

Committee Minutes

City of Edinburgh Planning Local Review Body

Edinburgh, 14 December 2011

Present: Councillors Burgess (Convener), Paisley, Peacock and Thomas

1 Chair

Councillor Burgess was appointed as Convener.

2 Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted)

3 Request For Review – 29-31 Abercromby Place, Edinburgh

Details were provided of a request for a review of the refusal of planning permission for the installation of 4 antennae to be attached to existing chimney within 4 GRP shrouds painted out to match existing chimney stonework, equipment to be located within internal cupboard at 29 – 31 Abercromby Place, Edinburgh. Application Number 11/02122/FUL.

The plans used to determine the application were reference numbers 01 - 07 Scheme 1, being the drawings shown under the application reference number on the Council's Planning and Building Standards Portal.

The LRB had been provided with copies of the notice of review submitted including the request that that the review proceed on the basis of an assessment of review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning.

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

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The LRB, having considered these documents, agreed that it had sufficient information before it and did not require to undertake a site inspection and would therefore determine the review using only information circulated to it.

The LRB in their further deliberations on the matter considered the following points:-

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) The non-statutory guidelines on “Radio Telecommunications” and “Setting of Listed Buildings”
- 3) The procedure used to determine the application, including the representation and consultation response received.
- 4) The reasons for refusal.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer’s report and was 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 Head of Planning.

Decision

To uphold the decision by the Head of Planning to refuse planning permission submitted for the installation of 4 antennae to be attached to existing chimney within 4 GRP shrouds painted out to match existing chimney stonework, equipment to be located within internal cupboard at 29 – 31 Abercromby Place, Edinburgh. Application Number 11/02122/FUL.

Reason for Refusal

- 1 The proposal was contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions, as the form and positioning of the GRP shrouds would adversely impact on the skyline and roofscape of the New Town Conservation Area and the Edinburgh World Heritage Site.
- 2 The proposal was contrary to Edinburgh City Local Plan Policy Env6 in respect of Conservation Areas - Development, as the GRP shrouds, due to their position and form, would neither preserve nor enhance the character of the New Town Conservation Area or the Edinburgh World Heritage Site.

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- 3 The proposal was contrary to Non Statutory Guidelines in respect of Telecommunications Installations, as the shrouds would alter the skyline/roofscape to the detriment of the area and the Edinburgh World Heritage Site.

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

4 Request For Review – 36 Barnton Park Crescent, Edinburgh

Details were provided of a request for a review of the refusal of planning permission for a two storey rear extension at 36 Barnton Park Crescent, Edinburgh. Application Number 11/01510/FUL.

The plans used to determine the application were reference numbers 01 - 07 Scheme 1 being the drawings shown under the application reference number on the Council's Planning and Building Standards Portal.

The LRB had been provided with copies of the notice of review submitted including the request that that the review proceed on the basis of an assessment of review documents and further written submissions. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning.

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

The LRB, having considered these documents, agreed that it had sufficient information before it, did not require to undertake any further procedures and would therefore determine the review using only the information circulated.

The LRB in their further deliberations on the matter considered the following points:-

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) The non-statutory guidelines on "House Extensions and Alterations", "Daylighting, Privacy And Sunlight"
- 3) The procedure used to determine the application, including representations received.
- 4) The reason for refusal.

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The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer's report and was 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 Head of Planning. The LRB also indicated that it had no objections in principle to extending the property, but that any future proposals should take into account the concerns regarding the proposed scale of the extension and the privacy implications.

Decision

To uphold the decision by the Head of Planning to refuse planning permission for a two storey rear extension at 36 Barnton Park Crescent, Edinburgh. Application Number 11/01510/FUL.

Reason for Refusal

The proposals were contrary to Policy Des 11 of the Edinburgh City Local Plan and to the Non-Statutory Guidelines on 'House Extensions and Alterations' as the rear extension was not architecturally compatible in design and scale with the original house, overwhelming the original form of the property to the detriment of the character and appearance of the property and surrounding area.

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

5 Request For Review – 47 Buckstone Road, Edinburgh

Details were provided of a request for a review of the refusal of planning permission to erect a one and a half storey extension with dormers to the front and rear to the side of the house at 47 Buckstone Road, Edinburgh. Application Number 11/02411/FUL.

The plans used to determine the application were reference numbers 01-04 Scheme 1 being the drawings shown under the application reference number on the Council's Planning and Building Standards Portal.

The LRB had been provided with copies of the notice of review submitted and the request that that the review proceed on the basis of an assessment of review documents and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning and the further comments received in respect of the Notice of Review.

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

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The LRB, having considered these documents, agreed that it had sufficient information before it, did not require to undertake a site inspection and would therefore determine the review using only the information circulated.

