

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

10.00 am, Wednesday 16 May 2018

Present: Councillors Booth, Dixon, Graczyk, Griffiths (substituting for Councillor Child) and Mowat (substituting for Councillor Osler).

1. Appointment of Convener

Councillor Booth was appointed as Convener.

2. Minutes

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

3. Planning Local Review Body Procedure

Decision

To note the outline procedure for consideration of reviews.

(Reference – Local Review Body Procedure, submitted.)

4. Request for Review – 11 Clerwood Park, Edinburgh

Details were provided of a request for a review for the refusal of planning permission for the proposed two-storey extension to front and side of house and single-storey extension to side of house at 11 Clerwood Park, Edinburgh. Application No. 18/00138/FUL.

The request was considered by the City of Edinburgh Planning Local Review Body (LRB) at a meeting on Wednesday 16 May 2018.

Decision

To continue consideration of the matter for a site visit.

Nancy Jamieson, Team Manager, Place would contact the applicant once the date for the site visit had been arranged.

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

5. Request for Review – 43 High Street, South Queensferry

Details were provided of a request for a review for the refusal of planning permission for the proposed installation of an ATM through shop front right hand window at 43 High Street, South Queensferry. Application No. 17/04335/FUL.

Assessment

At the meeting on 16 May 2018, the LRB had been provided with copies of the notice of review submitted by Des Ager Design and Planning Consultant on behalf of Mr Paul Cowell 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, 02, 03A and 4A being the drawings shown under the application reference number 17/04335/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'
'Listed Building and Conservation Area Character Guidance'
- 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 considered all the arguments put before it in respect of the proposed planning application and discussion took place in relation to the following issues:

- The LRB decided Policy RET 5 did not apply and did not take it into consideration as part of the review.
- The extent to which the proposals were harmonious or sensitive to the surrounding area and respected the listed building; and
- Whether the community benefits were a significant material planning consideration.

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 harmonious or sensitive to the surrounding area 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 failed to preserve or enhance the character and appearance of the Queensferry Conservation Area, and would have an adverse impact on the unique architectural and historical character of the listed building, contrary to policies Des 13, Env 4 and Env 6 of the Local Development Plan, and the Council's Non-Statutory Guidance for Businesses.

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

6. Request for Review – 12 Relugas Place, Edinburgh

Details were provided of a request for a review for the refusal of planning permission for the proposed new front porch at 10 Relugas Place, Edinburgh. Application No. 17/05850/FUL.

Assessment

At the meeting on 16 May 2018, the LRB had been provided with copies of the notice of review submitted by Project Management and Architectural Services on behalf of Mr and Mrs Dickson, 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, report of handling and original representations 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 the drawings shown under the application reference number 17/05850/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 Des 12 (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 and discussion took place in relation to the following issues:

- That this was not a conservation area or a listed building.
- That Policy Des 12 seemed to be the policy that the officer's decision was based on. However, there were no policies listed in the reasons for refusal.
- Whether the proposals were in proportion with the house.
- How much bigger the porch was than under permitted development rights.
- Whether it affected the character of the building or of the area.
- That the applicant had made the case that there were a number of other porches in the area.

The LRB members, having taken all the above matters in to consideration, decided the porch would not have a negative impact and would not be detrimental to the character and amenity of the area. It agreed not to uphold the decision of the Chief Planning Officer and to grant planning permission on the basis that the proposed porch would not detract from the form or design of the original building, would not create an unsympathetic addition to the property, or would not have an unacceptable impact upon the surrounding area. 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 is 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. Please visit the webpage at www.edinburgh.gov.uk/planningdecisions for further information.

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

7. Request for Review – 1A Royston Terrace, Edinburgh

Details were provided of a request for a review for the refusal of planning permission for the proposed change of use from a retail/office unit into a studio flat with associated alterations at 1A Royston Terrace, Edinburgh. Application No. 17/05040FUL.

Assessment

At the meeting on 16 May 2018, the LRB had been provided with copies of the notice of review submitted by Sorrell Associates on behalf of Ms Elaine McManus 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 1-2 of Scheme 1 being the drawings shown under the application reference number 17/05040/FUL on the Council's Planning and Building Standards Online Services.

The LRB was informed that new information had been presented on the location of the site within the local centre and agreed to accept this new information as part of the determination.

