

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

10.00 am, Wednesday 11 September 2024

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

### 1. Appointment of Convener

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Councillor Osler was appointed as Convener for item 3.

Councillor Cameron was appointed as Convener for items 4 to 11.

### 2. Planning Local Review Body Procedure

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#### Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

### 3. Request for Review – 19 Inveralmond Drive, Edinburgh

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Details were submitted for a request for review for the erection of a perimeter fence (dark wood) vertical slats along the west, south and north of our property boundary and the installation of electric gates at the top of the drive to Inveralmond Drive at 19 Inveralmond Drive, Edinburgh. Application No. 23/00418/FUL.

This was a returning item from 13 December 2023. Additionally, at the meeting of 19 June 2024 the Panel agreed to continue consideration of the application for further information:

- to enable the Tree Officer to review the Updated Tree Report;
- to look at which areas of Open Space were being impacted;
- for more information on the Open Space Strategy and how this relates to the application; and
- regarding the three policies that were included in the reasons for refusal and how they relate to the application.

#### Assessment

At the meeting on 11 September 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, further information submitted and responses to the further information.

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 23/00418/FUL on the Council's Planning and Building Standards Online Services.

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 8 (Green belts)
  - National Planning Framework 4 Policy 16 (Quality Homes)
  - National Planning Framework 4 Policy 20 (Blue and Green Infrastructure)
  - Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
  - Edinburgh Local Development Plan Policy Env 10 (Development in the Green Belt and Countryside)
  - Edinburgh Local Development Plan Policy Env 12 (Trees)
  - Edinburgh Local Development Plan Policy Env 18 (Open Space Protection)
- 2) Relevant Non-Statutory Guidelines.
  - Guidance for Householders
  - Listed Buildings and Conservation Areas
  - Cramond Conservation Area Character Appraisal
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

## Conclusion

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

- It was important to consider the original grounds of refusal. This was critical, as there was a considerable amount of information provided on open space.
- The Planning Advisor read out the original reasons for refusal.
- The Panel confirmed that it was content with the information provided.
- Clarification was requested regarding the definition of open space and protected open space. The presentation showing the Site Location Plan and LDP Proposals Map was displayed again. It was confirmed that no part of the site was covered by the green shading in the LDP Proposals Map, therefore the site was not allocated as protected open space in the LDP Proposals Map.
- The Panel were advised that the response from the LDP Team was that the Policy can apply to publicly or privately owned open space. The Applicant's Agent took a different view that the Policy should not apply to non-designated open space in the Proposals Map.
- It was explained that the Council Tree Officers were content with the proposals provided conditions were included on the permission for the installation of ground screws as per the submitted arboricultural documents and for landscaping to account for the loss of trees via replanting.
- Discussion took place about the location of the gate. It was explained that the plans showed a gate across the driveway and another gate onto Peggy's Mill Lane. A previous planning permission also included a gate across the driveway.
- The Panel discussed the provision of open space and the applicability of LDP Policy Env 18. It was considered there was adequate open space within the area and the applicant was trying to improve matters by removing the leylandii.
- The site was considered a private residential garden that the Applicants were looking to protect with a fence. The Officer's recommendation should be overturned and permission should be granted with the inclusion of conditions to protect the trees.

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 the Local Development Plan Policy Env 12 in respect of trees, as the works were not likely to result in unacceptable damage to protected trees or other trees worthy of retention.
2. The proposal was not contrary to the Local Development Plan Policy Env 18 in respect of open space, as the works will not result in an unacceptable loss of open space.
3. The proposal was not contrary to National Planning Framework Policy 20 as it would not result in the loss of existing green infrastructure and would not result in a deficit in green infrastructure provision.

### **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 the Local Development Plan Policy Env 12 in respect of trees, as the works were not likely to result in unacceptable damage to protected trees or other trees worthy of retention.
2. The proposal was not contrary to the Local Development Plan Policy Env 18 in respect of open space, as the works would not result in an unacceptable loss of open space.
3. The proposal was not contrary to National Planning Framework Policy 20 as it would not result in the loss of existing green infrastructure and would not result in a deficit in green infrastructure provision.

### **Condition**

The fence hereby approved should be erected in accordance with the detailed specification set out in the Arboricultural Impact Assessment from 'TD Tree and Land Services' dated August 2023.

### **Reason**

To safeguard protected trees.

### **Condition**

The development should not begin until details of a soft landscaping and replanting scheme had been submitted to and approved in writing by the Planning Authority.

### **Reason**

To account for the loss of trees on site.

