

## Committee Minutes

---

# City of Edinburgh Planning Local Review Body

Edinburgh, 10 August 2011

**Present:-** Councillors McIvor (Convener), Lowrie, and Rose.

### **1 Appointment of Convener**

Councillor McIvor was appointed as Convener.

### **2 Planning Local Review Body Procedure**

#### **Decision**

To note the outline procedure for consideration of reviews.

### **3 Request For Review – 53-55 Broughton Street, Edinburgh**

Details were provided of a request for a review of the refusal of planning permission for the replacement of windows with sliding doors and the restoration of original stone pillars at 53-55 Broughton Street, Edinburgh (application number 11/00604/FUL).

The plans used to determine the application were reference numbers 1-5 (scheme 1) being the drawings shown under the application reference number on the Council's Planning and Building Standards Portal.

The applicant had requested that the review proceed on the basis of assessment of the review documents and a site inspection. The Local Review Body (LRB) had been provided with copies of the notice of review together with copies of the decision notice and the report of handling submitted by the Head of Planning. The LRB also heard from the Planning Adviser who summarised the issues raised.

City of Edinburgh Planning Local Review Body  
10 August 2011

The LRB, having considered these documents and having adjourned the meeting to undertake a site inspection, agreed, when it reconvened, that it now had sufficient information before it and would therefore determine the review using only the information circulated to it and as observed on the site visit.

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

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) The Council's Non-Statutory Guidelines on Commercial Frontages.
- 3) The procedure used to determine the application
- 4) The reasons for refusal.

The LRB, having taken all the above matters into consideration, was of the opinion that no information had been presented which would lead it to alter the original determination. The LRB therefore resolved to uphold the decision by the Head of Planning to refuse planning permission for the proposals.

### **Decision**

To uphold the decision by the Head of Planning to refuse planning permission for the replacement of windows with sliding doors and the restoration of original stone pillars at 53-55 Broughton Street (application number 11/00604/FUL).

### **Reasons for Refusal**

- 1) The proposal was contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas – Development, as the proposed alteration would be inappropriate having an adverse impact on the character and appearance of the conservation area.
- 2) The proposal was contrary to the Edinburgh City Local Plan Policy Des 12 in respect of shopfronts, as the loss of traditional features would have an inappropriate impact on the character and appearance of the area.
- 3) The proposal was contrary to the Non-Statutory Guidelines in respect of Commercial Frontages, as the alterations would fail to respect the historic character and appearance of the conservation area.

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

## **Dissent**

Councillor Rose requested that his dissent from the above decision be recorded.

### **3 Request for Review – 12 Home Street, Edinburgh**

Details were provided of a request for a review of the refusal of planning permission for a change of use from shop to office (class 2) at 12 Home Street, Edinburgh (application number 11/00224/FUL).

The plan used to determine the application was reference number 01 (scheme 1) being the drawing shown under the application reference number on the Council's Planning and Building Standards Portal.

The applicant had requested that the review proceed on the basis of assessment of the review documents and a site inspection. The Local Review Body (LRB) had been provided with copies of the notice of review together with copies of the decision notice and the report of handling submitted by the Head of Planning. The LRB also heard from the Planning Adviser who summarised the issues raised.

The LRB also heard from the Planning Adviser who summarised the issues raised.

The LRB having considered these documents and having considered the merits of a site inspection or other procedure, agreed that it had sufficient information before it and would therefore determine the review using only the information circulated to it.

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

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) The procedure used to determine the application, including the representation submitted.
- 3) The reason for refusal.

The LRB carefully considered all the material before it, including the arguments which had been put forward in the request for the review. It noted the difficulties in the area, especially for small retail units, in the current economic downturn, as evidenced by the number of vacant units in the vicinity and considered the applicant's arguments to be persuasive. It agreed that the proposed use would contribute to the overall vitality and viability of the area and was acceptable.

City of Edinburgh Planning Local Review Body  
10 August 2011

The LRB did not agree with the applicant's view that the officer had erred in the way in which they had carried out their assessment of the proposals, but having taken all the above matters into consideration, was of the opinion that the material considerations which it had identified, were of sufficient weight to lead it to overturn the original determination by the Head of Planning and to grant planning permission.

### **Decision**

To grant planning permission for change of use from shop to office (class 2) at 12 Home Street (application number 11/00224/FUL) subject to the following conditions:

- 1) The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent. Reason: to accord with legislative requirements.
- 2) The design, installation and operation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment and no structure borne vibration is perceptible within any nearby living apartment. Reason: in order to protect the amenity of neighbouring occupiers from excessive noise disturbance or vibration.

## **4 Request for Review – Flat 1, 2, 3, 4, 5, 6, 8, 9, 13 and 15 40 Woodhall Road, Edinburgh**

Details were provided of a request for a review of the condition, and its supporting reason, attached to the grant of planning permission for the replacement of existing external cladding including walls, windows, new windows and balconies at 1, 2, 3, 4, 5, 6, 8, 9, 13 and 15 40 Woodhall Road, Edinburgh (application number 11/00541/FUL).

