

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday, 25 September 2013

Present

Councillors Perry (Convener), Howat (Vice-Convener), Bagshaw, Child, Dixon, Heslop, Milligan, Mowat, Robson, Rose and Ross.

1. General Applications/ Returning Applications/ Pre-Application Reports

The Sub-Committee considered the reports on planning applications and pre-application notices as listed in Sections 4 (General Applications), Section 5 (Returning Applications) and Section 7 (Pre-Application Reports), as listed in the agenda for the meeting.

Notes: under Section 4, the Head of Planning and Building Standards gave a presentation of his report on agenda item 4.7 as requested by Councillor Child.

Decision

To determine the applications as detailed in the Appendix to this minute.

(Reference – reports by Acting Head of Planning and Buildings Services, submitted)

APPENDIX

Applications

Agenda Item No/ Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
Item 4.1 Bonnington Mains House, Wilkieston Road, Ratho	Proposed extension of planning consent 09/00849/FUL for demolition of existing house and erection of a new house – application no. 12/03219/FUL	To GRANT planning permission subject to conditions and informatives, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.2 21-22 Balcarres Street, Edinburgh	Demolition of existing building and redevelopment for later living retirement housing (2 blocks), landscaping and car parking. (SCHEME 2) – application no 12/03961/FUL	To GRANT planning permission subject to conditions and informatives, including a legal agreement, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.3 7 Claremont Bank, Edinburgh	Demolish existing garage and erect new rear and side return extension with new pedestrian access to rear boundary Edinburgh – Application no. 13/03024/FUL	To GRANT planning permission subject to conditions and informatives, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.4 555 Gorgie Road, Edinburgh	Part change of use of third and fourth floors of Class 4 offices to student accommodation (Sui Generis) - application no. 13/012556/FUL	To GRANT planning permission, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.5 11 Logie Green Road, 26, 28A, 29, 32, 33 Beaverbank Place, Edinburgh	Proposed Surface Car Park and associated works - application no. 13/00589/FUL	To GRANT planning permission subject to conditions and informatives, including a legal agreement, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.6 21 Paisley Crescent, Edinburgh	Rear extension to form family room and garden store – application no. 13/02948/FUL	To GRANT planning permission with informatives, as detailed in the report by the Acting Head of Planning and Building Standards.

Agenda Item No/ Address	Details of Proposal/Reference No	Decision
Item 4.7 27 Seaview Terrace, Edinburgh	Demolish garage and erect domestic dwelling – application no. 13/02193/FUL	To CONTINUE the application for a site visit.
Item 5.1 1-5 Baxters Place, Edinburgh	Alterations and change of use of 1-5 Baxters Place to licensed hotel, demolition of building at 2 Greenside Lane. Construction of additional hotel accommodation and associated facilities. Formation of access and car parking (amendment to planning permission 08/03635/FUL) application no. 12/04064/FUL	Application (proposed amendments to 08/03635/FUL) withdrawn by applicants. Item was withdrawn from agenda and no consideration given to item.
Item 7.1 Ravelrig Road, Balerno, Edinburgh	Report on forthcoming application by Gladman Developments Ltd. for development of a greenfield site for housing – PAN/13/02545	To note the key issues, as detailed in the report by the Acting Head of Planning and Building Standards, including traffic assessments and other infrastructure impacts including schools.
Item 7.2 60 Ratho Park Road, Ratho (200 metres northeast)	Report on forthcoming application by Stewart Milne Homes for planning permission for erection of residential development with associated access roads, landscaping, suds and ancillary development – PAN 13/02960	To note the key issues, as detailed in the report by the Acting Head of Planning and Building Standards; traffic assessments to include consideration of effect on relevant adjoining roads and relevant major junctions.
Item 7.3 10 Gilmerton Station Road, Edinburgh	Report on forthcoming application by Mactaggart & Mickel (Homes) Ltd. for a residentially-led mixed use development including a new primary school, retail/commercial uses, access, parking and landscaping – PAN 13/02545	To note the key issues, as detailed in the report by the Acting Head of Planning and Building Standards; also the importance of housing density proposals and mix of types of housing and public transport provisions and linkages.

