

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

10.00am, Wednesday 30 October 2024

Present: Councillors McNeese-Mechan, Mowat, Parker and Thornley.

1. Appointment of Convener

Councillor Mowat was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 2) of 25 September 2024 as a correct record.

3. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

4. Request for Review – 59 Gilmore Place, Edinburgh

Details were submitted for a request for review on behalf of Mr Rahman for the change of use from residential to residential (ground floor) and guest house (1st and 2nd floors) at 59 Gilmore Place, Edinburgh. Application No. 23/04664/FUL.

Assessment

At the meeting on 30 October 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 01-05 Scheme 1, the drawings shown under the application reference number 23/04664/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 1 (Housing Development)
 - Edinburgh Local Development Plan Policy Hou 7 (Inappropriate Uses in Residential Areas)
- 2) Relevant Non-Statutory Guideline.
 - Guidance for Businesses (2024)
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- The panel noted that the potential of guests using the garden would apply to all B&B's that have a garden.
- The panel agreed that a condition would address concerns by confirming the change of use would apply to the entire property which would change to a guest house.

Having taken all the above matters into consideration, the LRB were of the opinion that decision of the Chief Planning Officer be overturned and granted planning permission for the following reasons:

1. The proposal is not contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as it would not have an unacceptable impact on amenity by virtue of the conflict of the B&B use and residents.
2. The proposal is not contrary to the Local Development Plan Policy Hou 1 in respect of Housing Development, as the proposal complies with other policies contained within the LDP.
3. The proposal is not contrary to NPF4 Policy 16 as it would not have a detrimental impact on amenity.
4. The proposal is not contrary to NPF4 Policy 27 as it would not have a detrimental impact on amenity.

Decision

To **not uphold** the decision by the Chief Planning Officer and to **grant** planning permission for the following reasons:

1. The proposal is not contrary to the Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as it would not have an unacceptable impact on amenity by virtue of the conflict of the B&B use and residents.
2. The proposal is not contrary to the Local Development Plan Policy Hou 1 in respect of Housing Development, as the proposal complies with other policies contained within the LDP.
3. The proposal is not contrary to NPF4 Policy 16 as it would not have a detrimental impact on amenity.
4. The proposal is not contrary to NPF4 Policy 27 as it would not have a detrimental impact on amenity.

Condition

1. This permission is to change the use of the entire property to a guest house.

Reason

1. To confirm the entire property will be a guest house.

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

5. Request for Review – 4 Atholl Crescent Lane, Edinburgh

Details were submitted for a request for review for planning permission required to obtain a short-term license at 4 Atholl Crescent Lane, Edinburgh. Application No: 23/04556/FULSTL

Assessment

At the meeting on 30 October 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, the drawings shown under the application reference number 23/04556/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)

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

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 Guideline.
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:

- The Panel requested information on the proximity of neighbouring residential doors and windows to the door of the property. The panel were shown pictures of the property to see the proximity.
- The Panel agreed that there would be a direct impact on the amenity of neighbouring residential properties.

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

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

6. Request for Review – 1 (Flat 6) East Pilton Farm Crossway, Edinburgh

Details were submitted for a request for review for retrospective Change of Use from flat (sui generis) to short-term let (Sui Generis) at 1 (flat 6) East Pilton Farm Crossway, Edinburgh. Application no: 23/04427/FULSTL

Assessment

At the meeting on 30 October 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 holding one or more hearing sessions on specific matters. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were 01-02 Scheme 1, the drawings shown under the application reference number 23/04427/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 Guideline.
 - 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:

- The Panel noted the objections received and that they provided clear evidence that there was an impact on the amenity of the neighbouring properties.
- The Panel agreed that there was a material change of use and if the application was granted there would be a loss of residential property.

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 is 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 will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of local amenity and loss of residential accommodation, as the use of this property as a short term let will result in an adverse impact on local amenity and the loss of a residential property that has not been justified.

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

7. Request for Review – 20 Hesperus Crossway, Edinburgh

Details were submitted for a request for review for change of use from residential property to self-catering unit at 20 (flat 3) Hesperus Crossway, Edinburgh. Application no: 24/01566/FULSTL

Assessment

At the meeting on 30 October 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 holding one or more hearing session on specific matters. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were 01-02 Scheme 1, the drawings shown under the application reference number 23/05838/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 Guideline.
 - Guidance for Businesses (2024)
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- The Panel queried if the issue of the title deed was relevant to the application, they were advised that it was not relevant to the application, as Planning has no control over the title deeds of the property.
- The Panel agreed that it was clear that the property was in a residential area.
- The Panel further agreed that there was an impact on the amenity of neighbouring residential properties, as evidenced by the Enforcement Action taken, and letters of representation.
- The panel determined that the proposal was not in line with the policies.

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 is 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 will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of this

dwelling as a short term let will result in an unacceptable impact of local amenity and the loss of a residential property has not been justified.

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

8. Request for Review – 9 Kinleith Mill Road, Currie

Details were submitted for a request for review on behalf of Mr Marshall for proposed rear dormer loft conversion at 9 Kinleith Mill Road, Currie. Application no: 24/01781/FUL

Assessment

At the meeting on 30 October 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 01-04 Scheme 1, the drawings shown under the application reference number 24/01781/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 Des12 (alterations and extensions)
- 2) Relevant Non-Statutory Guideline.
[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:

- The panel asked if there was guidance that set out the acceptable size for a dormer. The Panel were referred to Guidance for Householder which states dormers should not dominate the form of the roof.

