

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

10.00 am, Wednesday 14 August 2024

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

### 1. Appointment of Convener

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Councillor Jones was appointed as Convener.

### 2. Minutes

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To approve the minute of the Local Review Body (LRB Panel 1) of 19 June 2024 as a correct record.

### 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 – 235 - 237 Leith Walk, Edinburgh

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Details were submitted for a request for review for change of use from Class 1 (retail) to mixed-use Class 3 (ground floor) and existing Class 1A (cellar) at 235 - 237 Leith Walk Edinburgh. Application No. 23/03406/FUL.

At the meeting of 19 June 2024, the Panel agreed to continue consideration of the application to ask the case officer if any further discussions took place with the applicant regarding ventilation and noise issues. Also, to ask Environmental Protection to confirm that if a restricted cooking condition was imposed, it would be content to approve the application.

#### **Assessment**

At the meeting on 14 August 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 01-03, Scheme 1 being the drawings shown under the application reference number 23/03406/FUL on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, felt that they had insufficient information before it to determine the review and under Regulation 15 requested further written submissions.

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 14 (Design, quality and place)
  - National Planning Framework 4 Policy 27 (City, Town and Local Commercial Centres)
  - 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 Ret 11 (Shopping Policies)
- 2) Relevant Non-Statutory Guidelines.
  - Listed Buildings and Conservation Areas
  - Leith Town Centre Supplementary 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 Panel was content to accept the additional information submitted, which was in response to its request for further information on 19 June 2024.
- Environmental Protection maintained its concerns that there would still be potential noise from a restricted class three use. The restricted cooking was more concerned with odour issues as opposed to sound and this too could potentially have issues for neighbouring amenity.
- There was no restriction on the hours of operation in this of the premises and there was no restriction on music. The applicant stated that there were no commercial fridges, no air conditioning units or amplified music proposed, but the use went with the premises and not with the applicant.
- The applicant stated they were willing to restrict the number of cooking appliances in the café.
- Environmental Protection was quite clear that this property could be either for a full class three use, where it would require a full ventilation system, or it could have a limited amount of equipment for reheating, and hot holding and this would be allowed under a restricted class three. However, in their further response on 1 July, it was stated that the service was receiving more complaints regarding cooking odours from restricted class three premises (not the application premises), and this was down to the premise's restricted equipment being used for more than the intended original use. Therefore, Planning had to ask if there was a suitable condition that could be applied regarding sealing off the premises to minimise odours, perhaps in advance of any permission being granted. The applicant would need to demonstrate how the property would be sealed to prevent odours from cooking.
- The planning advisor explained that in the applicant's response to Environmental Protection's further response, the applicant stated that they were appealing against the refusal decision on the basis that adequate information had been supplied and no further information was required. The application appeared to have been assessed on the basis that this was for a full class three use including cooking. This was not the case, the application was for a coffee shop class three, with restricted cooking and the proposal only required a change of use application because it was a coffee shop. The applicant felt that both a noise impact assessment and ventilation details were not required given that they were only applying for a restricted class three use.
- It was confirmed that it was a retrospective application.

- The Panel had continued this application on 19 June to allow the applicant the opportunity to provide additional information. This was not forthcoming. It would have been helpful for the applicant to have responded with a noise impact assessment. On this basis, the Panel should refuse the application and let the applicant make a new application that considered all these issues.

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:**

Insufficient information had been supplied to allow an adequate assessment of impact of the proposal on residential amenity and therefore the proposals are contrary to National Planning Framework 4 Policy 27 City, town local and commercial centres, Edinburgh Local Development Plan Policy Ret 11, Food and Drink Establishments and Policy Hou 7 Inappropriate Uses in Residential Areas.

(References – Local Review Body 19 June 2024 (item 9); Decision Notice and Report of Handling, Notice of Review and supporting documents, further representations, request for further information and further information, submitted)

## **5. Request for Review – 4 - 6 Anderson Place, Edinburgh**

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Details were provided of a request for review for the part change of use of Class 5 factory building to proposed mixed-use development incorporating artisan workshops, events space, office space, general mixed business space (in retrospect) at 4 - 6 Anderson Place, Edinburgh. Application No. 23/01336/FUL.

