

Committee Minutes

City of Edinburgh Planning Local Review Body

Edinburgh, 22 August 2012

Present: Councillors Brock, Child, McVey, Mowat and Perry

1 Chair

Councillor Mowat 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 – 104 Gilmore Place, Edinburgh

Details were provided of a request for a review of the refusal of planning permission for external ramps for disabled access and associated works (drop kerb with additional parking spaces and new steps to lower basement area and removal of walls) at 104 Gilmore Place, Edinburgh (Application No 11/03567/FUL).

The LRB had been provided with copies of the notice of review submitted, including a request that 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 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 plans used to determine the application were numbered 01-04 (Scheme 1), being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

The LRB, having considered these documents, and having adjourned the meeting to undertake a site inspection, agreed, when it reconvened, that it now had sufficient information before it, and would therefore determine the review using the information circulated to it and that observed on the site inspection.

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

- a) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- b) The non-statutory guidelines on the "Setting of Listed Buildings" and "Adaptation of Buildings for Access".
- c) The procedure used to determine the application.
- d) The reasons for refusal and the arguments put forward by the applicant in the request for a review.

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 or observed on the site inspection 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 external ramps for disabled access and associated works (drop kerb with additional parking spaces and new steps to lower basement area and removal of walls) at 104 Gilmore Place, Edinburgh (Application No 11/03567/FUL).

Reasons for Refusal

1. The proposal is contrary to Edinburgh City Local Plan Policy Des 5 in respect of External Spaces, as the ramps and associated works will cause a sense of visual clutter and loss of boundary enclosure to the surroundings.
2. The proposal is contrary to Non-Statutory Guidelines in respect of the Setting of Listed Buildings, as the ramps, step extensions and loss of stone boundary walls are detrimental to the setting of the listed building.
3. The proposal is contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions, as the ramps and associated works in form and positioning are not compatible with the character and amenity of the area.

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

4 Request For Review – 17 High Street, South Queensferry

Details were provided of a request for a review of the refusal of planning permission for a temporary marquee at the rear external area at 17 High Street, South Queensferry (Application No 12/00522/FUL).

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 review documents only. 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 plans used to determine the application were numbered 01-02 (Scheme 1), being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

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

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

- a) The development plan, including the relevant policies of the Rural West Edinburgh Local Plan.
- b) The non-statutory guidelines on the "Setting of Listed Buildings" and "Daylighting, Privacy and Sunlight".
- c) The procedure used to determine the application, including the consultation comments by Environmental Assessment.
- d) The reasons for refusal and the arguments put forward by the applicant in the request for a review.

The LRB carefully considered all the arguments put before it. The LRB noted that Environmental Assessment had indicated they had received complaints of noise breakout since the temporary consent for the marquee had been granted. The LRB also noted that a Freedom of Information request from the applicants seeking information on the specific dates the complaints had been received had shown that, of the two complaints received, one pre-dated the approved temporary consent and the other related to noise from the veranda on a date when there was no marquee present.

Having taken these factors into account, the LRB reached the conclusion that it had not been demonstrated that the proposal would result in increased noise nuisance to the detriment of residential amenity. The LRB further noted that the applicants proposed to extend the hours of operation of the marquee from 10pm

to 1am and, in view of this, felt it was appropriate to approve the application for a further period of one year in order to assess the impact of the increased hours of operation.

The LRB, having taken all the above matters into consideration, was of the opinion that the material considerations it had identified were of sufficient weight to lead it to overturn the original determination by the Head of Planning and to grant temporary permission for the proposals.

Decision

To not uphold the decision by the Head of Planning and to grant planning permission for a temporary marquee at the rear external area at 17 High Street, South Queensferry, (Application No 12/00522/FUL), subject to the following conditions:

Conditions

1. Permission is granted for a limited period of one year from the date of consent.
2. Consent is limited to a total of 124 days within the trial period. Any dates proposed shall be notified to the Head of Planning at least one week prior to the event.
3. The proposed hours of operation of the marquee shall be restricted to 10am to 1am daily.
4. The marquee shall be erected the day before an event and dismantled the following day, both operations to be restricted between the hours 8am to 6pm.
5. All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.

Reasons for Conditions

1. In order to assess the impact of the development over a trial period.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to safeguard the amenity of neighbouring residents and other occupiers.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.

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

5 Request For Review – 24 Newliston Road, Kirkliston

Details were provided of a request for a review of the mixed decision for a single storey extension to the side to provide new playroom and baby change room; single storey extension to rear to increase the size of the existing office and sleep-room; and the reorganisation of the existing car park to incorporate four new spaces at 24 Newliston Road, Kirkliston. (Application No 11/04086/FUL).

