase internally. Could it be clarified that this was not part of the planning application?
- It was explained that this was correct. The application for LBC included the internal works to the property. When considering the full planning application,

the Panel were looking at the exterior and the impact on the integrity and character of the listed building and the conservation area, and amenity, but from the outside and not from inside.

- The crucial issue in the original officer's determination was the impact on the roofscape. The applicant said that what they were proposing was not visible from the front, but they were considering putting in a couple of conservation rooflights at the front. Could it be clarified exactly what was the impact from the front and from the back of the building.
- Referring to the images, the planning advisor explained that the applicant was proposing two conservation rooflights on the front elevation. Then from the rear, the extended roof would be adjacent to the 1927 mansard roof extension and the taller pavilion. Images from the Design Statement were shown, indicating the existing and proposed. There were also images that were submitted by the applicant in terms of the views from Cumberland Street Lane.
- There were 3 well established organisation's objecting to this proposal.
- The other point raised in the refusal was that the fenestration did not match with neighbouring properties or the same property. If the Panel were to grant this application, could they attach a condition that notwithstanding the application the details for the fenestration could be re-submitted to the satisfaction of the Chief Planning Officer.
- Details were provided of the acceptability of replacing the existing non original glazing.
- One Panel member explained that the fenestration on the new mansard style roof extension was modern in appearance.
- It was confirmed that, referring to the Design Statement, the Panel could ask for a condition for further details from the applicant, but that window design was what the applicant had submitted, as an extension onto this building. The Panel should consider if the alterations were true to the development that has been submitted by the applicant, and whether the Panel should be altering their design.
- On the Design Statement, was there assurance that materials being proposed on the roof were similar to the existing materials?
- The planning advisor confirmed that on the Design Statement there were details of materials that stated they would match the existing materials of the roof of the existing building.

- In terms of the ridge height for the mansard extension, it would increase by 50cm. How did it compare to the neighbouring mansard from 1927?
- It was explained that the authority did not have the details of the 1927 development. But considering the contextual drawings, the comparative heights of the respective mansard roofs could be seen.
- It was confirmed that there were no further questions.
- There was sympathy for the applicant. They had tried to tackle the climate emergency in a way that complied with the character of the building and the area and should be congratulated. This was a listed building and nothing should undermine its historic value. When considering the neighbouring mansard roof extension, the proposed extension was similar. There was disappointment that Historic Scotland was not more sympathetic. The Panel should overturn the officer's recommendations with the condition on proposals for window fenestration being resubmitted and samples of the materials to be provided to the Chief Planning Officer. The proposal was not contrary to NPF4 Policies, 1, 7 and 14 and Local Development Plan Policy Des 1 and Des 12.
- There was agreement with the above comments. There was a climate emergency, this was good proposal, was not contrary to NPF4 Policies 7 or 14, it did not detract from the character of the area, and it was necessary to take concrete measures to address the climate emergency. Therefore, the decision to refuse the application should be overturned.
- There was further agreement with the above comments. The applicant went beyond most applicants' endeavours to make a good proposal to match with the local area. It was agreed that there should be a condition that samples should be submitted to the Head of Planning.
- There was broad agreement to overturn the officer's recommendations and to grant the application.
- It was agreed that details of all proposed fenestration should be submitted to and approved in writing by the Planning Authority before work was commenced on site. Additionally, all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

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 complied with NPF4 Policy 1 on Global Climate and Nature Crises and NPF4 Policy 2 on Climate mitigation and adaptation.
- 2) The proposals complied with NPF4 Policy 7 as they were sympathetic to the host building and will preserve the character, special architectural and historic interest of the listed building and the special character and appearance of the conservation area.
- 3) The proposals complied with NPF 4 Policy 14 and Local Development Plan Policy Des 1 and Des 12, as the design and form of the alterations were compatible with the character of the existing building and the character of the area.

### **Condition**

- 1) Notwithstanding the approved plans, details of all proposed fenestration shall be submitted to and approved in writing by the Planning Authority before work was commenced on site.
- 2) A detailed specification, including trade names where appropriate, of all the proposed external materials should be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

### **Reason**

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to enable the planning authority to consider this/these matter/s in detail.