### **Decision**

Decision notice imminent.

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

## **6. Request for Review – 10 (PF1) Drumdryan Street, Edinburgh**

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Details were submitted for a request for review for the change of use from residential to short term let, (in retrospect), and to alter an existing window to form a new entrance door at 10 (PF1) Drumdryan Street, Edinburgh. Application No. 23/04506/FULSTL.

### **Assessment**

At the meeting on 14 August 2024, the LRB had been provided with copies of the notice of review submitted by you 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 23/04506/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 16g (Quality Homes)
  - National Planning Framework 4 Policy 30 (Tourism)
  - 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)
  - 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:

- Clarification was requested regarding the alteration of the window to a door, was the design of the door that was the issue, not the change from being a window to door.
- It was confirmed that the fanlight was the issue that was raised in the Report of Handling. It was the proportions due to the fanlight being in existence, not the presence of the door specifically.
- One member asked to see the drawing of the door in relation to the existing tenement door to see if it had a fanlight.
- The planning advisor illustrated the plans and the existing window and the proposed section was displayed. The existing door and the proposed fanlight were also displayed.
- It was confirmed that there were no more questions.
- Regarding the door, it seemed to have a double window, perhaps built into the door, with glazing on top. The idea of making the opening into a door was commendable and the sill seemed quite worn, however, this proposal was not suitable. In terms of change of use, the officer's recommendations were robust and should be upheld.
- This application was clear cut, as there was a loss of residential accommodation and a detrimental effect on the living conditions and amenity of nearby residents. On that basis, the Panel were in agreement to uphold 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 proposals were contrary to NPF4 policy 16 criterion g) and LDP policy 12 as the proposals would have a detrimental impact on the appearance of the surrounding area in terms of the proposals' design.
2. 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.

3. 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 that had not been justified.

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

## **7. Request for Review – 7 Drumsheugh Place (At Proposed Telecomms Apparatus 35 Metres North Of), Edinburgh**

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Details were submitted for a request for review for the temporary consent for a period of up to 2 years for the installation of 20m high street furniture style mast with 3 No. antennas, 2 No. cabinets and all ancillary development at 7 Drumsheugh Place (At Proposed Telecomms Apparatus 35 Metres North Of), Edinburgh. Application Number. 23/02368/FUL.

### **Assessment**

At the meeting on 14 August 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 01-03, Scheme 1 being the drawings shown under the application reference number 23/02368/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 24 (Digital Infrastructure)
  - Edinburgh Local Development Plan Policy Des 1 (Design Quality and Context)
  - Edinburgh Local Development Plan Policy Des 5 (Development Design - Amenity)

Edinburgh Local Development Plan Policy Des 11 (Tall Buildings – Skyline and Key Views)

Edinburgh Local Development Plan Policy Env 12 (Trees)

Edinburgh Local Development Plan Policy RS 7 (Telecommunications)

2) Relevant Non-Statutory Guidelines.

Listed Buildings and Conservation Areas

The New Town Conservation Area Character Appraisal

3) The procedure used to determine the application.

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

### **Conclusion**

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

- The request from the applicant was for consent for a temporary period of two years. The reason being that the applicant had been issued with a notice to quit from their current location on a rooftop.
- The applicant provided evidence of other alternative locations, but none were suitable. Therefore, the applicant was requesting a two year time period whilst further alternative locations were considered.
- The title of the application stated that it was for two years and the Panel could potentially condition that as well, if they were minded to approve the application.
- Regarding the question in relation to the protected view, one protected view was facing down Melville Street but that was not at this specific location, the other view was slightly northwest from the location of mast that looked down from Dean Bridge. It was these long views that should be protected when looking down Queensferry Street towards the village and that did appear as a key view.
- The Panel had to consider contemporary society, with people working from home, pressure on utilities and the possible conflict where telecoms structures could be placed. The Panel might want to grant this application, because there was a 2 year limit. An alternative location would mean the loss of a station and might impact on people working in the area. There were no access issues, it was not blocking anyone's view and the possible impact of losing a mast would be more detrimental to the area than the temporary structure itself. This was not



ideal place to put a mast, but people working from home needed access to telecommunications.

