

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

10.00am, Wednesday 27 November 2024

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

1. Appointment of Convener

Councillor Thornley was appointed as Convener.

2. Minutes

To approve the minute of the Local Review Body (LRB Panel 2) of 30 October 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 – 13B Clarence Street, Edinburgh

Details were submitted for a request for review for the change of use from residential to short term let apartment at 13B Clarence Steet, Edinburgh. Application No. 23/04687/FULSTL.

Assessment

At the meeting on 27 November 2024, the LRB had been provided with copies of the notice of review submitted including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were 01A-02 Scheme 1, the drawings shown under the application reference number 23/04687/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)
 - City Plan 2030 Policy Hou 6 (Inappropriate Uses in Residential Areas)
 - City Plan 2030 Policy Inf 7 (Private Car Parking)
 - City Plan 2030 Policy Inf 6 (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 queried if it was possible to condition that the property did not permit pets. The panel were advised that this was not a competent planning condition.
- The panel noted the objections received.
- The panel agreed that there would be a detrimental impact on the amenity of neighbouring 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 City Plan 2030 Policy Hou 6 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).

5. Request for Review – 19 (1f1) Comely Bank Road, Edinburgh

Details were submitted for a request for review for change of use from residential to a short term let (in retrospect) at 1F1 19 Comely Bank Road Edinburgh. Application No: 23/05316/FULSTL

Assessment

At the meeting on 27 November 2024, the LRB had been provided with copies of the notice of review submitted including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were 01-03 Scheme 1, the drawings shown under the application reference number 23/05316/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)
 - City Plan 2023 Hou 6 (Inappropriate Uses in Residential Areas)
 - City Plan 2030 Policy Inf 7 (Private Car Parking)
 - City Plan 2030 Policy Inf 6 (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 agreed that the financial information provided did not outweigh the 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 City Plan 2023 Hou 6 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).

6. Request for Review – 219 (Flat 8) High Street, Edinburgh

Details were submitted for a request for review on behalf of Mrs Multon for short term let application for existing short term let property at Flat 8 219 High Street Edinburgh
Application no: 23/04880/FULSTL

Assessment

At the meeting on 27 November 2024, the LRB had been provided with copies of the notice of review submitted including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were 01-02 Scheme 1, the drawings shown under the application reference number 23/04880/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)

City Plan 2023 Hou 6 (Inappropriate Uses in Residential Areas)

City Plan 2030 Policy Inf 7 (Private Car Parking)

City Plan 2030 Policy Inf 6 (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 agreed that there would be an impact on the amenity of residential properties.
- The panel agreed that the area is suitable for residential properties as many residential properties currently exist in the area.

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 City Plan 2023 Hou 6 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 – 108 (1f1) McDonald Road, Edinburgh

Details were submitted for a request for review on behalf of Mr Simpson for change of use to short term let for 240 nights in a calendar year at 108 (1f1) McDonald Road, Edinburgh. Application no: 23/04320/FULSTL

Assessment

At the meeting on 27 November 2024, the LRB had been provided with copies of the notice of review submitted, including a request that the review proceed on the basis of an assessment of the review documents 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 01-05 Scheme 1, the drawings shown under the application reference number 23/04320/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)
 - City Plan 2030 Policy Hou 6 (Inappropriate Uses in Residential Areas)
 - City Plan 2030 Policy Inf 7 (Private Car Parking)
 - City Plan 2030 Policy Inf 6 (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 queried if the number for nights the property would be operating as a short term let is able to be conditioned. The panel were advised that this was not able to be conditioned, and that if the panel granted planning permission the property would be able to be operated as a short term let for the entire year.

- The panel agreed that granting permission would result in a change of use as the property would be able to be utilised as a short term let full time, resulting 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 City Plan 2030 Policy Hou 6 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).

