

The City of Edinburgh Planning Local Review Body

10.00 am, Wednesday 21 September 2016

Present: Councillors Keil (Chair), Bagshaw and Heslop.

1. Convener

Councillor Keil 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 – 152 Carrick Knowe Drive EH12 7EW

Details were provided of a request for a review for the proposed change of use of large mono-blocked patio to driveway and form appropriate dropped crossing access to new driveway (in retrospect) at 152 Carrick Knowe Drive, Edinburgh, Application No. 16/02078/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 21 September 2016.

Assessment

At the meeting on 21 September 2016, the LRB had been provided with copies of the notice of review submitted by Stewart McFarlane, 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 Head of Planning and Transport.

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, being the drawings shown under the application reference number 16/02078/FUL on the Council's Planning and Building Standards Online Services.

At this point the Planning Adviser highlighted to the LRB that the review documents stated that the original drawing plan submitted was not technically accurate, and misrepresented the depth of the area for the proposed driveway. A revised plan was submitted with the review documents and this reflected the full area and the photographic evidence that was provided. The Planning Adviser had visited the site and was satisfied that the amended plan represented what had actually been built.

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

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, including the rectified plan.

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 based on the original submitted plan.

The LRB acknowledged that had the scaled drawing been technically accurate when initially submitted, permission would have been granted.

Therefore, the LRB concluded that the proposal, based on the rectified accurate plan, was of sufficient size to accommodate an off-street parking space and would not be contrary to pedestrian and road safety as there would be no vehicle overhang on the public footpath. As such it complied with the Development Plan and non statutory guidance and so overturned the determination by the Head of Transport and Planning.

Decision

To not uphold the decision by the Head of Transport and Planning and to grant planning permission for the proposed change of use of large mono-blocked patio to driveway and form appropriate dropped crossing access to new driveway (in retrospect) at 152 Carrick Knowe Drive, Edinburgh Application No.16/02078/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, submitted.)

4. Request for Review – 39 Dundas Street, Edinburgh EH3 6QQ

Details were provided of a request for a review for the proposed change of use from bakery (Class 1) to a hybrid (Class 4) use (in retrospect) at 39 Dundas Street, Edinburgh. Application No 15/03641/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 21 September 2016.

Assessment

At the meeting on 21 September 2016, the LRB had been provided with copies of the notice of review submitted by Scott Hobbs Planning on behalf of Miss Caroline Walsh (Archipelago Artisan Bakery), 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 Head of Planning and Transport and a further submission from the applicant and further submission from the objector. At the request of the objector, a further Noise Impact Assessment dated 2 March 2016 was circulated.

The LRB heard from the Planning Adviser who summarised the issues raised and clarified that the application had been granted on 23 March 2016 with conditions applied to protect neighbouring amenity. The applicant was seeking a review of the conditions attached to the planning permission.

The plans used to determine the application were numbered 01-04, Scheme 1 being the drawings shown under the application reference number 15/03641/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.

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 HOU 8 (Inappropriate Use in Residential Areas)

Policy Ret 11 (Alternative Use of Shop Units in Other Locations)

- 2) Non-Statutory Guidelines on 'Guidance for Businesses'.
- 3) The procedure used to determine the application.
- 4) The reasons for the Conditions 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's conditions.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the case officer's report in respect of Condition 1, and confirmed that this should remain as part of the planning permission in order to safeguard the amenity of neighbouring residents and other occupiers. The LRB were in agreement that the prime factor for consideration was the amenity of residents. The LRB also made the observation that only one quote had been sought for the works required for compliance with Condition 1 and that there may be less expensive options.

The LRB agreed that there was scope to amend the restriction on the hours of operation in Condition 2 from the original 07.00 – 19.00 daily, on the basis that adequate soundproofing would be installed as a result of compliance with Condition 1, and therefore agreed amendments to the hours of operation thus:

The hours of use should be restricted to 05.00 – 19.00 daily. Within this time, no machines will be operated before 07.00, no tables and chairs shall be set up before 08.00 and no goods shall be sold from the premises before 08.00 daily.