The plans used to determine the application were reference numbers 01-07 (scheme 1) being the drawings shown under the application reference number on the Council's Planning and Building Standards Portal.

The applicant had requested that the review proceed on the basis of assessment of the review documents and a site inspection. The Local Review Body (LRB) had been provided with copies of the notice of review together with copies of the decision notice and the report of handling submitted by the Head of Planning.

The LRB also heard from the Planning Adviser who presented the plans submitted and a sample of the proposed cladding material and summarised the issues raised.

City of Edinburgh Planning Local Review Body  
10 August 2011

The LRB having considered these documents and having considered the merits of a site inspection or other procedure, agreed that it had sufficient information before it and would therefore determine the review using only the information circulated to it.

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

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) The Council's Non-Statutory Guidelines on House Extensions and Alterations and on Daylighting, Privacy and Sunlight.
- 3) The procedure used to determine the application.
- 4) The reason for the attachment of conditions to the grant of planning permission.

The LRB considered the applicant's arguments and reached the conclusion that the colour of the cladding material proposed would not detract from the character or appearance of the Colinton Conservation area which would be preserved. It was of the view that these works would add interest to the character of the building and that there was therefore no need for the condition imposed. The LRB noted that the works might also serve as an example for others to follow in the remaining units, not part of this application, but that was not part of their formal determination.

The LRB, having taken all the above matters into consideration, was of the opinion that the material considerations which it had identified, were of sufficient weight to lead it to overturn the decision by the Head of Planning to attach a condition to the planning consent relating to the colour of the proposed composite timber cladding.

### **Decision**

To not uphold the decision by the Head of Planning to attach an additional condition to the planning consent for the replacement of existing external cladding including walls, windows, new windows and balconies (application number 11/00541/FUL) and to remove the condition relating to the colour of the proposed composite timber cladding and render from the consent.

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

## **5 Request for Review – 22A Calton Road, Edinburgh**

Details were provided of a request for a review of the refusal of planning permission submitted on behalf of your clients, Vodafone and O2, for the proposed erection of a 9m tall replica flag pole affixed to the gable of the building to accommodate Vodafone and O2 antenna within GRP shroud (associated cabinet within building) at 22A Calton Road, Edinburgh (application number 11/00185/FUL).

The plans used to determine the application were reference numbers 01-04 (scheme 1) being the drawings shown under the application reference number on the Council's Planning and Building Standards Portal.

The applicant had requested that the review proceed on the basis of assessment of the review documents and a site inspection. The Local Review Body (LRB) had been provided with copies of the notice of review together with the decision notice and the report of handling submitted by the Head of Planning.

The LRB also heard from the Planning Adviser who presented the plans submitted and summarised the issues raised.

The LRB having considered these documents and having considered the merits of a site inspection or other procedure, agreed that it had sufficient information before it and would therefore determine the review using only the information circulated to it.

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

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) The Old Town Conservation Area Character Appraisal.
- 3) The Council's Non-Statutory Guidelines on Radio Telecommunications.
- 4) The procedure used to determine the application and the assessment of alternative sites.
- 5) The reasons for refusal.

The LRB, having considered the plans of the proposals and the illustrative material including photomontages, which had been submitted, was not persuaded that the mast/"flag pole" would be unduly prominent or obtrusive given its location in a lower lying area. The LRB noted the confusion as to the size of the "flag pole", but considered that this issue could be covered by the imposition of a condition restricting the maximum diameter of the pole in the

City of Edinburgh Planning Local Review Body  
10 August 2011

interests of amenity and to protect the character and appearance of the conservation area. The LRB, having taken all the above matters into consideration, was of the opinion that the material considerations which it had identified, were of sufficient weight to lead it to overturn the original determination by the Head of Planning and to grant planning permission.

### **Decision**

To grant planning permission for the proposed erection of a 9m tall replica flag pole affixed to the gable of the building to accommodate Vodafone and 02 antenna within GRP shroud (associated cabinet within building) at 22A Calton Road, Edinburgh (application number 11/00185/FUL), subject to the following conditions:

- 1) The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent. Reason: to accord with planning legislation.
- 2) The diameter of the replica flag pole shall not exceed 275mm in diameter. Reason: in the interests of visual amenity and to safeguard the character and appearance of the conservation area.

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

### **Dissent**

Councillor Lowrie requested that his dissent from the above decision be recorded.

## **6 Request for Review – 3F, 4 Bellevue Terrace, Edinburgh**

Details were provided of a request for a review of the refusal of planning permission to remove existing windows, increase the width of window openings and fit new double-glazed, metal-framed windows, form a roof terrace, painted felt roof on front roof slopes covered with re-used Scotch slates at 3F, 4 Bellevue Terrace, Edinburgh (application number 11/00190/FUL).