- Many of the objections were about trees, but there was no plan for the cutback of trees, therefore, this was not applicable here.
- There was concern about this proposal as there would be additional clutter in a World Heritage Site. The other locations seemed better options, but the two years temporary grant made this acceptable, nevertheless, this should not create a precedent for clutter. On balance, it was the best interim location as this was far from World Heritage buildings, but it should not stay at that location any longer than the two years.
- One member was initially inclined to agree with the officer's recommendations. This was a great heritage site and the proposal did have a detrimental effect on the character and appearance of the New Town Conservation Area.
- Although the Report of Handling stated that there was impact on amenity, this was a temporary installation, and it was necessary to condition this to ensure this remained the case. Additionally, the need to work from home superseded the temporary impact upon the area, so it did not have the negative impact stated in the Report of Handling as it was not a permanent installation.
- The National Planning Framework outlined the need to provide infrastructure for this type of installation and to cater for a potential blank spot in the infrastructure it was necessary to find some location to place the proposed Telecomms Apparatus. However, there had to be a robust condition that all equipment and infrastructure should be removed within two years.
- The planning advisor outlined the condition. This consent was for a period of two years only from the date of the decision notice, in order to allow the operator time to find an alternative suitable location for the telecommunications infrastructure. At the expiration of two years from the date of the decision notice, all infrastructure, equipment, street furniture and ancillary development associated with this consent should be removed, and the pavement made good utilising materials to match the existing. The works to make good the site should be completed within 6 months of the removal of the telecoms mast and an ancillary development, or within 6 months of the expiration of the temporary consent, whichever was the sooner.
- The reason for this was in order to protect the character, appearance, and amenity of the World Heritage Site, the Conservation Area, and the surrounding area.

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 a temporary installation and would not result in a permanent negative impact on amenity. Any temporary impact upon the area was superseded by the need to work from home.
- 2) NPF 4 outlined the need to provide infrastructure for this type of installation. To cater for a potential blank spot in the infrastructure it was necessary to find a location for the proposed Telecomms Apparatus.

## **Decision**

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

## **Condition**

1. This consent was for a period of two years only from the date of the decision notice, in order to allow the operator time to find an alternative suitable location for the telecommunications infrastructure. At the expiration of two years from the date of the decision notice, all infrastructure, equipment, street furniture and ancillary development associated with this consent should be removed, and the pavement made good utilising materials to match the existing. The works to make good the site should be completed within 6 months of the removal of the telecoms mast and any ancillary development, or within 6 months of the expiration of the temporary consent, whichever was the sooner.

## **Reason**

1. In order to protect the character, appearance, and amenity of the World Heritage Site, the Conservation Area, and the surrounding area.

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

## **8. Request for Review – 16 (Flat 3) Easter Dalry Road, Edinburgh**

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Details were submitted for a request for review. The property was solely used as self-catering unit-holiday let at 16 (Flat 3) Easter Dalry Road, Edinburgh. Application Number. 23/04287/FULSTL.

## **Assessment**

At the meeting on 14 August 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, 02 Scheme 1, the drawings shown under the application reference number 23/04287/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 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
  - 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:

- One member asked if there was a plan showing the railway line and the particular flat in proximity to this flat.
- The planning advisor referred to the land, the communal doorway to the property, the location of the property, the communal stairway and the windows. The information submitted with the Review, was not clear exactly where in the

building the property was located, but it was on the ground floor. The applicant noted it was in close proximity to the railway line, but it was not possible to confirm where exactly in the building it was located.

- The member commented that other residents appeared to live in other flats next to the railway in this development, the neighbouring ones and further along Dalry Road. Therefore, was that reasonable justification to say that the property was not lettable?
- It was explained that the images showed a number of other properties in proximity to the railway, but it was not clear if they were residential or short term let properties, but there appeared to be residential properties in close proximity to the railway.
- It was confirmed that there were no further questions.
- It was thought that the officer's reasons for refusal were robust and should be upheld.
- That there seemed to be general consensus in this case. This was quite clear cut regarding the loss of residential accommodation and the adverse impact on residential amenity. Therefore, the Panel were in agreement to uphold 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 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 that had not been justified.