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday, 23 October 2013

Present

Councillors Perry (Convener), Howat (Vice-Convener), Bagshaw, Blacklock, Brock, Child, Dixon, McVey, Milligan, Mowat, Rose and Ross.

Also Present - Councillors Bridgman and Walker.

1. 103 and 104 Newcraighall Road, Edinburgh – housing, etc

The Head of Planning and Building Standards had circulated reports on the following applications which had each been the subject of earlier considerations by the Sub-Committee. He now asked that the Committee defer any consideration to a future meeting, to allow him to assess fresh information received from the applicants for one of the applications. He considered that both applications were linked and should be determined at the same time.

(a) 103 Newcraighall Road, Edinburgh (Newcraighall North) – new housing etc. – application no. 10/03449/PPP (EDI Group), and

(b) 104 Newcraighall Road, Edinburgh (Newcraighall East) – new housing, etc – application no. 10/03506/PPP (Trustees of Sir C M Dalrymple)

Motion

That consideration of the applications be deferred to a future meeting to allow the Head of Planning and Building Standards to report further.

- moved by Councillor Perry, seconded by Councillor Howat.

Amendment

That the Committee proceed to consider application no. 10/03449/PPP (Newcraighall North) only this day, in view of the possible implications of any delay for the applicants

- moved by Councillor Ross, seconded by Councillor Blacklock.

Voting

For the motion	-	8 votes
For the amendment	-	4 votes

Decision

To defer consideration of both applications to a future meeting, to allow the Head of Planning and Building Standards to report further.

(Reference – Development Management Sub-Committee 18 January 2012 (items 3 and 4); reports by the Acting Head of Planning and Building Standards, submitted.)

Declarations of Interest

Councillor Ross declared a non-financial interest in the above item as a Director of EDI.

2. General Applications and Miscellaneous Business

The Sub-Committee considered the reports on planning applications and pre-applications as listed in Sections 4, 7 and 9 of the agenda for the meeting.

Decision

To determine the applications as detailed in the appendix to this minute.

(Reference – reports by the Acting Head of Planning and Building Standards, submitted.)

3. 69A Kinnaird Park, Fort Kinnaird Retail Park, Edinburgh – Retail Unit

The Head of Planning and Building Standards reported on an application for the erection of a retail unit of 5,612 sq. metres gross internal retail floor-space, on a site lying 90 metres north of 69A Kinnaird Park, Fort Kinnaird Retail Park, Edinburgh. The retail unit was proposed for part of the remaining brown-field land in the north-western corner of the retail park; the remainder of the land was proposed for restaurants, cafes, a children's play area and a cinema, for which planning permission had earlier been granted. Debenhams had signed a lease to occupy the unit if it were granted planning permission.

He reported in detail on the application and the planning considerations involved. The retail park had a total of 14,187 sq. metres of floor-space available for implementation within the existing retail floor-space cap of its planning consent. The application did not seek additional floor-space above the existing cap and to this end was supported by two applications to modify the existing planning agreements (nos. 13/03450/OBL and 13/03451/OBL). However, there was a planning restriction on the size of individual retail units at 4,000 sq. metres, as a means to prevent occupancy by department stores (or similar) which could compete more directly with Edinburgh City Centre.

In conclusion, the Head of Planning and Building Standards considered that the proposal was contrary to the development plan as it did not comply with the development plan policy Ret 3 in all respects. Specifically, the proposed new retail store would add another significant retail outlet to the commercial centre, compounding its sub-regional role and having the potential to have significant adverse impacts on the City Centre and other commercial centres. Whilst the proposal was an opportunity for new jobs in the area, on the basis of the information available, it was considered that the economic benefits of the proposals were not likely to outweigh the potential harm to the economic development and jobs in the city centre and other commercial centres.

He added that were the Committee of a mind to approve the application, a condition should be added to require that the development was personal and specific to a Debenhams store.

