

## The City of Edinburgh Planning Local Review Body

10.00 am, Wednesday, 4 February 2015

**Present:** Councillors Howat, Mowat and Robson

### 1. Convener

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Councillor Robson was appointed as Convener.

### 2. Planning Local Review Body Procedure

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#### Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted.)

### 3. Request for Review – 11 Glenfinlas Street, Edinburgh

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Details were provided of a request for a review of the mixed decision to part grant and part refuse planning permission for proposed alterations and improvements internal and garden works and alterations to the rear elevation at 11 Glenfinlas Street, Edinburgh (Application No. 14/030712/FUL).

#### Assessment

At the meeting on 4 February 2015, the LRB had been provided with copies of the notice of review submitted by Lorn Macneal Architects on behalf of Peter Howell including a request that the review proceed on the basis of the review documents only. The LRB had also been provided with copies of the decision notice and the report of handling submitted by the Acting Head of Planning and Building Standards.

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 01-03, 04A, 05 – 06, Scheme 2, being the drawings shown under the application reference number 14/03071/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 and agreed to determine the review using the information circulated to it.

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

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:  
Policy Env4 (Listed Buildings – Alterations and Extensions)  
Policy Env6 (Conservation Areas Development)
- 2) The Non-Statutory Guidelines on:  
'Listed Buildings and Conservation Areas'.
- 3) The New Town Conservation Area Character Appraisal.
- 4) The procedure used to determine the application.
- 5) The reasons for refusal and the arguments put forward in the request for a review.

### **Conclusion**

The LRB carefully considered all the arguments put before it in respect of the proposed planning application.

The LRB, having taken all the above matters into consideration, did not agree with the assessment of the issues in the case officer's report and was of the opinion that the proposed cast iron juliet balcony would have a negligible effect and would not prejudice the architectural and historic interest of the listed building or adversely affect the character and appearance of the conservation area. It was of the view that other examples nearby gave justification for approval and the traditional design was preferable to a more modern and intrusive solution.

The LRB was of the opinion that the material considerations that it had identified were of sufficient weight to allow it to overturn the original determination by the Acting Head of Planning and Building Standards.

### **Decision**

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for proposed alterations and improvements internal and garden works and alterations to rear elevation at 11 Glenfinlas Street, Edinburgh (Application No. 14/030712/FUL), subject to standard planning conditions.

### **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.

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

### **3. Request for Review – 21 Greenbank Drive, Edinburgh**

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Details were provided of a request for a review of the refusal of planning permission for an existing attic to be converted into a bedroom with access onto verandah/roof terrace at 21 Greenbank Street, Edinburgh (Application No.14/003015/FUL).

#### **Assessment**

At the meeting on 4 February 2015, the LRB had been provided with copies of the notice of review submitted by Cockburn's Consultants on behalf of Darren Pease, 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 submitted by the Acting Head of Planning and Building Standards.

The LRB heard from the Planning Adviser who summarised the issues raised and presented the drawings of the development. It was noted that the applicant had offered to delete the verandah from the proposal, however the LRB must consider the scheme that was refused planning permission, not any amended scheme.

The plans used to determine the application were numbered 01-04, Scheme 1, being the drawings shown under the application reference number 14/03015/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 and agreed to determine the review using the information circulated to it.

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

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:  
Policy Des 11 (Alterations and Extensions)
- 2) Non-Statutory Guidelines on '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 carefully considered all the arguments put before it in respect of the proposed planning application.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the case officer's report in respect of the scale and positioning of the verandah/roof terrace which would result in overlooking to the detriment of residential amenity, however they did not feel that the rear dormer would result in a dominant, unsympathetic and intrusive feature and took into account that there were already three similar dormers in the area.

The LRB was of the opinion that although they could accept the argument to allow the rear dormer, the considerations that it had identified were not of sufficient weight to

allow it to overturn the original determination by the Acting Head of Planning and Building Standards.

## **Decision**

To uphold the decision by the Acting Head of Planning and Building Standards and to refuse planning permission for an existing attic to be converted into a bedroom with access onto verandah/roof terrace at 21 Greenbank Street, Edinburgh (Application No.14/003015/FUL), subject to standard planning conditions.

Reasons for Refusal:

1. The proposal is contrary to Policy Des 11 – Alterations and Extensions of the Edinburgh City Local Plan and the Council’s non statutory Guidance for Householders, by way of the design and scale of the rear dormer, resulting in a dominant, unsympathetic and intrusive feature, to the detriment of the character and appearance of not only the building, but also the surrounding area.
2. The proposal contravenes Policy Des 11 – Alterations and Extensions of the Edinburgh City Local plan and the non statutory Guidance for Householders, by way of the scale and positioning of the verandah/roof terrace resulting in overlooking, to the detriment of residential amenity.

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

(Councillor Howat requested his dissent to this decision be recorded)

## **5. Request for Review – 23 Jock’s Lodge, Edinburgh**

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Details were provided of a request for a review of the refusal of planning permission for alterations and change of use from hot food takeaway to one apartment flat at 23 Jock’s Lodge, Edinburgh (Application No. 14/03298/FUL).

### **Assessment**

At the meeting on 4 February 2015, the LRB had been provided with copies of the notice of review submitted by Scott Design on behalf of Mr Ali 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 submitted by the Acting Head of Planning and Building Standards.

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 01-03, Scheme 1, being the drawings shown under the application reference number 14/03298/FUL 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:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:

Policy Des 12 (Shopfronts)

Policy Hou5 (Conversion to Housing)

Policy Ret10 (Alternative Use of Shop Units)

Policy TRA4 (Private Car Parking)

- 2) The Non Statutory Guidelines on 'Guidance for Businesses' and 'Parking Standards'.
- 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 carefully considered all the arguments put before it in respect of the proposed planning application.