8. Request for Review – 50 (flat 30) North Bridge, Edinburgh

Details were submitted for a request for review on behalf of Mr Rennie for Retrospective change of use to STL at 50 (flat 30) North Bridge, Edinburgh. Application no: 24/00664/FULSTL

Assessment

At the meeting on 27 November 2024, the LRB had been provided with copies of the notice of review submitted, including a request that the review proceed on the basis of an assessment of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling.

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

The plans used to determine the application were 01-02 Scheme 1, the drawings shown under the application reference number 24/00664/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 City Plan 2030, 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)

City Plan 2030 Policy Hou 6 (Inappropriate Uses in Residential Areas)

City Plan 2030 Policy Inf 7 (Private Car Parking)

City Plan 2030 Policy Inf 6 (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 questioned if there were residential properties within the building and the panel were advised that there were a number of residential properties.
- The panel requested information on the status of the enforcement action and were advised that the enforcement case was recently closed as the property was no longer advertised as a short term let.
- The panel agreed that the economic benefit did not outweigh the 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 City Plan 2030 Policy Hou 6 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, supporting documents, Further representation and response from agent, submitted).

9. Request for Review – 11 (1f2) Polwarth Place, 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, supporting documents, and further representations submitted).

10. Request for Review – Site 40 Metres East of 35 Station Road, Edinburgh

Details were submitted for a request for review on behalf of Mr Rennie for change of use from Class 8 residential care home to Class 9 housing; erection of 19x new build flats including associated infrastructure and landscaping. As amended at Site 40 Metres East Of 35 Station Road, Edinburgh. Application no: 23/06355/FUL

Assessment

At the meeting on 27 November 2024, the LRB had been provided with copies of the notice of review submitted, including a request that the review proceed on the basis of an assessment of the review documents, the holding of one or more hearing sessions 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, 02D, 03C, 04, 06C, 07B, 08B, 09B, 10, Scheme 5, the drawings shown under the application reference number 23/06355/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 City Plan 2030, principally:

National Planning Framework 4 Policy 1 (Sustainable Places Tackling the climate and nature crises)

National Planning Framework 4 Policy 9 (Brownfield, vacant and derelict land and empty buildings)

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 16 (Quality homes)

City Plan Policy Env 1 (Design Quality and Context)

City Plan Policy Env 33 (Amenity)

City Plan Policy Env 7 (Sustainable Developments)

City Plan Policy Env 8 (New Sustainable Buildings)

City Plan Policy Env 25 (Layout Design)

City Plan Policy Env 35 (Reducing Flood Risk)

City Plan Policy Env 36 (Designing for Surface Water)

City Plan Policy Hou 1 (Housing Development)

City Plan Policy Hou 2 (Affordable Housing)

City Plan Policy Hou 3 (Mixed Communities)

City Plan Policy Inf 3 (Infrastructure Delivery and Developer Contributions)

City Plan Policy Inf 6 (Cycle Parking)

City Plan Policy Inf 7 (Private Car Parking)

City Plan Policy Inf 8 (Design of Car Parking)

- 2) Relevant Non-Statutory Guideline.
Developer Contributions and Infrastructure Delivery Supplementary Guidance
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 access road and consideration was given to the width of the access road and if changes could be made to accommodate a footpath.
- It was noted that the road was previously deemed appropriate, however the planning permission and Road Construction Consent were issued some time ago and policies had been updated. The application was minded to grant in June 2010 and the decision notice was issued June 2014. The Road Construction Consent was granted in 2016 and subsequently extended.
- The panel discussed the outstanding planning matters outlined in the Report of Handling and agreed that further information was required from both the applicant and CEC Housing.