## **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 – Local Review Body 19 June 2024 (item 4); Decision Notice and Report of Handling, Notice of Review and supporting documents, continuation letter and further representations, Extract LDP North West Proposals Map Adopted Plan, LDP North West Proposals Map Adopted Plan and further written submissions, submitted)

## **4. Request for Review – 4 Blackie House Wardrop's Court, Edinburgh**

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Details were submitted for a request for review for the use of flat for short term let use (Sui Generis) and residential flat (in retrospect). This property is available for letting all year, 4 Blackie House Wardrop's Court, Edinburgh. Application No. 23/04543/FULSTL.

### **Assessment**

At the meeting on 11 September 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 being the drawings shown under the application reference number 23/04543/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)

Listed Buildings and Conservation Areas

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 stairwell had a lift which was unusual for tenements.
- Whether the rest of the properties within the stairwell were residential was discussed.
- It was confirmed this information was not available. Regarding the planning history of the stair, it would be possible to continue the application to look into that.
- The Panel were content to consider the application on the basis of the information provided.
- It was confirmed that there were no further questions.
- It was proposed to support officer's recommendations.
- The Panel were 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 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 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 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).

## **5. Request for Review – 1 (Flat 1) Castle Wynd South, Edinburgh**

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Details were submitted for a request for review for the use of flat for short-term let use (sui generis) and residential flat (in retrospect). This property is available for letting all year at 1 (Flat 1) Castle Wynd South, Edinburgh. Application Number 23/04544/FULSTL.

### **Assessment**

At the meeting on 11 September 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, Scheme 1 being the drawings shown under the application reference number 23/04544/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:

- Clarification was requested regarding the specific location of the other flats referred to in the site history of the Report of Handling. It was explained that it was difficult to specify this. However, the addresses suggested that there was a total of six flats within this common stairwell.
- One Panel member felt the impact on amenity was negligible, the property was surrounded by short term lets and the loss of residential accommodation was minimal. Therefore, the Panel should grant the application.
- The remainder of the Panel felt the officer's recommendation should be upheld for the reasons stated in the report of handling.

Having taken all the above matters into consideration, and although one member was in disagreement, 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 – Decision Notice, Report of Handling, Notice of Review and supporting documents, submitted).

## Dissent

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

## 6. Request for Review 24 (GF) Coates Gardens, Edinburgh

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Details were submitted for a request for review for the use of flat for short term let use (Sui Generis) and residential flat (in retrospect). This property is available for letting all year at 24 (GF) Coates Gardens, Edinburgh. Application No. 23/04542/FULSTL.

### Assessment

At the meeting on 11 September 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 and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were 01 - 02, Scheme 1 being the drawings shown under the application reference number 23/04542/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)

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)

Listed Buildings and Conservation Areas

3) The procedure used to determine the application.

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

### **Conclusion**

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

- This application was clear cut, the impact on amenity was evident, the surrounding properties were mainly residential and there would be a loss of residential accommodation.
- The Panel agreed 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 had not been justified.

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

## **7. Request for Review – 83 (Flat 16) Hopetoun Street, Edinburgh**

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Details were submitted for a request for review for the use of flat for short-term let use (Sui Generis) and residential flat (in retrospect) at 83 (Flat 16) Hopetoun Street, Edinburgh. Application Number. 23/04560/FULSTL.

### **Assessment**

At the meeting on 11 September 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, 2, Scheme 1 being the drawings shown under the application reference number 23/04560/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:

- Clarification was requested on the certificate of lawfulness referred to during the presentation. It was confirmed that the current application for review was in respect of flat 16, 83 Hopetoun Street and the certificate of lawfulness was granted in 2021 for flat 3, 83 Hopetoun Street.
- What were the number of flats in that building? It was explained that the review documents did not specify how many flats there were in the building, but the application property was a 5<sup>th</sup> floor flat.
- It was confirmed that there were no more questions.
- This was a clear cut case regarding the impact on residential amenity and the impact on other the flats. Since this was a 5<sup>th</sup> floor flat, there were at least five floors and many of the flats would be residential. Therefore, there would be a significant impact on amenity and a loss of residential accommodation. On this basis, the Panel should support the officer's recommendation.
- The Panel was in agreement to uphold the officer's recommendation 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**

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

## 8. Request for Review – 1A Inglis Green Gait, Edinburgh

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Details were submitted for a request for review for the erection of 17x student accommodation units at 1A Inglis Green Gait, Edinburgh. Application Number. 22/00473/FUL.

