

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

10.00 am, Wednesday, 2 September 2015

**Present:** Councillors Blacklock, McVey, Perry and Balfour (items 5 and 6 only)

### 1. Convener

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Councillor Blacklock 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 – 34 Cockburn Street, Edinburgh

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Details were provided of a request for a review of the refusal of planning permission for change of use from retail (Class 1) to café (Class 3) (as amended from proposed restaurant) and new extract air duct on rear elevation at 34 Cockburn Street, Edinburgh (Application No.14/02887/FUL)

#### Assessment

At the meeting on 2 September 2015, the LRB had been provided with copies of the notice of review submitted by James Wasson of behalf of Mr Vahap Firat 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 14/02887/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 Ret 11 (Alternative Use of Shop Units in Other Locations)
  - Policy Env4 (Listed Building – Alterations and Extensions)
  - Policy Env 6 (Conservation Areas Development)
  - Policy Env 1 (World Heritage Site)
  - Policy Ca 1 (Central Area)
  - Policy Hou 8 (Inappropriate Uses in Residential Areas)
- 2) Non-Statutory Guidelines on ‘Listed Buildings and Conservation Areas’, ‘Guidance for Businesses’
- 3) Old 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 case officer’s report and was of the opinion that the proposal would not be detrimental to residential amenity and that there would be no adverse effect on the special shopping character of the street. Furthermore, the LRB also considered the vacant units in this location and were mindful that they wished to maintain the streets vitality and viability.

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 change of use from retail (Class 1) to café (Class 3) (as amended from proposed restaurant) and new extract air duct on rear elevation at 34 Cockburn Street, Edinburgh (Application No.14/02887/FUL), subject to an additional condition:

- (i) That a ventilation system capable of 30 air changes per hour shall be installed and fully operational prior to the use hereby approved being taken up.

### **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, Further representations, submitted.)

#### **4. Request for Review – 14 Ulster Drive, Edinburgh**

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Details were provided of a request for a review of the refusal of planning permission for an attic conversion including the introduction of front and rear dormer with extended roof ridge at 14 Ulster Drive, Edinburgh (Application No.15/00952/FUL).

##### **Assessment**

At the meeting on 2 September 2015, the LRB had been provided with copies of the notice of review submitted by G Mees, on behalf of Mr and Mrs Aitchison 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- 04, Scheme 1 being the drawings shown under the application reference number 15/00952/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, did not agree with the assessment of the case officer's report and was of the opinion that the proposal would not introduce a visually incongruous and obtrusive addition to the immediate streetscape to the detriment of neighbourhood amenity and character.

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 an attic conversion including the introduction of front and rear dormer with extended roof ridge at 14 Ulster Drive, Edinburgh (Application No.15/00952/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, Notice of Review and Further Representations, submitted.)

## **5. Request for Review – 76 Balcarres Street, Edinburgh**

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Details were provided of a request for a review of the refusal of planning permission to form an off road parking space within the existing garden. Excavation work would be required due to the slope of the garden to form a level parking area. There was currently a dropped kerb providing access to a small level area (as amended) at 76 Balcarres Street, Edinburgh (Application No: 15/00825/FUL).

### **Assessment**

At the meeting on 2 September 2015, the LRB had been provided with copies of the notice of review submitted by Lorna Morgan Architect on behalf of Mr K Murphy 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, 02A, 03A, 04A, Scheme 2, being the drawings shown under the application reference number 15/00825/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 1 (Design Quality and Context)
- 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 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 Acting Head of Planning and Building Standards.

### **Decision**

To uphold the decision by the Acting Head of Planning and Building Standards to refuse planning permission to form an off road parking space within the existing garden. Excavation work would be required due to the slope of the garden to form a level parking area. There is currently a dropped kerb providing access to a small level area (as amended) at 76 Balcarres Street, Edinburgh (Application No.15/00825/FUL).

### **Reasons for Refusal:**

1. The proposal is contrary to Edinburgh City Local Plan Policy Des 1 in respect of Design Quality and Context, as it will not be compatible with the character of the area by virtue of its visual impact and incongruity.
2. The driveway is contrary to the Council's non-statutory 'Guidance for Householders' as it does not meet the minimum depth requirement for parking in front gardens to the detriment of road safety.

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

## 6. Request for Review – 66 Hillhouse Road, Edinburgh

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Details were provided of a request for a review of the refusal of planning permission to erect a new extension to side and rear of house and form new dormer windows and rooflights to first floor and create new first floor extension to existing garage at 66 Hillhouse Road, Edinburgh (Application No: 15/01834/FUL)

### Assessment

At the meeting on 2 September 2015, the LRB had been provided with copies of the notice of review submitted by Allan Hardie, ARchitect on behalf of Mr Golam Ahad and Mrs Habiba Mimi 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 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- 11, Scheme 1 being the drawings shown under the application reference number 15/01834/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 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 Acting Head of Planning and Building Standards.

### Decision

To uphold the decision by the Acting Head of Planning and Building Standards and to issue a **MIXED DECISION** as detailed below.

- (i) To **GRANT** planning permission in relation to the side and rear extensions, and two front dormer windows.
- (ii) To **REFUSE** planning permission for the two storey, pitched roof garage extension at 66 Hillhouse Road, Edinburgh (Application No.15/01834/FUL).

**Reasons for Refusal:**

The proposal is contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions, as the garage extension will detract from the main house and from the neighbourhood character and appearance.

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