Having taken all the above matters into consideration, the LRB were unable to reach a decision and decided to continue consideration of the application for the following reasons:

To request further information from the applicant on the following:

- daylight and sunlight to the proposed development and proposed outdoor amenity areas to address the requirements of City Plan 2030 Policy Env 33 (Amenity);
- to address the consultation response from CEC Flooding (email dated 09 April 2024), and the requirements of City Plan 2030 Policy Env 35 (Reducing Flood Risk) and Policy Env 36 (Designing for Surface Water), particularly part (c.) regarding permeable surfaces;
- an updated S1 Form with all sections that apply to the proposals completed;
- to address the requirements of City Plan 2030 Policy Env 7 (Sustainable Developments) and Policy Env 8 (New Sustainable Buildings);
- to address the consultation response from CEC Transport (dated 4 March 2024) regarding cycle parking as per the Edinburgh Design Guidance and the Cycle Parking Factsheet C7;
- details of the outdoor lighting along the access road (including plans), confirmation that this has been constructed and that it complies with the Road Construction Consent;
- to address habitat and landscaping requirements in City Plan 2030, in particular Policy Env 25 (Layout Design), Policy Env 27 (Public Realm, New Planting and Landscape Design) and Policy Env 37 (Designing-in Positive Effects for Biodiversity).

Once the above-noted further information has been received from the applicant, it will be issued to the relevant consultees for their consideration before returning the case to the Panel.

To request further information from CEC Housing on the following matters:

- an updated consultation response to address the requirements of City Plan 2030 Policy Hou 2 (Affordable Housing) including the amount required via the payment of commuted sums.

Decision

To **CONTINUE** consideration of the matter to request further information from the applicant on the following:

- daylight and sunlight to the proposed development and proposed outdoor amenity areas to address the requirements of City Plan 2030 Policy Env 33 (Amenity);
- to address the consultation response from CEC Flooding (email dated 09 April 2024), and the requirements of City Plan 2030 Policy Env 35 (Reducing Flood Risk) and Policy Env 36 (Designing for Surface Water), particularly part (c.) regarding permeable surfaces;
- an updated S1 Form with all sections that apply to the proposals completed;
- to address the requirements of City Plan 2030 Policy Env 7 (Sustainable Developments) and Policy Env 8 (New Sustainable Buildings);
- to address the consultation response from CEC Transport (dated 4 March 2024) regarding cycle parking as per the Edinburgh Design Guidance and the Cycle Parking Factsheet C7;
- details of the outdoor lighting along the access road (including plans), confirmation that this has been constructed and that it complies with the Road Construction Consent;
- to address habitat and landscaping requirements in City Plan 2030, in particular Policy Env 25 (Layout Design), Policy Env 27 (Public Realm, New Planting and Landscape Design)
- and Policy Env 37 (Designing-in Positive Effects for Biodiversity).

Once the above-noted further information has been received from the applicant, it will be issued to the relevant consultees for their consideration before returning the case to the Panel.

The Local Review Body also requires further information from CEC Housing on the following matters:

- an updated consultation response to address the requirements of City Plan 2030 Policy Hou 2 (Affordable Housing) including the amount required via the payment of commuted sums.

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

11. Request for Review – 29 Tarvit Street, Edinburgh

Details were submitted for a request for review on behalf of Mrs Sun for Retrospective change of use from dwelling to STL at 29 Tarvit Street, Edinburgh. Application no: 23/04810/FULSTL

Assessment

At the meeting on 27 November 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 visit. 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 23/04810/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)
 - City Plan 2030 Policy Hou 6 (Inappropriate Uses in Residential Areas)
 - City Plan 2030 Policy Inf 7 (Private Car Parking)
 - City Plan 2030 Policy Inf 6 (Cycle Parking)
- 2) Relevant Non-Statutory Guideline.
Guidance for Business (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 requested clarity on why applicant considered the property was not appropriate for long-term residential use. Officers summarised the information provided in the Local Review supporting documents, noting that it had been suggested that there was an issue with affordability and noting that a bin was located in front of the property.
- The panel questioned whether the arrival and departure times of guests could be a condition of planning permission. The panel were advised that this would not be a competent planning condition.
- The panel did not agree with the assumptions made by the applicant and stated that planning decisions are based on policy and legislation.
- The panel further agreed that policy framework is clear and that the property is suitable as 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 City Plan 2030 Policy Hou 6 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).