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

## 9. Request for Review – 40 (3F2) Hawthornvale, Newhaven, Edinburgh

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Details were submitted for a request for review for the change of use from residential to a short term let at 40 (3F2) Hawthornvale Newhaven, Edinburgh. Application Number. 23/06483/FULSTL.

### Assessment

At the meeting on 14 August 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, the drawings shown under the application reference number 23/06483/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 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:

- It was confirmed that there were no questions.
- It was thought that this application for the change of use from residential to a short term let was straightforward. There would be a loss of residential accommodation, it was located in a shared stairwell and there would be an adverse impact on amenity. The Panel was in agreement to uphold the officer's recommendations and refuse the application.

Having taken all the above matters into consideration, the LRB were of the opinion that no material considerations had been presented in the request for a review which would lead it to overturn the determination by the Chief Planning Officer.

## **Decision**

To uphold the decision by the Chief Planning Officer to refuse planning permission.

## **Reasons for Refusal:**

1. The proposal was 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 that had not been justified.

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

## **10. Request for Review – 9 John's Place at 9 John's Place & 15, 16 & 17 John's Lane, Edinburgh**

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Details were submitted for a request for review to alter an existing guest house at 9 John's Place, change the use of and extend adjacent buildings at 15, 16 and 17 John's Lane from disused garage to guest house an interconnect with 9 John's Place at 9 John's Place & 15, 16 & 17 John's Lane, Edinburgh. Application Number. 23/02622/FUL.

### **Assessment**

At the meeting on 14 August 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 1-10 Scheme 1, the drawings shown under the application reference number 23/02622/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 (Tackling the climate and nature crises)
  - National Planning Framework 4 Policy 7 (Historic Assets and Places)
  - National Planning Framework 4 Policy 13 (Sustainable transport)
  - Edinburgh Local Development Plan Policy Del 1 (Developer Contributions and Infrastructure Delivery)
  - Edinburgh Local Development Plan Policy Des 2 (Co-ordinated Development)
  - Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
  - 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 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:

- It was agreed that there was enough information to proceed.
- Regarding cycle parking, could the plan be displayed and was there information of the number of cycle spaces and the breakdown, as the presentation stated that there was no car parking.
- The Planning Advisor explained that there was no car parking proposed. The application drawing was displayed. This showed one non-standard cycle parking and four cycle parking spaces.

- One member asked if the 'no parking' was 'no additional parking' as there was existing parking at the front of the building.
- It was confirmed that according to the Report of Handling (ROH) the site provided no parking which was acceptable in this location.
- The member noted the images in the presentation included a photograph at the front of the building that showed existing car parking. It was assumed that this was an unrestricted parking area.
- The Planning Advisor noted that there was a consultation sought from Transport, but no response had been received. As there was no commentary from Transport regarding car parking, the information available was the ROH and the application drawings.
- The proposed block plan and location plan were shared, and they did not show and details of car parking. The proposed lower ground and upper ground plans were shared and did not include the front forecourt. The Panel could seek further information regarding parking at the front from the applicant.
- The member noted that there was no parking as part of the 'proposed situation' and there was no information to confirm the existing car parking.
- The applicant's argument about the link bridge was unclear. Also, there was mention of the neighbours to the west and the detriment to their amenity.
- The Planning Advisor displayed the drawings of the proposed link bridge.
- One member asked if the Council did not want the link bridge at this location?
- The Planning Advisor referred to the Applicant's Review Statement which commented that the main issue in the ROH was the link bridge at the principal ground floor and its alteration. That Applicant commented they were not given the opportunity to address this point. The Review Statement also commented the recent application for listed building consent, which was being considered by the DPEA, had simplified the design of the link bridge and limited the alterations to the rear facade to dropping the sill of one window only.
- The Planning Advisor confirmed that the applicant's review documents noted they had not had the opportunity to make changes to the link bridge and that they could have done so if the opportunity had been provided to them.