The application was to be determined by means of a hearing and the Sub-Committee had invited the applicants and other parties to the meeting. In summary, the points made by the speakers were as follows -

(a) Craigmillar Community Council

Terry Tweed and Honor Flynn said that the Community Council supported the application for reasons of regeneration of the Craigmillar area and the employment potential. In this, it was to be noted that the Fort Kinnaird centre had a specific facility which offered coaching or training for people seeking to get into employment. The local communities were excited to hear that a Debenhams store had been proposed. They thought it was inconsistent that the Council had built park and ride facilities and shopping centres in the area in order that people did not take their cars into the city but on the other hand sought to limit new developments. People wanted to use their cars for shopping.

Mr. Tweed advised that he had also been contacted by Portobello Community Council who wished to state their support for the application for reasons of job creation and the improvement to shopping for the local communities. Fort Kinnaird had been ruined by the large gap site. If the development was approved then it was hoped that new retailers would be attracted to vacant units at Fort Kinnaird. As the proposed development would be smaller than the two existing Debenham stores in Edinburgh they felt it unlikely there would be an adverse impact on the other two stores.

(b) Leith Business Interests

Robin Holder and Alex Wilson spoke on behalf of Leith business interests. Ocean Terminal was central to the re-generation of Leith and to hundreds of jobs. They were concerned at the likely impact if Fort Kinnaird were allowed the permission for a Debenhams store, on top of the cinema which had received planning permission earlier this year. They were disappointed that the owners of Fort Kinnaird, having recently signed a unilateral agreement, now sought to breach the 4000 sq metre upper limit for any store. The direct effect on Ocean Terminal could be estimated at 7-10% but indirect impacts were more difficult to assess. They were concerned that the two elements of cinema and large department store together would give Fort Kinnaird a dominance that was never intended for its sub-regional role and lead to very significant trade diversions from other centres. It was not simply a store against store competition issue - the overall vitality of Ocean Terminal would be affected. At present a large section of the ground floor in Ocean Terminal was empty – four major trading brands had been lost recently - and a general uncertainty over how Fort Kinnaird was being allowed to develop was hindering attempts to engage major investors. The centre management had invested heavily in recent years to make Ocean Terminal an attractive centre - any further decline would be damaging and would be likely to mean shop closures and job losses.

(c) Leith Civic Interests

Isobel Kane spoke on behalf of the Leith Civic Trust. She explained that Leith had been suffering a decline in recent years but the Shore and Ocean Terminal had been

anchor points in re-establishing the town as a vibrant place to live and work. If Debenhams were to open as a large department store at Fort Kinnaird then shoppers would be likely to be attracted at the expense of the existing centres. There was a limited amount of expenditure available in the current recession and the threat of trade diversion away from the area as a whole was very real. She felt Leith had been held back to an extent in terms of delays to infrastructure investment on its roads and traffic issues and not allowing it to develop to its full extent.

(d) City Centre Business Interests

Rob Newton, on behalf of Henderson Global Investors (owners of the St James Centre) wished to see the application refused in line with the officers' recommendations. To allow permission would seriously affect investor confidence in the city centre renewal plans; the cumulative impact of the proposal, on top of other recent consents, meant Fort Kinnaird was in a position to directly compete with the city centre as the Regional shopping, contrary to planning policy. The restriction on the size of an individual store within a sub-regional centre was sound in planning terms.

Andrew Woodrow, on behalf of John Lewis, advised that his client had objected on grounds that the application aimed to provide flexibility for a major department store development at Fort Kinnaird and which was never intended for its role to serve local needs. John Lewis were major investors in the city centre and were keen to continue to do so, and to support the 850 jobs in their store, but development of Fort Kinnaird to this extent would make investment plans more difficult. There were no material changes to justify the removal of the floor space cap on any individual store and which was entirely appropriate in terms of the planning policy protection for of the city centre as the regional shopping centre.

In reply to questions, they agreed that city centre trade could benefit from expansion as a result of the impending completion of the trams project. However, they felt there was a gradual creep of retailers towards Fort Kinnaird that was affecting investor confidence in the city centre.