The LRB had been provided with copies of the notice of review submitted, including a request that that the review proceed on the basis of an assessment of review documents only. 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 plans used to determine the application were numbered 01-07 (Scheme 1), being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

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

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

- a) The development plan, including the relevant policies of the Rural West Edinburgh Local Plan.
- b) The non-statutory guidelines on "House Extensions and Alterations", "Daylighting, Privacy and Sunlight", "Development in the Countryside and Green Belt", "Trees and Development", "Parking Standards" and "Movement and Development".
- c) The Kirkliston Conservation Area Character Appraisal.
- d) The procedure used to determine the application.
- e) The reasons for refusal of part of the application that the proposal would result in an unacceptable threat to occupants due to flood risk, and the arguments put forward by the applicant in the request for a review that they monitored water levels on a daily basis (particularly at times of heavy rainfall) and had put in place satisfactory contingency plans and evacuation procedures.

Motion

To uphold the decision by the Head of Planning to:

1. Grant planning permission for the small rear extension on the south east elevation, subject to the following conditions;
 - a) The hours of operation shall be restricted to 7.30 am to 6.30 pm, Monday to Friday.
 - b) No development shall take place until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis and reporting, publication), in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Head of Planning and Building Standards, having first been agreed by the City Archaeologist.
2. To refuse planning permission for the remainder of the proposals for the following reason:

The proposed nursery extension and resulting intensification of use will result in an unacceptable threat to occupants due to flood risk from the River Almond and Niddry Burn, which are close to the application site. The proposed nursery extension is thus contrary to Rural West Edinburgh Local Plan Policy E45 (Flooding).

- moved by Councillor Perry, seconded by Councillor Mowat

Amendment

1. Due to the material considerations which had been put forward by the applicant, to not agree with the planning officer's assessment that the proposal would result in an unacceptable threat to occupants due to flood risk.
2. To not uphold the decision by the Head of Planning and to grant planning permission for a single storey extension to the side to provide a new playroom and baby change room, single storey extension to rear to increase the size of the existing office and sleep-room, and reorganisation of the existing car park to incorporate four new spaces at 24 Newliston Road, Kirkliston (Application No 11/04086/FUL), subject to the following conditions and informatives:

Conditions

1. The hours of operation shall be restricted to 7.30 am to 6.30 pm, Monday to Friday.
2. No development shall take place until the applicant has secured the implementation of a programme of archaeological work

(excavation, analysis and reporting, publication), in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Head of Planning and Building Standards, having first been agreed by the City Archaeologist.

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.
4. The applicant shall have regard to the additional measures recommended by the Council's Flood Prevention Officer in regard to concrete flooring, raised electrical sockets, water resistant coatings and other advice etc, contained in their report of 16 February 2012, of which the applicant has a copy.

- moved by Councillor Child, seconded by Councillor Brock.

Voting

For the Motion 2 votes
For the Amendment 3 votes

Decision

To not uphold the decision by the Head of Planning and to grant planning permission for a single storey extension to the side to provide a new playroom and baby change room, single storey extension to rear to increase the size of the existing office and sleep-room, and reorganisation of the existing car park to incorporate four new spaces at 24 Newliston Road, Kirkliston (Application No 11/04086/FUL), subject to the conditions and informatives set out in the amendment by Councillor Child above.

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

6 Request For Review – 4B and 5 Rosebery Crescent, Edinburgh

Details were provided of a request for a review of the refusal of planning permission and enforcement action for the retrospective formation of an opening in the boundary wall between garden ground of 4B and 5, the division of garden ground of 4B, construction of new boundary wall, partial reconstruction of brick piers and wall, and the construction of new piers and formation of grasscrete hard standing at 4B and 5 Rosebery Crescent, Edinburgh (Application No 12/00541/FUL).

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 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.

The plans used to determine the application were numbered 1 (Scheme 1), being the drawings shown under the application reference number on the Council's Planning and Building Standards Online Services.

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 the information circulated to it.

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

- a) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- b) The procedure used to determine the application.
- c) The reasons for refusal and the arguments put forward by the applicant in the request for a review.

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 and authorise enforcement action for the retrospective formation of an opening in the boundary wall between garden ground of 4B and 5, the division of garden ground of 4B, construction of new boundary wall, partial reconstruction of brick piers and wall, and the construction of new piers and formation of grasscrete hard

standing at 4B and 5 Rosebery Crescent, Edinburgh (Application No 12/00541/FUL).

Reason for Refusal

The proposal is contrary to Edinburgh City Local Plan Policy Env3 in respect of Listed Buildings - Setting, as the work undertaken inappropriately sub-divides the garden having an adverse impact on the setting of the building.

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