- Regarding the neighbours to the west, that was an important part of the decision to refuse the application. Was there any more information about how it was impacting on them and who they were?
- The Planning Advisor referred to the block plan and advised it would be possible to seek elevation drawings as further information if the Panel wished further details.
- It was confirmed that there were no further questions.
- There were issues regarding the intensification of use that would have a detrimental effect on residential amenity, limited cycle parking, a number of car parking spaces, the management of space and a large amount of movement in a constrained area.
- There was some confusion about the drawings provided by the applicant and it did not make clear the relationship with the surroundings. Also, there was the issue of the link bridge which impacted on the Georgian Townhouse. One potentially positive aspect was the re-use of the existing building in an era of climate change emergency, but there was a lack of detail so this member would be upholding the officer's report.
- The Panel were in agreement that they would uphold the officer's recommendation 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 works to the listed building would compromise its character contrary to NPF4 Policy 7.
2. The intensification of use would prejudice neighbouring amenity contrary to LDP Policy Des12.
3. The placing of windows on the western boundary prejudiced the redevelopment of that site contrary to LDP Policy Des 2.
4. The absence of cycle parking was contrary to NPF4 Policy 13 and LDP Policy Tra 3.

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

## **11. Request for Review – 22 Meggetland Terrace, Firrhill, Edinburgh**

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Details were submitted for a request for review to create a driveway in the side garden adjacent to the property to facilitate off street parking and charging of electric vehicle. The car cannot be parked outside on the street to allow charging at present due to the double yellow lines on the road at 22 Meggetland Terrace Firrhill, Edinburgh. Application Number. 23/06527/FUL.

### **Assessment**

At the meeting on 14 August 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 – 06, Scheme 1, the drawings shown under the application reference number 23/06527/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 16 (Quality Homes)
  - Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
- 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 requested about the road safety risk to pedestrians and road users for this application to create a driveway in the side garden adjacent to the property, to facilitate off street parking and charging of electric vehicle.
- It was explained that the property sat on a corner plot and the road curved round. From the front gate running along the side of the house was 7.6 metres, but that depth became shorter as the curve went further round. So, there was a point where the driveway was only about 5.4 metres in depth. Therefore, the potential was, if there was a large vehicle, for there to be an overhang over the pavement on the curved edge of the plot.
- Transport recommended that there should not be vehicle access and egress on the junction due to it was being not possible to see around the corner. The road safety aspect was in terms of the actual access coming out of the site. Transport did not refer specifically to the overhang, but it did refer to the fact that this driveway was within 15 metres of a junction. The applicant was claiming it was not a junction because it was a crescent, but Transport was of the opinion that the same principle applied.
- Some clarity was requested regarding the garages opposite, there was some disagreement in some of the representations about whether it was active garage and whether there was one or two garages.
- The planning advisor confirmed that she did not have clarity on the use of that garage, but displaying the presentation, she illustrated the garages that the applicant was referring to. The planning advisor shared the Google Maps for the immediate area. The location of the garages and the nearby road was illustrated.
- There was sympathy for the applicant and for residents wanting to charge their electric vehicles. However, there were significant issues such as the existence of double yellow lines which showed there were safety concerns in this residential area and the apparent curve in the road which was almost a junction. The officer's recommendations were extremely clear and it was really important to uphold road safety. There were a number of concerns about how vehicles would be parked and whether they would overhang and other issues such as gravel being spread.
- That the Panel sympathised with this application, but unfortunately there were too many risks with regards to road safety and pedestrians and therefore concluded that they would uphold the officer's recommendation to refuse this 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.

### **Reasons for Refusal:**

1. The proposed works did not comply with NPF4 Policy 16g as the works would have a detrimental effect on the character of the home and surrounding area; and would not be acceptable in terms of size, design, and materials.
2. The proposed works did not comply with LDP policy Des 12 as the works would not be in keeping with the existing building or character of the wider area; would not be acceptable in terms of scale, form, design.
3. The proposed works did not comply with the Access and Parking design requirements of the non-statutory Guidance for Householders and would present a road safety risk to pedestrians and road users.

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

## **12. Request for Review – 1 - 2 Wolseley Terrace, Edinburgh**

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Details were submitted for a request for review for change of Use of part retail unit to form dwelling at 1 - 2 Wolseley Terrace, Edinburgh. Application Number. 23/04946/FUL.