(e) Applicants

Andrew McParland, Development Manager at Fort Kinnaird, said that there would be no significant effect on other retail areas in the city from allowing the Debenhams proposal. As assessed by the Planning officers, the effect on the city centre of the proposed store was not expected to be significant. Edinburgh was starting to attract investment into the city as a direct result of planning decisions. The investment at Fort Kinnaird would sustain jobs for the current 1600 workforce and would create an additional 200 jobs, not displacement jobs from elsewhere.

The recruitment and skills centre at Fort Kinnaird was a demonstration of intent to help local people into employment. The centre was working hard to develop its attractiveness and promote investment in the area. The catchment area for the centre was wide and included East and Midlothian and extending to the Borders; it would attract new expenditure rather than draw away from the city centre.

The Planning officers had indicated that if the application was to be approved a condition could be added which required consent for the development be personal and for a Debenhams store only; on this, he felt this would not be appropriate to the situation, in view of the burden of risks to the owners of the retail park who would have

no potential to replace the operator in the future. It was to be noted also that Debenhams had chosen this site in preference to other possible locations outwith the City boundary.

Rob Hadfield on behalf of Debenhams advised that the company had a three store strategy for Edinburgh. The two existing stores in Edinburgh, in the city centre and at Ocean Terminal, had long leases which expired in 2054 and 2026. The continued success of these existing stores was fundamental to the company's plans. They had identified a gap in the market and were looking to attract new customers with the third store. Experience had shown that people would not travel to a Debenhams store if it was too far away. The existing stores had a 'click and collect' facility which the new store would also be able to be developed on this site. In reply to questions, he indicated that they required a store on two levels – hence the need to exceed 4000 sq. metres – without the additional space they would not consider the store to be a viable option.

Brian Muir on behalf of Gibraltar General Partners Ltd (owners of Fort Kinnaird) said that there were no technical objections to the proposed application and no contradiction with policy RET 3 and it was to be noted that there were already stores such as Marks and Spencer and Toy 'R' Us situated in Fort Kinnaird. The objections were in relation to the amount of floor-space required for the development. The applicants did not seek to exceed the retail cap for floorspace for the centre. The development would not have any adverse direct impacts on the city centre or on Ocean Terminal. It had also to be viewed against a background of estimates of trade accruing to the city centre which were increasing – there was a bigger pie to share out – and the Planning Officers had assessed that the impact of this one store on the city centre was unlikely to have any significant effect. The development was not likely to alter the existing sub-regional role of Fort Kinnaird.

In conclusion, A McParland stated that developers' view that there was no conflict with policy Ret 3 - Fort Kinnaird was not in direct competition with the City Centre, they each catering for different catchment areas. The proposal would allow the centre to build on the efforts being made to increase its attractiveness as a sub-regional commercial centre and to benefit the surrounding communities in the SE sector. It would involve the creation of 200 new jobs and had wide support from the local communities.

(f) Ward Councillors

Councillor Bridgman said that the objections to this application were ones of competition rather than planning policy. The Debenhams store would allow greater consumer choice and it was up to a retailer to decide where they wanted to situate a new store. The application would create new jobs in the area without displacement and it was not to be noted that Economic Development officers did not have any objections to the application. He asked the Sub-Committee to grant the application.

Councillor Walker said that Fort Kinnaird had fallen into decline in recent years and the efforts of management to regenerate the centre should be supported by the Council. The offer of investment by Debenhams as a flagship retailer should be welcomed. It was wrong to suggest that the proposed development would have an impact on the city centre, and the Ocean Terminal and Cameron Toll centres were both on the outskirts of the city and similar in position to Fort Kinnaird. Craigmillar was a deprived area and needed the attraction to help create other new jobs. The recruitment centre had been

established within the centre with the support of the Council. The application had widespread support from the community.

Motion

That the application be refused planning permission, as recommended by the Head of Planning and Building Standards, for the reason as follows -

The proposal is contrary to Edinburgh City Local Plan Policy Ret 3 as it will add another significant retail offer to this commercial centre compounding its sub-regional role. It has the potential to have significant adverse impacts on City Centre and other commercial centre and does not address a quantitative or qualitative deficiency within the local area.