The plans used to determine the application were reference numbers 1-8 (scheme 1) being the drawings shown under the application reference number on the Council's Planning and Building Standards Portal.

The applicant had requested that the review proceed on the basis of assessment of the review documents, the holding of one or more hearings and a site inspection. The Local Review Body (LRB) had been provided with copies of the notice of review together with the decision notice and the report of handling submitted by the Head of Planning.

City of Edinburgh Planning Local Review Body  
10 August 2011

The LRB also heard from the Planning Adviser who presented the plans submitted and summarised the issues raised.

The LRB having considered these documents and having considered the merits of a site inspection or other procedure, adjourned the meeting to undertake an unaccompanied site inspection and agreed, when it reconvened, that it now had sufficient information before it and would therefore determine the review using the information circulated to it and as observed on the site visit.

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

- 1) The development plan, including the relevant policies of the Edinburgh City Local Plan.
- 2) The New Town Conservation Area Character Appraisal.
- 3) The procedure used to determine the application.
- 4) The reasons for refusal.
- 5) The representation submitted in respect of the review and the applicant's response to the representation.

The LRB, having visited the site, inspected the property internally and viewed it from the open space opposite, was of the view that the effect of the proposals on the character and appearance of the conservation area would be limited. This property was already different at roof level from its neighbours and there would be no significant change to the roof profile, other than the cut out section to form the roof terrace. No part of the roof would be increased in height. The character and appearance of the conservation area would therefore be preserved. They also considered that the impact on the listed building would not be significant and that the majority of the works would be screened by the existing balustrade. The slate finish would be an improvement and any spillage of light from the roof terrace at night referred to, would not be significant.

The LRB, having taken all the above matters into consideration, was of the opinion that the material considerations which it had identified and which are described above, were of sufficient weight to lead it to overturn the original determination by the Head of Planning and to grant planning permission subject to the condition detailed below.



## **Decision**

To grant planning permission to remove existing windows, increase the width of window openings and fit of new double-glazed, metal-framed windows, form a roof terrace, painted felt roof on front roof slopes covered with re-used Scotch slates (application number 11/00190/FUL), subject to the following condition:

- 1) The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

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

## **7 Request for Review – Land 23 Metres South of 511 Lanark Road West, Edinburgh**

Details were provided of a request for a review of the refusal of planning permission for the erection of 2 detached 1.5 storey dwellings with associated landscaping on land 23 metres south of 511 Lanark Road West, Edinburgh (application number 10/02981/FUL).

The plans used to determine the application were reference numbers 01-05 (scheme 1) being the drawings shown under the application reference number on the Council's Planning and Building Standards Portal.

The applicant had requested that the review proceed on the basis of assessment of the review documents, further written submissions, the holding of one or more hearings and a site inspection. The Local Review Body (LRB) had been provided with copies of the notice of review, together with the decision notice and the report of handling submitted by the Head of Planning.

The LRB also heard from the Planning Adviser who summarised the issues raised.

The LRB having considered these documents and having considered the merits of a site inspection or other procedure, agreed that it had sufficient information before it and would therefore determine the review using only the information circulated to it.

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

- 1) The development plan, including the relevant policies of the Rural West Edinburgh Local Plan.

City of Edinburgh Planning Local Review Body  
10 August 2011

- 2) The Council's Non-Statutory Guidelines on Daylighting, Privacy and Sunlight; Villa Areas and the Grounds of Villas; Trees and Development; and Development in the Countryside and Green Belt.
- 3) The Balerno Conservation Area Character Appraisal.
- 4) The procedure used to determine the application, including the representations made in respect of the application.
- 5) The reasons for refusal.
- 6) The representation submitted in respect of the review and the applicant's response to the representation.

The LRB, having taken all the above matters into consideration, was of the opinion that no information had been presented which would lead it to alter the original determination. The LRB therefore resolved to uphold the decision by the Head of Planning to refuse planning permission for the proposals.

### **Decision**

To uphold the decision by the Head of Planning to refuse planning permission for the erection of 2 detached 1.5 storey dwellings with associated landscaping on land 23 metres south of 511 Lanark Road West, Edinburgh (application number 10/02981/FUL).

### **Reasons for Refusal**

- 1) The proposals affected the open character of the area to the south of the development site and therefore failed to preserve or enhance the character and appearance of the Balerno Conservation Area contrary to policies E35 and E36 of the Rural West Edinburgh Local Plan and Non-statutory Guideline 'Villa Areas and Grounds of Villas'.
- 2) The proposals failed to minimise impact on its immediate surroundings and general landscape setting contrary to policy E44 of the Rural West Edinburgh Local Plan and Non-statutory Guideline 'Villa Areas and Grounds of Villas'.
- 3) The proposals failed to safeguard the trees on the site and any loss of trees in addition to the ones proposed to be removed would adversely affect the character and appearance of the conservation area contrary to policies E35 and E15 of the Rural West Edinburgh Local and Non-statutory Guidelines 'Villa Areas and Grounds of Villas' and 'Trees and Development'.