- The panel felt that the guidance is subjective and that because the dormer was on the rear of the property this would be more acceptable.
- The panel acknowledged that the dormer would increase property space and would support the needs for a growing family.
- The panel were sympathetic that there were no objections received and noted that there would be no loss of amenity, no concerns regarding invading of privacy and would not cause a shadow over a neighbouring property.
- The panel discussed that there was a difference between a dormer being dominate and visible and determined that although the dormer would be dominate, as it is on the rear of the property it would not be highly visible.

Having taken all the above matters into consideration, the LRB were of the opinion that decision of the Chief Planning Officer be overturned and granted planning permission for the following reasons:

1. The proposal complies with National Planning Framework (NPF) 4 policy 16 g) as the rear dormer will not have a detrimental impact on the character of the home or the area.
2. The proposal complies with policy Des 12 of the adopted Edinburgh Local Development Plan (LDP) as the proposal would not have a detrimental impact to neighbouring character.

Decision

To **not uphold** the decision by the Chief Planning Officer and to **grant** planning permission for the following reasons:

1. The proposal complies with National Planning Framework (NPF) 4 policy 16 g) as the rear dormer will not have a detrimental impact on the character of the home or the area.
2. The proposal complies with policy Des 12 of the adopted Edinburgh Local Development Plan (LDP) as the proposal would not have a detrimental impact to neighbouring character.

Informatives

(a) The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

(b) No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control under section 123(1) of the Town and Country Planning (Scotland) Act 1997.

(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).

9. Request for Review – 91 Lochend Road, Edinburgh

Details were submitted for a request for the change of use of property to short term let. The property has been in use as a STL since 22.06.2017 at 91 Lochend Road, Edinburgh. Application no: 23/04941/FULSTL

Assessment

At the meeting on 30 October 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, the drawings shown under the application reference number 23/04941/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)
 - National Planning Framework 4 Policy 7 (Historic Assets and Places)
 - 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 Guideline.
 - 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:

- The panel discussed the use of personal permissions. The Planning Advisor referred to paragraph 92 of 'Planning Circular 4/1998: the use of conditions in planning permissions' which covers personal permissions and confirms that personal permissions are seldom desirable, but may be allowed on strong compassionate grounds.
- The panel noted that although the circumstances are unique and they were sympathetic to the applicant, employment does not constitute strong compassionate grounds.
- The panel noted that the proximity of neighbouring windows to the garden could pose an issue, and noise could impact the amenity of neighbours.

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

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

10. Request for Review – 114 Lothian Road, Edinburgh

Details were submitted for a request for review Mrs da Conceicao do Rosario for review change of use of a residential apartment into a short-term let property at 114 Lothain Road, Edinburgh. Application no: 24/01768/FULSTL

Assessment

At the meeting on 30 October 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 Scheme 1, the drawings shown under the application reference number 24/01768/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 Guideline.
 - Listed Buildings and Conservation Areas
 - Guidance for Businesses (2024)
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- The Panel accepted the new information comprising the letters of support.
- The Panel agree that as all the flats in the shared stairwell were residential that the proposal would have an impact on the amenity of residents.
- The proposal also resulted in a loss of residential accommodation.

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 is 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 will have a materially detrimental effect on the living conditions and amenity of nearby residents.
2. The proposal is contrary to National Planning Framework 4 Policy 30(e) in respect of Local Amenity and Loss of Residential Accommodation, as the use of

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

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

11. Request for Review – 3 Lynedoch Place, Edinburgh

Details were submitted for a request for review on behalf of Mrs Foulis for change of use to allow property to be used as a short-term letting accommodation at 3 Lynedoch Place, Edinburgh. Application no: 23/04062/FULSTL

Assessment

At the meeting on 30 October 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, the drawings shown under the application reference number 23/04062/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 Guideline.
 - 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:

- The panel noted the letter of objection and the letter of support
- The panel noted the planning permission is granted to the property and not the individual so therefore should the applicant sell the property the next owner would have any permissions granted.
- The panel noted that the property was previously a residential property and therefore it is a suitable long-term residential property.
- The panel agreed that granted planning permission would result in the loss of residential property

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

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

12. Request for Review – 200 Piersfield Terrace, Edinburgh

Details were submitted for a request for review for retrospective change of use from house (Class 9) to a short term let (Sui Generis) at 200 Piersfield Terrace, Edinburgh. Application no: 23/05610/FULSTL

Assessment

At the meeting on 30 October 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 holding one or more hearing sessions on specific matters. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were 01,02 & 03 Scheme 1, the drawings shown under the application reference number 23/05610/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 Guideline.
 - Guidance for Businesses (2024)
- 3) The procedure used to determine the application.
- 4) The reasons for refusal and the arguments put forward in the request for a review.

Conclusion

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

- The panel discussed if there would be a detrimental impact on amenity. It was agreed that there would be an impact on the adjacent residential property and the neighbouring graveyard as those visiting the graveyard may be impacted.
- It was noted that as there would be no property manager on site and a representation had raised concerns regarding incorrect parking blocking access to the graveyard.
- It was further noted that the size of the property would allow for large groups to stay in the property and the noise could impact on amenity of residential neighbours and the neighbouring graveyard.
- The panel further agreed that it would be a loss of a residential property.

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

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