The LRB, having taken all the above matters into consideration, did not agree with the assessment of the issues in the case officer's report and was of the opinion that the proposals would not adversely affect the vitality and viability of the defined local retail centre, as the space was not located in an area that could now be considered to be successful as a retail outlet and had failed as such in recent years. Furthermore, the LRB felt that property would provide adequate floor space for the future occupiers of the development.

The LRB was of the opinion that the material considerations that it had identified were of sufficient weight to allow it to overturn the original determination by the Acting Head of Planning and Building Standards.

### **Decision**

To not uphold the decision by the Acting Head of Planning and Building Standards and to grant planning permission for alterations and change of use from hot food takeaway to one apartment flat at 23 Jock's Lodge, Edinburgh (Application No. 14/03298/FUL).

### **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 – Decision Notice, Report of Handling, and Notice of Review, submitted.)

## 6. Request for Review – 9 Lee Crescent, Edinburgh

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Details were provided of a request for a review of the refusal of planning permission to erect a upvc conservatory to the rear of the property at 9GF Lee Crescent, Edinburgh (Application No. 14/03312/FUL).

### Assessment

At the meeting on 4 February 2015, the LRB had been provided with copies of the notice of review submitted by Mr McCaskey on behalf of Mr Cummings 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 submitted by the Acting Head of Planning and Building Standards.

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 14/03312/FUL 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:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:
  - Policy Des 11 (Alterations and Extensions)
  - Policy Env 6 (Conservation Areas Development)
- 2) The Non Statutory Guidelines on 'Listed Buildings and Conservation Areas' and 'Guidance for Householders'
- 3) The Portobello Conservation Area Character Appraisal.
- 4) The procedure used to determine the application.
- 5) The reasons for refusal and the arguments put forward in the request for a review.

### Conclusion

The LRB carefully considered all the arguments put before it in respect of the proposed planning application.

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 the proposals would fail to preserve the character and appearance of the conservation area, and that the materials would be inappropriate in the historic built environment.

The LRB was of the opinion that the material considerations that it had identified were not of sufficient weight to allow it to overturn the original determination by the Acting Head of Planning and Building Standards.

### **Decision**

To uphold the decision by the Acting Head of Planning and Building Standards and to refuse planning permission to erect a upvc conservatory to rear of the property at 9 Lee Crescent, Edinburgh (Application No. 14/03312/FUL), subject to standard conditions.

### **Reasons for Refusal:**

1. The proposal is contrary to Edinburgh City Local Plan Env 6 in respect of Conservation Areas – Development, and non-statutory guidance for listed buildings and conservation areas, as the proposal fails to preserve or enhance the character or appearance of the conservation area because it dominates the rear elevation, obscures a substantial portion of the ground floor stone façade, results in the loss of a timber sash and case window and uses a material that is inappropriate in the historic built environment.
2. The proposal is contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions and non statutory Guidance for Householders, as the proposal is not compatible with the existing building because of its scale and design.

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

## **7. Request for Review – 50 Nicolson Street, Edinburgh**

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Details were provided of a request for a review of refusal of planning permission for a change of use from Class 11 (Assembly and Leisure) to Sui Generis (Public House) including external alterations at 50 Nicolson Street, Edinburgh, (Application No. 14/01864/FUL).

### **Assessment**

At the meeting on 4 February 2015, the LRB had been provided with copies of the notice of review submitted by Signet Planning on behalf of J.D. Weatherspoon PLC including a request that the review proceed on the basis of an assessment of the review documents and further representations. The LRB had also been provided with copies of the decision notice, the report of handling and further representations submitted by the Acting Head of Planning and Building Standards.

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 01-03+05-07, Scheme 2, being the drawings shown under the application reference number 14/01864/FUL 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:

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan:
  - Policy Des 11 (Alterations and Extensions)
  - Policy Env 6 (Conservation Areas Development)
  - Policy Hou 8 (Inappropriate Uses in Residential Areas)
  - Policy Ret 9 (Alternative Use of Shop Units)
  - Policy Ret 12 (Food and Drink Establishments)
  - Policy TRA 4 (Private Car Parking)
- 2) The Non Statutory Guidelines on 'Guidance for Businesses' and 'Parking Standards'.
- 3) The South Side Conservation Area character Appraisal
- 4) The procedure used to determine the application.
- 5) The reasons for refusal and the arguments put forward in the request for a review.

### **Conclusion**

The LRB carefully considered all the arguments put before it in respect of the proposed planning application.

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 the impact of the proposed change was too great and would have a negative effect on the amenity of nearby residents both above and adjoining the property.

The LRB was of the opinion that the material considerations that it had identified were not of sufficient weight to allow it to overturn the original determination by the Acting Head of Planning and Building Standards.

### **Decision**

To uphold the decision by the Acting Head of Planning and Building Standards and to refuse planning permission for change of use from Class 11 (Assembly and Leisure) to Sui Generis (Public House) including external alterations at 50 Nicolson Street, Edinburgh (Application No. 14/01864/FUL).

### **Reasons for Refusal:**

The proposals are contrary to Edinburgh City Local Plan Policies Ret 12, in respect of Food and Drink Establishments, and Hou 8, in respect of Inappropriate Uses in Residential Areas, as interpreted using the non statutory Guidance for Businesses, as the change of use to a public house would, given inadequate means of noise mitigation and ventilation to the premises, lead to an unacceptable increase in noise, odours and disturbance having a material detrimental effect on the living conditions for nearby residents both above and adjoining the application premises.

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