### **Decision**

To **NOT UPHOLD** the decision by the Chief Planning Officer and to **GRANT** planning permission (subject to conditions) for the following reasons:

- 1) The proposals complied with NPF4 Policy 1 on Global Climate and Nature Crises and NPF4 Policy 2 on Climate mitigation and adaptation.
- 2) The proposals complied with NPF4 Policy 7 as they are sympathetic to the host building and would preserve the character, special architectural and historic interest of the listed building and the special character and appearance of the conservation area.
- 3) The proposals complied with NPF 4 Policy 14 and Local Development Plan Policy Des 1 and Des 12, as the design and form of the alterations were compatible with the character of the existing building and the character of the area.

## Condition

1. Notwithstanding the approved plans, details of all proposed fenestration should be submitted to and approved in writing by the Planning Authority before work is commenced on site.
2. A detailed specification, including trade names where appropriate, of all the proposed external materials should be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

## Reason

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to enable the planning authority to consider this/these matter/s in detail.

## 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.

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

## Declaration of Interest

Councillor Mowat declared a non-financial interest in the above item, as she had met with the applicant and took no part in the consideration of this item.

## 8. Request for Review – 6 North Meadow Walk, Edinburgh

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Details were submitted for a request for review for change of use to short term lets accommodation (in retrospect) at 6 North Meadow Walk, Edinburgh. Application No. 23/03325/FULSTL.

## Assessment



At the meeting on 5 June 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, the report of handling and further letters of representation.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01 – 03, Scheme 1, being the drawings shown under the application reference number 23/03325/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:
  - 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)
  - 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 2024
  - The South Side Conservation Area Character Appraisal
  - Listed Building and Conservation Area 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:

- From the papers, it seemed that there was no access to the rear garden.
- It was confirmed that there was access to a private garden at the front but not to the rear.
- Were there any images of the front garden?
- It was explained that there were no further images of the front of the property.
- It seemed that the adjoining tenement had vehicular access, but this cottage did not have any vehicular access, was that correct?
- The planning advisor confirmed that looking at the plans, the property appeared to have a pedestrian and cycle path at the front, but there did not appear to be vehicular access. It was not something that was covered in the Review Statement.
- One member asked about emergency vehicle and delivery vehicle access.
- It was confirmed that this was a historic, not a new property. According to the information on the existing situation, there was a pedestrian and cycle footpath. It may be that there could be emergency vehicle access. There was no disabled access indicated on the papers, but this was an older property, so it would have been constructed before the current guidance was in place.
- Had it been calculated how large this property was. It seemed to be a rather small floor area certainly for the ground floor.
- The planning advisor indicated that this information was in the application form and it was 64 square metres,
- Did this include the front garden?
- It was confirmed that looking at the drawings in more detail the 64 square metres applied to the property and did not include the front garden.
- It was confirmed that there were no more questions.
- It was thought that as the amenity provision was not sufficient for a long-term resident, then a short term let might be the best use of this property. A full time resident might need more access.
- This application was finally balanced. It was a small property, the applicant had problems attracting people and there were access issues. This was a small property with inconveniences regarding access and there were mobility issues.

- This application was finely balanced, regarding amenity. This was a small property, it had main door access, the front garden did not cause a major concern and a short term let would not have much impact on amenity. The next-door neighbour had no objections to this proposal. However, there was a loss of housing, there seemed to be permanent resident next door, therefore, this property could be a permanent home for someone. There was a lack of conviction about the loss of housing as a reason for refusal, members should uphold the officer's decision on the grounds of NPF4 Policy 30 (e) (ii).
- One member supported the proposal to overturn the officer's decision and grant the application.
- Another member thought to uphold the decision of the officer for the reasons given, but there was no seconder for this proposal.

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

- 1) The proposal was not 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 not have a materially detrimental effect on the living conditions and amenity of nearby residents.
- 2) The proposal was not contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this property as a short term let would not result in an unacceptable impact on local amenity and the loss of a residential property has been justified in this instance.

## Decision

To **NOT UPHOLD** the decision by the Chief Planning Officer and to **GRANT** planning permission for the following reasons:

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

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

## **Dissent**

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

## **9. Request for Review – 8 Northumberland Street South West Lane, Edinburgh**

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Details were submitted for a request for review for retrospective change of use from Class 9 to short-term let (Sui Generis) for three months per annum (June-August) at 8 Northumberland Street South West Lane, Edinburgh. Application No. 23/04462/FULSTL.

### **Assessment**

At the meeting on 5 June 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 site inspection. The LRB had also been provided with copies of the decision notice, the report of handling and further letters of representation.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01 – 02, Scheme 1, being the drawings shown under the application reference number 23/04462/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:
  - 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)
  - Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
  - Edinburgh Local Development Plan Policy Tra 2 (Private Car Parking)

2) Relevant Non-Statutory Guidelines.