The LRB in their further deliberations on the matter considered the following points:-

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) The non-statutory guidelines on "House Extensions And Alterations" And "Dayllighting, privacy and sunlight"
- 3) The procedure used to determine the application, including representations received.
- 4) The further comments received in respect of the Notice of Review.
- 5) The reason for refusal.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer's report and was 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 Head of Planning.

Decision

To uphold the decision by the Head of Planning to refuse planning permission to erect a one and a half storey extension with dormers to the front and rear to the side of the house at 47 Buckstone Road, Edinburgh. Application Number 11/02411/FUL.

Reason for Refusal

The proposal would have introduced an extension with a roof form that is alien to the character and appearance of the house and group of four houses that the house forms part of, contrary to policy Des 11 of the Edinburgh City Local Plan and Non-statutory Guideline 'House Extensions and Alterations'.

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

6 Request For Review – 113 Craiglea Drive, Edinburgh

Details were provided of a request for a review of the Mixed Decision to part approve and part refuse planning permission for the conversion of a window to the rear to French doors and new French doors to study outshoot and a timber

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bike shed to front garden at 113 Craiglea Drive, Edinburgh. Application Number 11/02405/FUL.

The LRB had been provided with copies of the notice of review submitted and the request that that the review proceed on the basis of an assessment of review documents, further written submissions and a site inspection. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development and agreed to continue consideration of the review to a meeting on 21 December 2011 for further information on access to the rear of the property.

Decision

To continue consideration of the review to a meeting on 21 December 2011 for further information on access to the rear of the property.

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

7 Request For Review – 18 Dudley Grove, Edinburgh

Details were provided of a request for a review of the refusal of planning permission for a single storey rear extension at 18 Dudley Grove. Application number 10/10727/FUL.

The plans used to determine the application were reference numbers 1-3, 4A Scheme 2 being the drawings shown under the application reference number on the Council's Planning and Building Standards Portal.

The LRB had been provided with copies of the notice of review submitted and the request that that the review proceed on the basis of an assessment of review documents and further written submissions. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning and the further comments received in respect of the review.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. He also commented on the issues raised in respect of the representations which had been misplaced and on the amendments which had now been proposed to the extension. The LRB agreed not to have regard to the proposed amendments, considering these to be new material for which no justification for their late inclusion had been provided.

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The LRB, having considered these documents, agreed that it had sufficient information before it and did not require to undertake any further procedures and would therefore determine the review using only the information circulated.

The LRB in their further deliberations on the matter considered the following points:-

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) The non-statutory guidelines on “Daylighting, Privacy and Sunlight” and “House Extensions and Alterations”
- 3) The procedure used to determine the application, including representations received.
- 4) The further representations received in respect of the Notice of Review
- 5) The reason for refusal.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer's report and was 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 Head of Planning. The LRB further advised that it was unable to consider the new information submitted and that a new application for planning permission for these alternative proposals would be required to be submitted.

Decision

To uphold the decision by the Head of Planning to refuse planning permission for a single storey rear extension at 18 Dudley Grove. Application number 10/10727/FUL.

Reason for Refusal

The proposal was contrary to policies Env6 and Des11 of the Edinburgh City Local Plan and the Council's non-statutory guidelines in respect of House Extensions and Alterations as the proposed extension by reason of its design, scale, positioning and materials was not compatible with the character of the original building and would introduce an alien feature to the detriment of the character and appearance of the Victoria Park Conservation Area.

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

8 Request For Review – 81 Fountainbridge, Edinburgh

Details were provided of a request for a review of the refusal of planning permission for the change of use from Class 2 vacant bookmakers to a mixed use of a hot food carry out/restaurant/cafe and delicatessen, food restricted to Italian cuisine, primarily pizzas and pastas for the delicatessen restaurant and takeaway at 81 Fountainbridge, Edinburgh. Application Number 11/01211/FUL.

The plans used to determine the application were reference numbers 01,02,03a Scheme 1 being the drawings shown under the application reference number on the Council's Planning and Building Standards Portal.

The LRB had been provided with copies of the notice of review submitted. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning and the further comments received in respect of the Notice of Review.

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

The LRB, having considered these documents, agreed that it had sufficient information before it and would therefore determine the review.

The LRB in their further deliberations on the matter considered the following points:-

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) The non-statutory guidelines on "Food and Drink Establishments"
- 3) The procedure used to determine the application, including representations received.
- 4) The further comments received in respect of the Notice of Review.
- 5) The reason for refusal.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer's report and was 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 Head of Planning.

