

Committee Minutes

City of Edinburgh Planning Local Review Body

Edinburgh, 13 April 2011

Present: Councillors Morris (Convener), McIvor (substitute for Councillor Munn), Milligan, (for items 1 – 6A) and Rose (substitute for Councillor Mowat).

1 Appointment of Convener

Councillor Morris was appointed as Convener.

2 Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

3 Request For Review – 7 Whitelea Road, Edinburgh

The Planning Adviser reported that there had been a procedural error in processing the request for review submitted in respect of the refusal of planning permission for a development at 7 Whitelea Road, Edinburgh (application number 10/03261/ful).

The Planning Adviser confirmed that as the Local Review Body (LRB) had not commenced consideration of the review, any LRB panel could consider the request once the necessary procedures had been completed.

Decision

To withdraw the item pending completion of the necessary procedures.

(References – Notice of Review; Decision Notice and the Report of Handling, submitted)

4 Request For Review – 3A, 3b Merchiston Mews, Edinburgh

Details were provided of a request for review of refusal of planning permission for a change of use to commercial garages at 3A, 3B Merchiston Mews, Edinburgh (application no 10/02850/FUL).

The plans used to determine the application were numbered 01-04 being the drawings shown under the application reference number on the Council's Planning and Building Standards Portal.

The applicant had requested that the review be undertaken on the basis of an assessment of review documents and a site inspection. The Local Review Body (LRB) had been provided with copies of the notice of review together with copies of the decision notice and the report of handling submitted by the Head of Planning. The LRB also heard from the Planning Adviser who presented the plans of the development and summarised the issues raised.

The LRB having considered these documents and having considered the merits of a site inspection agreed that it had sufficient information before it and would therefore determine the review using only the information that had been circulated.

The LRB in their further deliberations on the matter considered the development plan, including the relevant policies of the Edinburgh City Local Plan and the relevant non-statutory guidelines, the procedures used to determine the application and the reasons for refusal.

The LRB, having considered the above matters, was of the opinion that the material considerations which it had identified were of sufficient weight to lead it to overturn the original determination by the Head of Planning and to grant planning permission. These material considerations were the local plan provisions concerning economic development and support for small business and employment. The LRB also believed that car parking provision would not be significantly affected by the development. In light of these factors the LRB did not feel that there were sufficient grounds to uphold the officer's decision.

Decision

To not uphold the decision by the Head of Planning and to grant planning permission for a change of use to commercial garages at 3A and 3B Merchiston Mews, Edinburgh (application number 10/02850/FUL) subject to the following conditions and informatives: -

Conditions

- 1 The hours of operation shall be restricted to 08.00 to 17.00, Monday to Saturday.

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- 2 Deliveries and collections, including waste collections, to be restricted to 08.00 to 17.00, Monday to Saturday.
- 3 The sound insulation properties or sound transmission characteristics of the structures and finishes shall be such that no impact or airborne noise from the normal operations within the application premises is audible in any neighbouring living apartment.
- 4 The design and installation of any plant machinery or equipment shall be such that any associated noise complies with NR 25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.
- 5 All music and vocals, amplified or otherwise shall be so controlled as to be inaudible within any neighbouring premises.

Informatives

- 1) The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
- 2) 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.
- 3) 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 – Notice of Review; Decision Notice and the Report of Handling, submitted)

5 Request For Review – 119 Gilmore Place, Edinburgh

Details were provided of a request for review of refusal of planning permission for a change of use from office (class 2) to flatted dwelling house at 119 Gilmore Place, Edinburgh (application no 10/01784/FUL).

The plan used to determine the application was numbered 01 being the drawing shown under the application reference number on the Council's Planning and Building Standards Portal.

The applicant had requested that the review be undertaken on the basis of an assessment of review documents and a site inspection. The Local Review Body

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(LRB) had been provided with copies of the notice of review together with copies of the decision notice and the report of handling submitted by the Head of Planning. The LRB also heard from the Planning Adviser who presented the plans of the development and summarised the issues raised.

The LRB having considered these documents and having considered the merits of a site inspection, agreed that it had sufficient information before it, and would therefore determine the review using only the information that had been circulated.

The LRB in their further deliberations on the matter considered the development plan, including the relevant policies of the Edinburgh City Local Plan and the relevant non-statutory guidelines, the procedures used to determine the application and the reasons for refusal. The LRB also took account of the characteristics of the Marchmont and Meadows Conservation Area.