No music or other amplified sound shall be played between the hours of 05.00 and 08.00 daily.

The amended conditions meant compliance with policy HOU8 and Guidance for Businesses.

Decision

To **partially uphold** the decision by the Head of Planning and Transport and to:

Refuse to amend condition 1 in relation to the proposed sound insulation recommendations as detailed in sections of 6.2 and 6.3 of the RMP Noise Impact Assessment (Archipelago Bakery, 39 Dundas Street, Edinburgh, EH3 6QQ (Technical Report No R-7406-GH-MI), dated 2 March 2016) also referred to as the Noise Impact Assessment on the Planning and Building Standards Portal shall be implemented in full within two months of the date of consent.

The required works are:

- a) An additional acoustic ceiling should be installed within the perimeter of the walls. The ceiling should be a suspended, metal or timber frame ceiling approximately 150mm below the underside of the existing plasterboard ceiling and incorporate a 50mm layer of acoustic quilt (such as Isovar APR1200 or equivalent

with density 10—36kg/m³). It should be finished with 1 no. layer of 15mm high density plasterboard (e.g. Gyproc Soundbloc).

- b) Service penetrations through the new ceiling are to be minimised and well sealed.
- c) Tables and chairs are fitted with rubber feet.

Amend condition 2, to the effect that:

- i) The hours of use should be restricted to 05.00 – 19.00 daily. Within this time, no machines will be operated before 07.00, no tables and chairs shall be set up before 08.00 and no goods shall be sold from the premises before 08.00 daily.
- ii) No music or other amplified sound shall be played between the hours of 05.00 and 08.00 daily.

(Reference – Decision Notice, Report of Handling and Notice of Review, Further Comments from Objector, further Comments from Applicant, submitted.)

5. Request for Review – 81 Milton Road East, Edinburgh EH15 2NL

Details were provided of a request for a review of the refusal of planning permission for the erection of a timber boundary fence (in retrospect), fit steel plates to existing garden gates and erect a garden shed at 81 Milton Road East, Edinburgh. Application 16/02089/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 21 September 2016.

Assessment

At the meeting on 21 September 2016, the LRB had been provided with copies of the notice of review submitted by D & H Farmer Architects on behalf of Mrs Janice Henderson, including a request 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 and Transport.

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 1-3, Scheme 1 being the drawings shown under the application reference number 16/02089/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.

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 4 (Listed Buildings – Alterations & Extensions)

Policy Env 3 (Listed Buildings – Setting)

- 2) Non-Statutory Guidelines on ‘Guidance for Householders’.
Non Statutory Guidelines on ‘Listed Buildings and Conservation Areas’
- 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, was concerned that planning permission had not been received prior to erecting the fence, but accepted retrospective applications could be made. The LRB was advised that based on the location plan it would appear that each of the cottages had an allocated area of garden although it had the appearance of a communal garden. However, this could only be determined by access to the title deeds.

The LRB took into consideration the argument put forward by the applicant that the fence provided immediate secure enclosure for their dog and that the fence had been erected without being fixed to the existing stone wall at either end and could be removed in the future without causing any damage to the walls. However, the LRB were in agreement that the erected fence detracted from the character and setting of this group of listed buildings, contrary to policies Env3 and Env4 of the local plan.

There was no objection to the proposed alterations to the existing garden gates and for the shed.

Therefore the LRB agreed a mixed decision and to refuse planning permission for the timber boundary fence and to grant planning permission for the proposed alterations to the existing garden gates and for the garden shed.