Guidance for Businesses 2024

Listed Building and Conservation Area 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 was application for 3 months of year, how would it be enforced if the Panel granted planning permission for this application for retrospective change of use from Class 9 to short-term let (Sui Generis)?
- It was confirmed that if the Panel was to overturn this decision, there would be a condition on the permission setting out the specific months that it could be used for an alternative use.
- If the neighbours were to complain to planning enforcement officers, what would happen?
- It was explained that it would be for enforcement procedures to take effect.
- Apparently, there was capacity for up to 6 occupants, but on the on the layout, it indicated a bedroom/living room, so it could be up to 8 occupants.
- It was advised that the Statement of Review referred to management guidelines, three bedrooms and maximum occupancy of six. However, the drawings indicated a living room/bedroom. The Report of Handling referred to the application site being a four bedroom, two storey terrace mews.
- One member asked if a condition could be included limiting the number of guests to six.
- It was confirmed that it a condition regarding occupancy numbers would not be enforceable, but the applicant had indicated in their management guidelines that there was a maximum guest capacity of six.

- There were two issues which were amenity and loss of residential use. There was the argument that the loss of residential use was only for three months of year and would be short term let. The main concern was the impact on amenity as there had been complaints from a significant number of neighbours. The property could be sold to anyone, the housing crisis was in all sectors, and this was good quality housing, close to the city centre. Furthermore, it would be difficult to enforce. For these reasons, it was not possible to grant this application.
- There was agreement with the previous comments. This was a very desirable residential property in a popular area and there had been a large number of detailed objections. There was agreement with the officer's recommendations.
- There was overall agreement with the previous comments.

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 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) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this property as a short term 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, and Further Representation, submitted).

## **10. Request for Review – 9 Plewlands Avenue, Edinburgh**

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Details were submitted for a request for review to install up to 12 standard sized solar (Photovoltaic) panels onto south and east facing roof at 9 Plewlands Avenue, Edinburgh. Application No. 23/03843/FUL.

### **Assessment**

At the meeting on 5 June 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, the report of handling and further letters of representation.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01 – 05, Scheme 1, being the drawings shown under the application reference number 23/03843/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:
  - 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)
  - Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
  - Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Relevant Non-Statutory Guidelines).
- 2) Guidance for Householders
  - The Plewlands Conservation Area Character Appraisal
  - Listed Building and Conservation Area 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:

- The argument for refusal for this application to install up to 12 standard sized solar (Photovoltaic) panels onto south and east facing roof, was the impact on the appearance of the conservation area, there was no reference to solar panels or the appearance of roofs in The Plewlands Conservation Area

Character Appraisal. Were solar panels not allowed in a conservation area or was it the case that the roof scape as a character of the conservation area should not be altered.

- It was confirmed that there was nothing in the Plewlands Conservation Character Appraisal regarding solar panels or roofscapes.
- Could the Panel overturn the refusal in part, specifically the side east elevation where there was existing skylight and could it grant permission with a condition that the panels be on that side of the elevation only.
- It was explained that application was for 12 panels on two separate roof planes. It might be possible to separate them.
- Clarification was requested about guidance on solar panels in conservation areas.
- The planning advisor explained that the guidance was not in the Listed Buildings and Conservation Areas Guidance, it was contained in the Guidance for Householders and it stated that the provision of solar panels could contribute to sustainability. However, on listed buildings and/or within conservation areas, solar panels would not normally be permitted on any conspicuous elevations.
- It had to be determined what the Panel were assessing. Because it seemed to be the key policy for refusal, that the proposed works would not normally be permitted on conspicuous elevations. Did that mean a front elevation, or whether it was conspicuous?
- From the photographs it seemed that one of the other house had solar panels, had this been consented and when was the consent issued?
- It was confirmed that Report of Handling indicated that at number 13 Plewlands Avenue and to the west of the application site, there were some existing solar panels on the roof and that these panels were granted consent in 2022 through an application and which was then subsequently varied to amend their layout. However, a material consideration in the determination of those panels was the presence of an existing solar thermal panel on the principal roof plane which was installed prior to the formal designation of the Plewlands Conservation Area Character Appraisal in 2010.
- Plewlands Conservation Area Character Appraisal was established in 2010 and did NPF4 come into force in 2023? This application would appear to be contrary to planning guidance, but was the guidance pre-NPF4 and which one should have precedent?