### **Assessment**

At the meeting on 14 August 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 01-05, Scheme 1, the drawings shown under the application reference number 23/04946/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 16 (Quality Homes)
  - National Planning Framework 4 Policy 27 (City, town, local and commercial centres)
  - Edinburgh Local Development Plan Policy Hou 5 (Conversion to Housing)
  - Edinburgh Local Development Plan Policy Ret 10 (Alternative Use of Shop Units in Other Locations)
- 2) Relevant Non-Statutory Guidelines.
  - 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:

- The applicant did not come forward with a light analysis in this application for change of use of part retail unit to form dwelling, but there had been a judgement made on that. One member commented that it would be helpful to get more information on light provision and whether the proposal met the requirements of the regulations?
- The Planning Advisor explained that the Report of Handling (ROH) confirmed that no information was provided to demonstrate that the proposal would meet the minimum level of natural daylight to achieve adequate occupier amenity. Therefore, there was nothing submitted with the application to address the tests in the Edinburgh Design Guidance set out.
- One member commented that it may be best to seek additional information regarding levels of light.
- One member took an opposing view and commented that the applicant was aware of what information was required for submission, it was not for the Panel to ask for this. The Panel needed to consider what was submitted in a timely

manner. If there were additional issues about whether another window was needed, after this judgement, the applicant had a right to consider that and then submit another application within time.

- The applicant said that the skylight window could be conditioned to be enlarged, would that make it compliant, or was there not enough information available to confirm that?
- It was confirmed that Planning did not have a sufficient information to confirm whether the application would meet the test in the Edinburgh Design Guidance.
- One member commented that the applicant should be provided the opportunity to provide the information.
- It was commented that it would be helpful to have that information and it should have been provided originally.
- On balance, it was accepted that the applicant had sufficient time to make the case. There was some regret that the Panel did not have the additional information, but the Panel should make judgement on the basis of what was being presented.
- The application had been turned down, the applicant had appealed, they knew why it had been refused and had still not provided the information. The applicant had been given the chance to provide the information. The Scottish Government has reminded the Council that applications should be considered in a timely manner, this also requires applicants to provide information in a timely manner.
- It was noted that this was a good point and it was agreed to proceed.
- Regarding the skylight, was there enough information to know if it would comply with the Edinburgh Design Guidance?
- The Planning Advisor displayed the drawings and outlined the layout of the proposals. The ROH stated that no information had been provided to demonstrate that the proposals would meet the minimum level of natural daylight to achieve adequate occupier amenity. The applicant, in their Review Statement, referred to the areas of glazing required by Building Standards, but not the Edinburgh Design Guidance test.
- It was noted there was the existing permission for an ATM. Was it in the same location as what the applicant was proposing now in the original doorway?

- It was confirmed that the previous ATM permission was retrospective. The drawings for the previous permission were displayed and details were given of the location of the proposed ATM.
- One member queried whether the glazed door, rooflight and bedroom window would provide enough daylight to pass standards.
- It was explained that it was that there was not any information provided to confirm that it met the required standards.
- In terms of the floorspace, did it meet the standards?
- The Planning Advisor explained that the ROH noted that it would meet the internal requirements of the Edinburgh Design Guidance.
- It was confirmed that there were no more questions.
- One member was initially minded to support this application, but the ATM was located in quite an important corner, the door was an important feature of the tenement building and the other location for the ATM worked better. The member commented on a potential way forward, but this member could not support the application at present.
- Without the additional information, which could have been provided, the Panel could not confirm that this proposal met lighting requirements. Therefore, the Panel should uphold the officer's decision on this.
- It was positive to support housing in this area and the proposal met the minimum standards requirements in terms of size. However, due to its single aspect light was important, it was necessary to ensure that what is provided was the best possible outcome. There were significant questions about where the light would come from and the penetration of light. There were positive aspects about this application, but careful consideration was required on the light aspect.
- The applicant's intentions to provide affordable studio type accommodation in a housing crisis was noted. However, the daylight issue was a real obstacle to overturning the officer's recommendation. Therefore, the Panel should refuse the application.
- One positive aspect about this application was retaining the shopfront on the shop parade. Removing a bit of retail which was not going to have an impact on the local High Street was important. The loss of retail to housing was not generally supported, but in this case, the appearance was acceptable. It was the back of the shop that would be potentially converted and the original shop front remained as a retail frontage.

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:**

The proposal was contrary to the NPF 4 Policy 16 and LDP Policy Hou 5, as a satisfactory level of amenity could not be achieved.

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