Decision

To uphold the decision by the Head of Planning to refuse planning permission for the change of use from Class 2 vacant bookmakers to a mixed use of a hot food carry out/restaurant/cafe and delicatessen, food restricted to Italian cuisine,

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primarily pizzas and pastas for the delicatessen restaurant and takeaway at 81 Fountainbridge, Edinburgh. Application Number 11/01211/FUL.

Reason for Refusal

The proposals were contrary to Edinburgh City Local Plan policies Ret12 and Hou8 and the non-statutory guidelines on Food and Drink Establishments, as they would contribute to an excessive concentration of food and drink establishments within this defined 'Area of Restriction' to the significant detriment of residential amenity.

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

9 Request For Review – 51 George IV Bridge, Edinburgh

Details were provided of a request for a review of the refusal of planning permission to replace the shopfront at 51 George IV Bridge, Edinburgh. Application Number 11/02219/FUL.

The plans used to determine the application were reference numbers 01 + 02 Scheme 1 being the drawings shown under the application reference number on the Council's Planning and Building Standards Portal.

The LRB had been provided with copies of the notice of review submitted. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning.

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

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

The LRB in their further deliberations on the matter considered the following points:-

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) The non-statutory guidelines on "Commercial Frontages" and on "Alterations to Listed Buildings".
- 3) The procedure used to determine the application.
- 4) The appeal decision in respect of Listed Building Consent

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5) The reasons for refusal.

The LRB considered the further submissions that the existing shopfront did not relate to the listed building as a whole, was out of character with the conservation area and was the only unit that had not been returned to the original design. The LRB concluded that the proposals in their current form did not diminish the architectural interest or character of the listed building, but would contribute to the unity of the overall street block. The LRB also considered that the proposals did not detract in any material way from the character and appearance of the conservation area.

The LRB, having taken all the above matters into consideration, 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 subject to the conditions detailed below.

Decision

To grant planning permission to replace the shopfront at 51 George IV Bridge, Edinburgh. Application Number 11/02219/FUL.

Condition

Details of the proposed materials, including samples, should be submitted to and approved in writing by the Head of Planning prior to the commencement of the development.

Reason

In order that this matter might be considered in more detail and to protect the character and appearance of the conservation area.

Informatives

- 1) The development hereby permitted should be commenced no later than the expiration of three years from the date of the consent.
- 2) No development should 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 would constitute a breach of planning control under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

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- 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)

10 Request For Review – 121-123 George Street, Edinburgh

Details were provided of a request for a review of the mixed decision to part-approve and part-refuse planning permission, for the replacement of 6 no chimney with 6 no GRP replica chimney pots to accommodate 4 no antenna and the erection of 2 no replica flagpoles to accommodate 2 no antenna with associated equipment located within existing roof top plant room at 121 – 123 George Street. Edinburgh. Application Number 11/01355/FUL.

The plans used to determine the application were reference numbers 1-12 Scheme 1 being the drawings shown under the application reference number on the Council's Planning and Building Standards Portal.

The LRB had been provided with copies of the notice of review submitted. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Head of Planning.

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

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

The LRB in their further deliberations on the matter considered the following points:-

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) The non-statutory guidelines on "Advertisements, Sponsorship and City Dressing"
- 3) The procedure used to determine the application, including representations received.
- 4) The reason for refusal.

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The LRB, having taken all the above matters into consideration, agreed with the assessment of the issues in the case officer's report and was 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 Head of Planning.

Decision

To uphold the mixed decision by the Head of Planning to part-approve and part-refuse planning permission for the replacement of 6 no chimney with 6 no GRP replica chimney pots to accommodate 4 no antenna and the erection of 2 no replica flagpoles to accommodate 2 no antenna with associated equipment located within existing roof top plant room at 121 – 123 George Street. Edinburgh. Application Number 11/01355/FUL.

Conditions of Approval

The permission related to the proposed replica chimney pots and 4 antennae on the existing plant room.

Reasons supporting Conditions of Approval

In order to recognise which elements of the proposals were recommended for approval.

Reasons for Refusal

- 1 The proposal was contrary to Edinburgh City Local Plan Policy Env6 in respect of Conservation Areas - Development, as the proposed replica flagpoles were an incongruous addition to the building having an adverse impact on the character and appearance of the conservation area.
- 2 The proposals were contrary to the non-statutory guidelines on Adverts and Sponsorship as - the proposed flagpoles were not appropriate in the context of the street to the detriment of the character of the area
- 3 The refusal related to the proposed 2 replica flagpoles to house new antennae.

INFORMATIVES

It should be noted that:

- 1 The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.

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- 2 The determination did not carry with it any necessary consent or approval for the proposed development under any other statutory enactments.

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

Declaration of Interest

Councillor Peacock declared a financial interest in the above item as an employee of the Church of Scotland, the owners of the property, and took no part in consideration of this item