### Assessment

At the meeting on 11 September 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 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 01,02A,03A,04,05A,06A,07A,08-17, Scheme 2 being the drawings shown under the application reference number 22/00473/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 3 (Biodiversity)
  - National Planning Framework 4 Policy 4 (Natural Places)
  - National Planning Framework 4 Policy 6 (Forestry Woodlands and Trees)
  - National Planning Framework 4 Policy 11 (Energy)
  - National Planning Framework 4 Policy 12 (Zero waste)
  - National Planning Framework 4 Policy 13 (Sustainable transport)
  - National Planning Framework 4 Policy 14 (Design, quality and place)
  - National Planning Framework 4 Policy 15 (Local Living and 20 minute neighbourhoods)

National Planning Framework 4 Policy 16 (Quality Homes)

National Planning Framework 4 Policy 22 (Flood risk and water management)

Edinburgh Local Development Plan Policy Des 1 (Design Quality and Context)

Edinburgh Local Development Plan Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features)

Edinburgh Local Development Plan Policy Des 4 (Development Design – Impact on Setting)

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

Edinburgh Local Development Plan Policy Env 12 (Trees)

Edinburgh Local Development Plan Policy Env 21 (Flood Protection)

Edinburgh Local Development Plan Policy Hou 1 (Housing Development)

Edinburgh Local Development Plan Policy Hou 4 (Housing Density)

Edinburgh Local Development Plan Policy Hou 8 (Student Accommodation)

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

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

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

2) Relevant Non-Statutory Guidelines.

Edinburgh Design Guidance

The Non-Statutory Student Housing 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:

- Was there any other information? It was confirmed that items 9 (Tree Survey and Arboricultural Constraints Assessment) and 10 (Landscape Appraisal) listed in the Appendix to the Appeal Statement were not included with the supporting information at the time the appeal was submitted. They were submitted late and therefore did not form part of the pack of information for this item. The Panel may wish to consider whether to continue the case for further written submissions to allow sight of the late submissions.
- There was discussion regarding the need for continuation. To address concerns, the Planning Advisor displayed the footprint, clarified procedure and confirmed that planning permission 16/06385/FUL was granted in 2017. There was no information on Council's portal to indicate conditions attached to that permission had been discharged, therefore this indicated the permission had not been implemented and would have expired. The Panel agreed there was no need for continuation.
- Regarding the loss of trees, it was confirmed that the consultation response from the Arboricultural Officer stated that most of the trees would be lost, whereas the applicant disagreed with this.
- Clarification was requested on the location, number and protection of trees, noise mitigation and what was on the other side of the boundary.
- To clarify this, plans were displayed of the approach to the site and the trees on the site and on the boundary. Outside the boundary was a railway line and other trees.
- Which of the trees were self-seeded? The image displayed by the Planning Advisor did not specify which were self-seeded but confirmed that most of the trees were Category B Trees.
- Questions were raised about Tree Preservation Orders (TPO's), replanting and possible conditions regarding tree planning and landscaping.
- It was confirmed that the consultation response from the Arboricultural Officer stated none of trees were covered by the TPO. The applicant's proposed condition for replanting did not specify tree numbers, but the number of trees that could be replanted was dependent upon the extent of building on site and the remaining space available. The additional conditions were: a fully detailed landscape plan; a landscape management plan; an arboricultural method statement; and a tree protection plan.
- Regarding cycle parking, it was confirmed that the Council Transport Officer recommended an informative that the applicant provided 18 cycle parking

spaces in a more secure location. If it was included in a condition, it would have to meet the relevant tests.

- There were various concerns which included overdevelopment, noise, the loss of trees, the difficulty of conditioning tree protection and that the proposals were contrary to NPF4 Policy 6 and to LDP Policy Env 12. Further concerns included the possible loss of valued green space, the number of objections and the impact on neighbouring amenity.
- It was noted that land ownership was not a material planning consideration and support for refusal was based on the reasons given in the report.
- This decision should be overturned. The proposed conditions from the applicant had allayed concerns, tree planting would take place and there would be a landscape plan. Additionally, although this was complex, the proposed conditions were appropriate and there was need for student accommodation.
- There was a proposal to grant the application and one to refuse the application.

Having taken all the above matters into consideration and although two of the Panel were in disagreement, 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**

The proposal was contrary to NPF4 Policy 6 and LDP Policy Env 12 in respect of Trees, as it would have an adverse impact on canopies and roots of the trees to be retained on site and because there was no arboricultural reason justifying the loss of trees.