- It was explained that NPF4 was actual policy and it came into force in February 2023. The Householder Guidance was guidance, and that the latest version of that was November 2021.
- The guidance was pre-NPF4, however according to NPF4 Policy 11, the authority should support renewable energy. This proposal was contrary to householder guidance in terms of principal elevations. There was nothing in the Conservation Area Character Appraisal, to rule out panels or say that roofs should be unaltered. This would not have a negative impact on the conservation area, it was not in breach of householder guidance, nor NPF4 Policies 1, 2 or 11. Therefore, the Panel should overturn the refusal and grant planning permission.
- There was support for these comments. There was a conflict between conservation of this area and historic buildings and conservation of the planet. The applicant was trying to take steps to address this, there was a climate emergency, therefore the Panel should overturn the decision to refuse the application.
- There were issues regarding panels being conspicuous, however, there was the need to encourage alternative forms of energy, the solar panels did not alter the fabric of the roof and could be removed, and they were not changing the character of the Conservation Area. Additionally, panels were sometimes regarded as attractive, they would reduce fossil fuels and improve the sustainability of properties. It was important to keep people comfortable in their homes that was how to conserve the city. This was a very minor infringement of guidance in comparison to adoption of policy.
- There was agreement with this, the applicant was not changing the roof, just making an addition that could be removed. The Panel was in agreement to overturn the officer's recommendations.
- Although the application was an infringement of non-statutory household guidance, it was not contrary to NPF4 Policies 1, 2, 7 d and e, 16 g and 11 (renewable energy development) para e 2,

Having taken all the above matters into consideration, although the application was an infringement of non-statutory household guidance, the LRB determined to overturn the decision of the Chief Planning Officer and granted planning permission for the following reasons:

- 1) The proposals complied with NPF4 Policy 1 on Global Climate and Nature Crises and NPF4 Policy 2 on Climate mitigation and adaptation.
- 2) The proposals complied with National Planning Framework 4 policy 7 (d) and (e) and National Planning Framework 4 policy 16 (g) as the proposed development would not have a detrimental impact on the character and appearance of the

Conservation Area, nor would the proposals have a detrimental impact on the property or the surrounding area.

- 3) Although an infringement of the Householder Guidance the solar panels were considered to be justified in this instance given this meets the aspirations of NPF4.
- 4) The proposals complied with NPF4 Policy 11 (Renewable Energy Development) Paragraph (e) (ii).

### **Decision**

To **NOT UPHOLD** the decision by the Chief Planning Officer and to **GRANT** planning permission for although the application was an infringement of non-statutory household guidance:

- 1) The proposals complied with NPF4 Policy 1 on Global Climate and Nature Crises and NPF4 Policy 2 on Climate mitigation and adaptation.
- 2) The proposals complied with National Planning Framework 4 policy 7 (d) and (e) and National Planning Framework 4 policy 16 (g) as the proposed development would not have a detrimental impact on the character and appearance of the Conservation Area, nor would the proposals have a detrimental impact on the property or the surrounding area.
- 3) Although an infringement of the Householder Guidance the solar panels were considered to be justified in this instance given this meets the aspirations of NPF4.
- 4) The proposals complied with NPF4 Policy 11 (Renewable Energy Development) Paragraph (e) (ii).

### **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.

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

## 11. Request for Review – 1 Stark’s Cottages, Edinburgh

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Details were submitted for a request for review for change of use from commercial to domestic garden ground to facilitate new side and rear extensions at 1 Stark's Cottages, Edinburgh. Application No. 23/03720/FUL.

### Assessment

At the meeting on 5 June 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 site inspection. The LRB had also been provided with copies of the decision notice, the report of handling and further letters of representation.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and responded to further questions.

The plans used to determine the application were 01 – 04, Scheme 1, being the drawings shown under the application reference number 23/03720/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:
  - 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 14 (Design, Quality and Place)
  - National Planning Framework 4 Policy 16 (Quality Homes)
  - 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 Env 18 (Open Space Protection)
- 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:

- According to the Report of Handling for this application for change of use from commercial to domestic garden ground to facilitate new side and rear extensions, this was not classified as protected open space in the Local Development Plan (LDP), but LDP Policy Env 18 said it applied to open space, irrespective of whether it was classified as that in the LDP.
- It was confirmed that this was correct, it was not protected open space in the LDP, but open space being either private or public, was a potential asset and therefore should be protected.
- It was explained that the Report of Handling referred to the fact that this was open space. The plans referred to it being open space and as such mirrored the open space on the other side of the street, but both areas were currently enclosed. The plans showed the enclosed mesh fence, but this was Council owned land, and on the other side of the street it was completely enclosed, so it was not really accessible, but it provided this open aspect as an entrance to the school which sat behind the site.
- Was it possible for the applicant to build on this land even though it was currently for sale?
- The planning advisor explained that the applicant stated in their supporting information that the land was currently subject to sale to them on the basis that they received planning permission.
- If the Panel overturned the refusal, then would the sale of the land would go through?
- It was confirmed that this appeared to be what was implied in the applicant's statement.
- The original plans showed, there was a high timber boarded fence around the site boundary, but an updated plan with the mesh fence retained, and a hedge planted behind it, to preserve the view into the green space was included in the applicant's supporting information.
- On the other side of the road, people were accessing the open space and this wider area had quite a lot of green space. With improvements to the fence, the Panel should grant this application as the fence would be maintained by the

applicant and the new hedge boundary treatment dealt with the concerns that were raised in the refusal.

- It was agreed that the original fence proposal was not suitable, however, if the applicant maintained the fence and put in the hedge, could it be conditioned and what would happen if they decided to put up a solid wooden fence in the future?
- It was thought that a fence around property of two metres did not require planning permission.
- It was explained that was not quite the case because when a fence was next to a road, it could only be up to a metre in height, so the authority would have some control over what was constructed.
- The fence was not the fundamental issue which was this open space that was effectively going to be enclosed and privatised. There had been previous applications where the Council had sold green space, but policies had changed. There was concern over LDP Policy Env 18, it was recognised that this piece of green space was small and of no significant amenity value, but Policy Env 18 stated that in some circumstances it was acceptable to grant an application on open space, but this did not meet the criteria. It was not thought that there was massive overprovision of open space in this area, there was no tangible local benefit or community benefit, therefore, the Panel should refuse the application.
- There seemed to be a loss of public space, but consideration should be given to the fact that this area was currently fenced in, was not very well maintained and that the Council was trying to sell the land. This was not a loss to public amenity, and the Panel should overturn the decision, considering the change in fencing so that it still read as open green space but would be maintained in better condition. This proposal received a seconder.
- There was a counter proposal to refuse the application, but this received no seconder.

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

- 1) The proposals complied with LDP Policy Des 12 as the works would be compatible with the character of the surrounding area in terms of form and design.
- 2) The proposals complied with LDP Policy Env 18 as the change of use from open space to a private domestic garden would not have a materially detrimental effect on the surrounding area.

- 3) The proposals complied with NPF4 Policy 16 as the development would not have a detrimental effect on the character and appearance of the surrounding area.

### **Condition**

1. The originally submitted plans for a timber boundary fence were not approved, with the exception of the section on the rear boundary. Details of the retention of the existing mesh fence and the proposed beech hedge planting to the side and front boundaries should be submitted to and approved in writing by the Planning Authority before work was commenced on site. Once approved, these boundary details should be implemented within 6 months of the completion of the extension.

### **Reason**

1. To protect the amenity of the surrounding area.

### **Decision**

To **NOT UPHOLD** the decision by the Chief Planning Officer and to **GRANT** planning permission for the following reasons:

- 1) The proposals complied with LDP Policy Des 12 as the works would be compatible with the character of the surrounding area in terms of form and design.
- 2) The proposals complied with LDP Policy Env 18 as the change of use from open space to a private domestic garden would not have a materially detrimental effect on the surrounding area.
- 3) The proposals complied with NPF4 Policy 16 as the development would not have a detrimental effect on the character and appearance of the surrounding area.

### **Condition**

1. The originally submitted plans for a timber boundary fence were not approved, with the exception of the section on the rear boundary. Details of the retention of the existing mesh fence and the proposed beech hedge planting to the side and front boundaries should be submitted to and approved in writing by the Planning Authority before work was commenced on site. Once approved, these boundary details should be implemented within 6 months of the completion of the extension.

## **Reason**

1. To protect the amenity of the surrounding area.

## **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.

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

## **Dissent**

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

## **12. Request for Review – 153 (Flat 11) West Port, 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 Flat 11 153 West Port, Edinburgh. Application No. 23/04365/FULSTL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 5 June 2024.

## **Decision**

**WITHDRAWN** at the request of the applicant.

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