

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

**10.00 am, Wednesday 28 March 2018**

**Present:** Councillors Booth, Child, Dixon, Graczyk and Osler.

### 1. Appointment of Convener

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Councillor Dixon was appointed as Convener.

### 2. Minutes

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To approve the minute of the Local Review Body (Panel 2) of 28 February 2018 as a correct record.

### 3. 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.)

### 4. Request for Review – 32C Broughton Street, Edinburgh

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Details were provided of a request for a review for the refusal of planning permission for the proposed change of use to Class 3 at 32C Broughton Street, Edinburgh. Application No. 16/05390/FUL.

#### Assessment

At the meeting on 28 March 2018, the LRB had been provided with copies of the notice of review submitted by Project Management on behalf of Mr Orgun, 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 Chief Planning Officer.

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 01-02 being the drawings shown under the application reference number 16/05390/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 Local Development Plan  
Policy Ret 9 (Attempted Use of Shop Units in Defined Centres)  
Policy Ret 11 (Food and Drink Establishments)  
Policy Env 4 (Listed Buildings – Alterations and Extensions)  
Policy Env 6 (Conservation Areas - Development)
- 2) Non-Statutory Guidelines on  
‘Guidance for Businesses’  
‘Developer Contributions and Affordable Housing’
- 3) Other Relevant Policy Guidance  
‘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 and discussion took place in relation to the following issues:

- Whether there had there been any complaints from the neighbours regarding noise and if it was necessary to continue the matter, for a noise impact assessment.
- Whether planning permission had previously been granted for the premises to be used as a Class 3 restaurant and the reasons why a new application was required.
- Whether the current use was class 3 and how long it has actually been in place.
- Whether there was a need to address ventilation issues.

The LRB members, having taken all the above matters in to consideration, had some concerns, especially in respect of noise and odour issues. However, they finally agreed not to uphold the decision of the Chief Planning Officer and to grant planning permission on the basis that it had been demonstrated that the use was well established and had clearly been operating for some years without complaint from neighbours. This was a material planning consideration which was sufficient to override any concerns about non-compliance with Policy Ret 11.

It therefore overturned the decision of the Chief Planning Officer and granted planning permission.

## **Decision**

To not uphold the decision by the Chief Planning Officer and to grant planning permission subject to the following informatives:

## **Informatives**

1. The development hereby permitted should be commenced no later than the expiration of three years from the date of this consent.
2. No development should take place on the site until a 'Notice of Initiation of Development' had been submitted to the Council stating the intended date on which the development was to commence. Failure to do so constituted 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.

This determination did not carry with it any necessary consent or approval for the proposed development under other statutory enactments. The Planning Website could be visited at [www.edinburgh.gov.uk/planningdecisions](http://www.edinburgh.gov.uk/planningdecisions) for further information.

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

## **5. Request for Review – 3 West Maitland Street, Edinburgh**

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Details were provided of a request for a review for the refusal of planning permission for the retention of an ATM installed through the shop front left hand window, left of the glazed entrance doors as a through glass installation. NCR 6825 ATM fascia with ATM top sign in black and green polycarbonate with white illuminated lettering a halo illumination. Green acrylic ATM fascia top sign with illuminated white lettering and accepted card logos, all in retrospect at 3 West Maitland Street, Edinburgh. Application No. 17/04909/FUL.

### **Assessment**

At the meeting on 28 March 2018, the LRB had been provided with copies of the notice of review submitted by Des Ager Design and Planning Consultant on behalf of Mrs Gaunt 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.

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 being the drawings shown under the application reference number 17/04909/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 Local Development Plan

Policy Env 4 (Listed Buildings – Alterations and Extensions)

Policy Env 6 (Conservation Areas - Development)

Policy Des 13 (Shopfronts)

- 2) Relevant Non-Statutory Guidelines.  
'Guidance for Businesses'
- 3) Other Relevant Policy Guidance.  
'The West End 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 and discussion took place in relation to the following issues:

- Whether the retention of the ATM would have a detrimental effect on the character of the area and that of the listed building.
- The comparison with other ATMs nearby and the relevance given each application must be judged on its own merits.
- Whether the ATM was sensitive or harmonious to the shopfront, as required by policy.
- Whether the large fascia sign justified the ATM

Although one of the members had some sympathy for the ATM, the LRB, having taken all the above matters into consideration, agreed with the assessment of the case officer's report and considered the works were neither sensitive or harmonious to the shopfront 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 Chief Planning Officer.

### **Decision**

To uphold the decision by the Chief Planning Officer to refuse planning permission.

### **Reasons for Refusal:**

The proposal did not represent an improvement on the design of the frontage, and formed a visually incongruous development which had an adverse impact on the unique architectural character of the listed building and which detracted from the character of the streetscape while also failing to preserve or enhance the character and appearance of the New Town Conservation Area. The proposal was contrary to policies Des 13, Env 4 and Env 6 of the LDP and the Council's Non-Statutory Guidance for Businesses.

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