- moved by Councillor Perry, seconded by Councillor Howat.

Amendment

That the Committee considered the application to be consistent with the development plan policy RET3 and that planning permission could be granted, for reasons that –

- the retail impact on the City Centre was small and not likely to threaten its future vitality or viability as the regional shopping centre;
 - the proposals did not involve any increase on the agreed retail cap on floor-space at Fort Kinnaird and the size of the store was relatively small relative to the overall centre; and the addition of a department store recognised the modal shifts in shopping patterns in recent years;
 - the proposals were consistent with re-generation strategies for the area and efforts to create investment and employment in Craigmillar and the SE sector;
 - the Committee accepted that Debenhams were unlikely to select a city centre site for commercial reasons and that the application otherwise met the sequential test requirements.
- moved by Councillor Child, seconded by Councillor Rose.

Voting

For the motion	-	8 votes
For the amendment	-	4 votes

Decision

1) To refuse planning permission for the application, for the reason as follows –

The proposal is contrary to Edinburgh City Local Plan Policy Ret 3 as it will add another significant retail offer to this commercial centre compounding its sub-regional role. It has the potential to have significant adverse impacts on City Centre and other commercial centre and does not address a quantitative or qualitative deficiency within the local area.

- 2) To refuse the associated applications for modification or discharge of planning obligations, as follows, for the reasons as recommended by the Head of Planning and Building Standards and detailed in his reports –
 - 2.1 Application for Planning Obligation 13/03450/OBL – at 1-77 Kinnaird Park, 1-33 Lawhouse Toll, Edinburgh
 - 2.2 Application for Planning Obligation 13/03451/OBL – at 1-77 Kinnaird Park, 1-33 Lawhouse Toll, Edinburgh

(References – Development Management Sub-Committee 29 May 2013 (item 1); reports by the Head of Planning and Building Standards, submitted.)

APPENDIX

Applications

Agenda Item No/ Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
Item 4.1 - Agilent Technologies, Scotstoun Avenue, South Queensferry	Modification or discharge of planning obligations – Application no. 13/03502/OBL	To GRANT the application with informatives, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.2 - 37 - 41 Broomhall Drive, Edinburgh	Installation of ATM to shop front – Application no. 13/03447/FUL	To GRANT planning permission with informatives, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.3 - 376 Calder Road, Edinburgh (94 metres north)	Application for renewal of consent 10/00953/PPP - Planning Permission in Principle for redevelopment of site for affordable housing and housing for sale with ancillary community facilities and associated landscaping and public realm – Application no. 13/03147/PPP	To GRANT planning permission in principle subject to conditions and informatives, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.4 - 179 Clermiston Road & 7 Fox Covert Grove, Edinburgh – (Confirmation of Tree Preservation Order No 171)	(Confirmation of Tree Preservation Order No 171) – Application no. TPO No. 171	To CONFIRM Tree Preservation Order No 171 as modified to exclude the one tree which was felled.

Agenda Item No/ Address	Details of Proposal/Reference No	Decision
Item 4.5 - 7 Dryden Place, Edinburgh	Formation of new dormer window to rear elevation; installation of new roof windows into existing pitched roof; replacement of existing bituminous felt flat roof with new warm roof construction – Application no. 13/03003/FUL	To GRANT planning permission with informatives, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.6 - 1 Freelands Farm, Freelands Road, Ratho (48 metres southwest)	Erection of two semi-detached dwellings – Application no. 13/03476/FUL	To REFUSE planning permission for the reasons detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.7 - 302A Gilmerton Road, Edinburgh	Remove sloping slated roofs and stepped flat roofs and replace with a new sloped slated roof, including dormer window, skylight, projecting balcony and set back french windows. – Application no. 13/02453/FUL	To issue a mixed decision to part-approve and part-refuse this application, i.e.: 1. To refuse planning permission for the side dormer only, and 2. To grant planning permission for the remainder of proposals - as recommended by the Head of Planning and Building Standards and with reasons and conditions, as detailed in his report.
Item 4.8 - 112 Greenbank Road, Edinburgh	Extend house to side and rear, re-instate original chimney and erect flue. – Application no. 13/03150/FUL	To GRANT planning permission with informatives, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.9 - Flat 3, 2 Greenhill Place, Edinburgh	New timber sash and case windows, double glazed slimlite low E units to rear dormers and slimlite double glazed units in existing window frame to the front windows. – Application no. 13/02657/LBC	To GRANT listed building consent with informatives, as detailed in the report by the Acting Head of Planning and Building Standards.