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

## **9. Request for Review – 23A Learmonth Terrace, Edinburgh**

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Details were submitted for a request for review for a single storey infill extension to rear at 23A Learmonth Terrace, Edinburgh. Application Number. 24/00843/FUL.

### **Assessment**

At the meeting on 11 September 2024, the LRB had been provided with copies of the notice of review including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.



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

The plans used to determine the application were 1-4, Scheme 1 being the drawings shown under the application reference number 24/00843/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)
  - Edinburgh Local Development Plan Policy Des 12 (Alterations and Extensions)
- 2) Relevant Non-Statutory Guidelines.
  - Listed Buildings and Conservation Areas
  - 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:

- There was initial request for a site visit to gain a better understanding of the site context. Following the display of a google image, it was agreed a site visit was not necessary. The planning advisor displayed the google image, illustrating the existing street and gave information about other properties in the vicinity whose planning applications had been granted.
- The precise location of the single storey infill was displayed between the existing stone boundary walls which would be retained. It was confirmed that there had been no discussions regarding the design of the roof.

- It was felt that this application did not have an adverse impact on the character of the listed building or the conservation area. It was important to adapt historical buildings for modern living to allow individuals to remain in their properties. NPF4 Policy 7 was open to interpretation, as it seemed to encourage individuals to adapt their properties to retain historical assets.
- This was a sympathetic application and the objections were outweighed by its positive aspects, including the positive use of the original stone and combining the old and the new elements.
- The planning advisor referred to the supporting statement confirming that a condition was not required regarding reuse of the stone. Additionally, the plans indicated that the existing stone wall would be retained.

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:

That the works would not have an adverse impact on the character of the conservation area or the listed building and are not contrary to NPF4 Policy 7 (Historic assets and places) as the alterations would assist in preserving the building's character, historic interest and its setting in the Conservation Area.

### **Decision**

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

That the works would not have an adverse impact on the character of the conservation area or the listed building and were not contrary to NPF4 Policy 7 (Historic assets and places) as the alterations would assist in preserving the building's character, historic interest and its setting in the Conservation 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).

## 10. Request for Review – 38 Thomson Drive, Currie, Edinburgh

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Details were submitted for a review to erect new single storey front and side extension and two storey rear extension at 38 Thomson Drive Currie, Edinburgh. Application Number. 23/07323/FUL.

### Assessment

At the meeting on 11 September 2024, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were 01 – 02, Scheme 1, being the drawings shown under the application reference number 23/07323/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:

- It was confirmed that the applicant intended removing the existing conservatory and garage. The plans, which were illustrated, detailed the original walls and footprint of the property, and details of the proposed development, including the proposed footprint.
- The planning advisor displayed plans which included the footprint of the property. Details were provided of the context of the small extension to the rear (now removed) of 40 Thomson Drive and the new sunpath analysis provided by the applicant. The image displayed showed both the existing and proposed situation, and the anticipated level of overshadowing.
- Referring to the Guidance for Householders, an explanation was provided as to when it was appropriate to protect neighbouring areas of garden ground from overshadowing. It would be for the Panel to determine if the patio area at number 40 should be protected from an increase in overshadowing. It was also advised that information was not available regarding whether this patio was an original feature of the house at number 40.
- The issue of the Equality Act was raised, in relation to intergenerational living. However, planning permission went with the building and the Panel should consider the adaptation of the building and the grounds for refusal.
- Considering NPF4 Policy 16, the Panel should be helping people stay in their properties.
- Although there was sympathy with the applicant and the proposed extension was to house a member of their family, there was no adaptation requirement and there was no reason to go against the officer's recommendations.

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

## **Decision**

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

3. The proposal did not comply with the Guidance for Householders as the works would be overdevelopment by overwhelming the original form and appearance of the house; detract from the character of the wider neighbourhood area; and negatively impact neighbouring amenity.

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

## 11. Request for Review – 112A (3F3) West Bow, Edinburgh

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Details were submitted for review for change of use of flat to short term holiday let or a flat at 112A (3F3) West Bow, Edinburgh. Application Number. 23/06312/FULSTL.

### Assessment

At the meeting on 11 September 2024, the LRB had been provided with copies of the notice of review, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were 01-02, Scheme 1, being the drawings shown under the application reference number 23/06312/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.

Listed Buildings and Conservation Areas

Guidance for Businesses (2024)

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:

- Could clarification be given that this property did not have its own stand-alone entrance.
- It was confirmed that the Report of Handling states application site related to a third floor flat, accessed by a shared stair.
- It was agreed 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**

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