The LRB, having taken all the above matters into consideration, were of the opinion that no information had been presented in all the review documents which would lead it to alter the original determination. The LRB therefore resolved to uphold the decision by the Head of Planning to refuse planning permission for the proposals.

Decision

To uphold the decision by the Head of Planning to refuse planning permission for a change of use from office (class 2) to flat dwelling house at 119 Gilmore Place, Edinburgh (application number 10/01784/FUL).

Reasons for Refusal

The proposal is contrary to Edinburgh City Local Plan Policy Ret 10 in respect of City Centre Retail Core, as the proposed change to residential use would be detrimental to the vitality of the defined local retail centre and therefore diminish the future viability of that centre for retail purposes.

(References – Notice of Review; Decision Notice and the Report of Handling, submitted)

6 Request For Review – GF1 21 Abercorn Terrace, Edinburgh

Details were provided of a request for review of refusal of planning permission for a part demolition of existing single storey rear extension and formation of new rear extension, formation of new single access driveway/parking off road to front at GF1 21 Abercorn Terrace, Edinburgh. (Application number 10/02398/FUL)

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The plans used to determine the application were numbered 01-07 being the drawings shown under the application reference number on the Council's Planning and Building Standards Portal.

The applicant had requested that the review be undertaken on the basis of a site inspection. The Local Review Body (LRB) had been provided with copies of the notice of review together with copies of the decision notice and the report of handling submitted by the Head of Planning. The LRB also heard from the Planning Adviser who presented the plans of the development and summarised the issues raised.

a) Single access driveway and parking

In respect of the part of the application relating to the formation of the single access driveway and parking, the LRB, having considered the documents submitted and having considered the merits of a site inspection, agreed that it had sufficient information before it and would therefore determine that part of the review using only the information circulated to it.

The LRB in their further deliberations on the matter considered the development plan, including the relevant policies of the Edinburgh City Local Plan and the relevant non-statutory guidelines, the procedures used to determine the application and the reasons for refusal. The LRB also took account of the Portobello Conservation Area Character Appraisal.

The LRB, having taken all the above matters into consideration, were of the opinion that no information had been presented in all the review documents which would lead it to alter the original determination. The LRB therefore resolved to uphold the decision by the Head of Planning to refuse planning permission for the formation of a new access/driveway off road to front.

b) Demolition of the existing rear extension and the formation of a new rear extension

In respect of the part of the application relating to the demolition of the existing rear extension and the formation of a new rear extension, the LRB agreed to proceed by way of an assessment of the documentation circulated and an unaccompanied site inspection. With the agreement of the applicant, who was present, the LRB decided to adjourn the meeting, undertake the site visit immediately and reconvene to determine the review.

The LRB in their further deliberations on the matter considered the development plan, including the relevant policies of the Edinburgh City Local Plan and the relevant non-statutory guidelines, the procedures used to determine the application and the reasons for refusal. The LRB also took account of the Portobello Conservation Area Character Appraisal.

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The LRB, having taken all the above matters into consideration, were of the opinion that no information had been presented in all the review documents which would lead it to alter the original determination. The LRB therefore resolved to uphold the decision by the Head of Planning to refuse planning permission for the proposals.

Decision

To uphold the decision by the Head of Planning to refuse planning permission for a part demolition of existing single storey rear extension and formation of new rear extension at GF1 21 Abercorn Terrace, Edinburgh. (Application number 10/02398/FUL).

Reasons for Refusal

- 1 The proposal is contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas – Development and the Council's Non-statutory Guidelines on Parking in Front Gardens, as the removal of the stone boundary wall to form the vehicular access to the front of the property and the associated formation of the hardstanding would have a detrimental impact upon the character of the Portobello Conservation Area, as it would result in the loss of the historic wall feature, sense of enclosure and open space to the front of the property.
- 2 The proposal is contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions, Policy Env 6 in respect of conservation areas – Development and the Council's Non-Statutory Guidelines on Housing Extensions and Alterations as the proposed rear extension is not in keeping with the character of the existing building, the development pattern to the rear of the neighbourhood or the character of the conservation area.

(References – Notice of Review; Decision Notice and the Report of Handling, submitted)

Dissent

Councillor Rose requested that his dissent be recorded in relation to the above decision.