Agenda Item No/ Address	Details of Proposal/Reference No	Decision
Item 4.10 - 95 Harvesters Way, Edinburgh (Land 90 Metres West Of)	Proposed redevelopment of longstanding brownfield site with 183 new flatted and housing units – Application no. 13/02640/FUL	To GRANT planning permission subject to conditions and informatives, including legal agreement, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.11 - 39 High Street, South Queensferry	To allow the use of a public parking area as a community market with the erection of twelve gazebos on selected days in August, September and December 2013 and monthly through May to September 2014 (as amended) – Application no. (13/02603/FUL)	To GRANT planning permission subject to conditions and informatives, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.12 - 10 Learmonth Gardens Mews, Edinburgh (Land 26 Metres South West Of)	Erection of detached house with integral garage – Application no. (13/02997/FUL)	Application withdrawn by applicants. (No consideration of matter at meeting.)
Item 4.13 - 21 Moredun Park Street, Edinburgh (60 metres east)	Development of 54 new dwellings along with associated access roads, car parking and areas of both hard and soft landscaping – Application no. (13/02248/FUL)	To GRANT planning permission subject to conditions and informatives, including a legal agreement, as detailed in the report by the Acting Head of Planning and Building Standards.
Item 4.14 - 68 North Street, Ratho	Alter and change the use of existing office to residential and change of use of public green space to garden ground – Application no. (13/01160/FUL)	To GRANT planning permission subject to conditions and informatives, as detailed in the report by the Acting Head of Planning and Building Standards.

Agenda Item No/ Address	Details of Proposal/Reference No	Decision
Item 4.15 - 45 Queen Margaret Close, Edinburgh	Certificate of lawfulness for a proposed use or development to remove garage door and build up opening in facing brick to match existing walls and new projecting window – Application no. (13/03317/CLP)	To GRANT the application as detailed in the report by the Acting Head of Planning and Building Standards.
Item 5.1 - 103 Newcraighall Road, Edinburgh (Land 335 Metres Southwest Of)	Development including new housing, potential mixed-use facilities, open space, access and services infrastructure – Application no. (10/03449/PPP)	To defer consideration to a future meeting, to allow for further information by the Head of Planning and Building Services. (On a division)
Item 5.2 - 104 Newcraighall Road, Edinburgh (Land 263 Metres South Of)	Planning permission in principle for new housing, local mixed use facilities together with open space, access and services, infrastructure, landscape and footpath/cycle provision – Application no. (10/03506/PPP)	To defer consideration to a future meeting, to allow for further information by the Head of Planning and Building Services.
Item 6.2 - 69A Kinnaird Park, Fort Kinnaird Retail Park, Edinburgh	Erection of retail unit incorporating 5,612 square metres (gross internal retail floor-space) – Application no. 13/02381/FUL	To REFUSE the application for the reasons as detailed in the report by the Acting Head of Planning and Building Standards. (On a division –see item 3 of minutes)
Item 6.3 - 1-77 Kinnaird Park, 1-33 Lawhouse Toll, Edinburgh (Reports, PDF, 197.67 KB)	Application for the modification or discharge of Planning Obligations – Application no. 13/03450/OBL	To REFUSE the application for the reasons detailed in the report by the Acting Head of Planning and Building Standards. (On a division – see item 3 of minutes)