Reasons for Refusal:

1. The proposal is contrary to Edinburgh City Local Plan Policy Des 11 in respect of Alterations and Extensions, as the positioning of the fence is not compatible with the character of the existing building.
2. The proposal is contrary to Edinburgh City Local Plan Policy Env 4 in respect of Listed Building – alterations and Extensions, as the proposal will cause unnecessary damage and will diminish the interest of the historic structure.
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the proposal will seriously detract from the character of the listed building.

Decision

To issue a **mixed** decision.

Planning permission is **granted** for the proposed alterations to the existing garden gates and for the garden shed.

Planning permission is **refused** in respect of the timber boundary fence (retrospective).

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 and Notice of Review, submitted.)

6. Request for Review – 18 Northfield Park, Edinburgh EH8 7QX

Details were provided of a request for a review for the refusal of planning permission for the proposed new stair to attic, new dormer to rear of property and 2 new roof lights at 18 Northfield Park, Edinburgh. Application No.16/02730/FUL

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 21 September 2016.

Assessment

At the meeting on 21 September 2016, the LRB had been provided with copies of the notice of review submitted by HLP Architects on behalf of Mr Edwin Van Der Ven, 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 Head of Planning and Transport.

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

The plans used to determine the application were numbered 01-06, Scheme 1 being the drawings shown under the application reference number 16/02730/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.

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, considered that as the proposed dormer would be to the rear elevation of the property it would not be a bulky and incongruous addition to the roofscape which would be detrimental to the character of the building and of the neighbourhood, the LRB also noted that the neighbouring property had a dormer window to the attic. However the LRB did feel that the design would benefit from being centred and lowered slightly to mitigate its impact on the property and agreed that the following conditions be applied to the planning consent.

1. The dormer to be centred on the property footprint to the rear elevation.
2. The dormer roof height to be 120mm lower than the original submitted proposal to allow a roof connection that does not affect the existing ridge tile.

Therefore, with the additional conditions, the proposal complied with Policy Des 11 and Guidance for Householders, and the LRB overturned the determination by the Head of Planning and Transport.

Decision

To not uphold the decision by the Head of Planning and Transport and to grant planning permission for the proposed new stair to attic, new dormer to rear of property and 2 new roof lights at 18 Northfield Park, Edinburgh subject to standard planning conditions and the following conditions:

1. The dormer to be centred on the property footprint to the rear elevation.
2. The dormer roof height to be 120mm lower than the original submitted proposal to allow a roof connection that does not affect the existing ridge tile.

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 and Notice of Review, submitted.)

7. Request for Review – 25 Thornville Terrace, Edinburgh EH6 8DB

Details were provided of a request for a review for the refusal of planning permission for the proposed timber clad dormer extensions to east and west roof of terraced property at 25 Thornville Terrace, Edinburgh, which was dealt with by the Head of Planning and Transport under delegated powers.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 21 September 2016.

Assessment

At the meeting on 21 September 2016, the LRB had been provided with copies of the notice of review submitted by A449 Ltd on behalf of Miss Polly Griffiths, 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 Head of Planning and Transport.

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

The plans used to determine the application were numbered 01-04, Scheme 1 being the drawings shown under the application reference number 16/00282/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.

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) Non-Statutory Guidelines on 'Guidance for Householders'.
- 3) The Colony Conservation Areas Character Appraisals
- 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, considered that box dormers were commonplace in the area and could be considered part of the conservation area's character. As such they complied with Policy Des 11 and Env 6.

The LRB did not agree with the case officer's report in that the proposed dormer would be a bulky and incongruous addition to both roof planes of the property and would have a detrimental effect on its architectural integrity and appearance. They were a justified exception to the Guidance for Householders and the LRB therefore overturned the decision by the Head of Planning and Transport.

Decision

To not uphold the decision by the Head of Planning and Transport and to grant planning permission for the proposed timber clad dormer extensions to east and west roof of terraced property at 25 Thornville Terrace, Edinburgh subject to standard planning informatives.

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 and Notice of Review, submitted.)

(Councillor Bagshaw requested that his dissent be recorded for the above item)