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 (Alternative Use of Shop Front Units in Defined Centres)
 - Policy Hou 5 (Conversion to Housing)
 - Policy Des 1 (Design Quality and Context)
 - Policy Des 12 (Alterations and Extensions)
 - Policy Des 13 (Shopfronts)
 - Policy Env 6 (Conservation Areas - Development)
- 2) Relevant Non-Statutory Guidelines.
 - 'Guidance for Businesses'
 - 'Listed Buildings and Conservation Areas'
 - 'The Inverleith Conservation Area Character Appraisal'
- 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 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 site was within the Golden Acre Local Centre. As the address was not included in Appendix 2 of the Local Development Plan, it was concluded it was not within the local centre. Policy Ret9 did not therefore apply.
- Whether Policy RET 5 was relevant as a ground for refusal.
- What the impact of the external changes would be on the character and appearance of the conservation area; and
- Whether non-conformity with Edinburgh Design Guidance in terms of floor area meant the unit was not suitable for residential use.

The LRB, having taken all the above matters into consideration, agreed with the assessment of the case officer's report in terms of the adverse impact on the character and appearance of the conservation area and the fact a satisfactory residential environment could not be achieved. It was agreed that Policy RET 5 was not relevant as a ground for refusal. The LRB 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:

1. The proposal was contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the loss of a good quality shopfront would adversely affect the character and appearance of the conservation area.
2. The proposal was contrary to the Local Development Plan Policy Hou 5 in respect of Conversion to Housing, as the minimum requirements for floor space had not been met and therefore did not provide a satisfactory residential environment.

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

8. Request for Review – 25 South Gray Street (Land 15 Metres West Of), Edinburgh

Details were provided of a request for a review for the refusal of planning permission for the proposed installation of a PCP and BT Broadband cabinet which provided super-fast fibre optic broadband to the area at 25 South Gray Street (Land 15 Metres West Of), Edinburgh. Application No. 17/04566FUL.

Assessment

At the meeting on 16 May 2018, the LRB had been provided with copies of the notice of review submitted by Openreach 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, original representations 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 01-08 being the drawings shown under the application reference number 17/04566/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 RS 7 (Telecommunications)
Policy Des 1 (Design Quality and Context)
Policy Env 6 (Conservation Areas - Development)
- 2) Relevant Non-Statutory Guidelines.
'Guidance for Businesses'
- 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 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 applicant had explored all the other options available and had demonstrated that these were not feasible and if this complied with Local Development Plan Policy.
- Whether the introduction of these cabinets would lead to unacceptable street clutter.

The LRB, having taken all the above matters into consideration was concerned about the likely street clutter and the fact no evidence had been provided as to why this was the only location possible for these units. It agreed with the assessment of the case officer's report and they were 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 was contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas – Development and Policy RS 7 in respect of Telecommunications,

as the proposal in this location would bring a combined total of four telecom cabinets in close proximity, which in turn, would visually clutter the amenity of the streetscene and adversely impact on the character and appearance of the conservation area.

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

9. Request for Review – 12 Watertoun Road, Edinburgh

Details were provided of a request for a review for the refusal of planning permission for the proposed new single storey front extension, set back from existing building line of neighbouring property at 12 Watertoun Road, Edinburgh. Application No. 17/05139FUL.

Assessment

At the meeting on 16 May 2018, the LRB had been provided with copies of the notice of review submitted by Kyla Martin Architectural Services on behalf of Mrs Natalie Homer, 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 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 the drawings 01-03 of Scheme 1, shown under the application reference number 17/05139/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 Des 12 (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 and discussion took place in relation to the following issues:

- Whether the proposals would have a detrimental effect on the property and the area.

- With regard to Guidelines for Householders, whether the building line was determined by the building on the left or right of the building. If it was determined by the building to the left, then it would be contrary to Guidance.
- Whether the scale, form and design of the proposals were detrimental to the area and complied with Policy DES12.

There were some concerns expressed by one member about the position of the building in respect of the building line. However, the LRB members, having taken all the above matters in to consideration agreed not to uphold the decision of the Chief Planning Officer and to grant planning permission on the basis that the proposed new single storey front extension would not have an adverse effect on the scale, form and design of the property and so was compatible with it. There was a variation of properties in the area and the extension would not be detrimental to the character of the area. It was not contrary to Policy Des 12 the Edinburgh Local Development Plan and non-statutory Guidance for Householders. 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 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.

This determination did not carry with it any necessary consent or approval for the proposed development under other statutory enactments. Please visit the webpage at www.edinburgh.gov.uk/planningdecisions for further information.

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

Dissent

Councillor Booth requested that his dissent be recorded in respect of the above item.