Agenda Item No/ Address	Details of Proposal/Reference No	Decision
Item 6.4 - 1-77 Kinnaird Park, 1-33 Lawhouse Toll, Edinburgh (Reports, PDF, 197.08 KB)	Application for the modification or discharge of Planning Obligations – 13/03451/OBL	To REFUSE the application for the reasons detailed in the report by the Acting Head of Planning and Building Standards. (On a division – see item 3 of minutes)
Item 7.1 - A8 West Edinburgh (Land North of) (Edinburgh) Services Ltd)	Report on forthcoming application by IBG Stakeholders (New Ingliston Ltd, Murray Estates Lothian Ltd, FSH Airport) PAN 13/03146	To refer consideration of report to the next meeting of the Sub-Committee.
Item 7.2 - 59 and 60 Belford Road, Edinburgh)	Report on forthcoming application by AMA (New Town) Ltd. for detail proposals for demolition and redevelopment of site for residential and office development. PAN 13/02767	To refer consideration of report to the next meeting of the Sub-Committee.
Item 7.3 - Cliftonhall Road, Newbridge	Report on forthcoming application by Roxhill Developments Ltd for planning permission for erection of a distribution warehouse. PAN 13/03330	To refer consideration of report to the next meeting of the Sub-Committee.
Item 7.4 - Saughton Prison, Stenhouse Road, Edinburgh	Report on forthcoming application by Scottish Prison Service for a new Women's Regional Unit, associated parking and alterations to the existing prison estate PAN 13/03331	To refer consideration of report to the next meeting of the Sub-Committee.

Agenda Item No/ Address	Details of Proposal/Reference No	Decision
Item 9.1(a) - 7 Shrub Place, Edinburgh (69 metres west)	Proposed Mixed Use Development including redevelopment of Listed Buildings (Tram Workshops) – Application no. (13/01070/FUL)	To CONTINUE consideration for a site visit.
Item 9.1(b) - 7 Shrub Place, Edinburgh (69 metres west)	Retain existing chimney, alter existing tram workshops to accommodate residential development, reduce height of existing gable wall to remove requirement for galvanised steel buttresses – Application no. (13/01071/LBC)	To CONTINUE consideration for a site visit.

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday, 6 November 2013

Present

Councillors Perry (Convener), Howat (Vice-Convener), Bagshaw, Blacklock, Brock, Child, Dixon, Heslop, McVey, Milligan, Rose, Robson and Ross.

1. 154 Mcdonald Road, Edinburgh (Agenda Item 6.1)

The Acting Head of Planning and Building Standards reported on an application for planning permission for the alterations to and change of use from offices to form residential accommodation. Application no. 13/02458/FUL

He gave details of the proposals and the planning considerations included, and recommended that planning permission be granted.

A site visit was undertaken by the sub-committee on 31 October 2013.

(a) New Town Broughton Community Council

Richard Price, on behalf of New Town Broughton Community Council advised that they objected to this application. Mr Price reiterated the concerns of the Community Council representation on 25 July 2013, primarily:

- Lack of pre-application consultation procedure being employed for a major application of more than 50 dwellings.
- The provision of housing in direct proximity to a primary school could be deemed material in terms of incompatibility.
- Scheme affordability.
- Parking/car ownership.
- External aspects to the building.

Mr Price added that after further consultation with the local community and a site visit in October the Community Council would like further concerns to be noted;

- Those choosing to live in the development (key workers) may have abnormal work patterns/shift work, which is not compatible with the Primary School.
- The school playground was designated as available for use until 9pm. This had caused issues regarding noise in other locations.
- The proposal states that the area was 'highly accessible by public transport' which the Community Council strongly rejected
- Waste management for the development was believed to be inadequate as proposed
- Concluding that the development was not supported by the Environmental Assessment due to noise both internal and external.

(b) Leith Central Community Council

Julian Siann, on behalf of Leith Central Community Council advised that they objected to this application. Mr Siann felt that the building itself did not lend itself to being converted into flats and that no serious attempts had been made by the developers to reform the internal structure to remedy this concern. The objector felt that accommodation would be inflexible and cramped as it did not meet the Edinburgh Design Guidance standards. The objector felt that the development offered no housing mix and as such would lead to a rapid turnover of occupancy. Concerns around the green space and parking facilities for the development were also expressed; in conclusion the Community Council felt that the application was unsympathetic and failed to meet the needs of the area.

(c) Parents of Children at Broughton Primary School

Sandra Bagnall and John Gardner, on behalf of Parents of Children at Broughton Primary School Council advised that they objected to this application. Their objections were on the basis that the planning application does not comply with current development policy, primarily in regards to the size of the apartments, and that the correct application procedure had not been followed. The objector also noted concerns around housing density, waste collection, lack of open and green space, housing mix, lack of affordable housing, and lack of car parking facilities within and around the proposed development.

Sandra Bagnall was concerned about privacy and the potential conflict between residents of the proposed development and the school community. Ms Bagnall said that there was an assumption that prospective owners of the development would accept the noise generated from the school, she also noted that similar developments i.e. residential properties within close proximity to schools, had resulted in conflicts that she did not want to see this replicated at McDonald Road.

(d) Malcolm Chisholm MSP

Malcolm Chisholm MSP addressed the Committee on behalf of his constituents advising that they objected to this application. Mr Chisholm highlighted the number of planning policies that the application contravened. He felt that McDonald Road was a busy thoroughfare and the fact that the development did not offer parking facilities this would only serve to exacerbate the situation. The public transport links, Mr Chisholm felt, would not support the scale of the development. Other concerns raised by Mr Chisholm were that:

- The housing mix was nonexistent.
- Doubted that the Units would meet the 36m² minimum space requirement.
- Units would not receive the necessary day light required.

(e) Cockburn Association

Marion Williams, on behalf of the Cockburn Association advised that they objected to this application. Ms Williams was concerned that the development may hinder the long term viability of the Primary School, as the development would seriously curtail any potential development/redesign to the primary school in order to meet an increasing school role.

(f) The Applicant

Alex Watts and Paul Scott on behalf of Kingsford Development spoke in favour of the development. The applicants empathised with the objectors and welcomed the opportunity to work with them to address their concerns. The applicants felt that the development would address Edinburgh shortage of affordable housing and would help support first time buyers get on the housing market. The applicant recognised that the space for each Unit was limited but by using contemporary and aspirational designs they could maximise the space available adding that the communal facilities within the development would support the design. The developers estimated that around 150 jobs would be created by the development.

(g) Ward Councillors

Councillor Gardner was supportive of the other objectors. He felt that the proposal was not one of affordable housing but would encourage let to buy or party flats, as a consequence he had serious concerns around anti-social behaviour within the development. Councillor Grander has received concerns from across the community, due in part to the location of the development around an already busy road, the size of Units that were below the policy standard and the environment assessment not supporting the application.

Councillor Chapman submitted a statement objecting to the proposal.

Motion

1. To grant planning permission subject to conditions, informatives and a legal agreement as detailed in the report by the Acting Head of Planning.
2. Subject also to conditions that the room sizes be no less that 36m² and that the windows facing the playground in units 18, 19 and 20 be treated to obscure the view of the playground to the satisfaction of the Acting Head of Planning and Building Standards.

- moved by Councillor Perry, seconded by Councillor Howat.

Amendment

The Sub-Committee was minded to refuse the application on the grounds that the proposal was contrary to Edinburgh City Local Plan Policies Hou 2, 3 and 5 and Tra 4 & 5.

- moved by Councillor Bagshaw, seconded by Councillor Brock.

Voting

For the motion - 6 votes
For the amendment - 7 votes

Decision

To indicate the intention to refuse planning permission for the application, for the reason that the proposal is contrary to Edinburgh City Local Plan Policy Ret Local Plan Policy Hou 2, 3 and 5 and Tra 4 & 5.

(Reference - report by the Acting Head of Planning and Building Standards, submitted.)

2. General Applications and Miscellaneous Business

The Sub-Committee considered the reports on planning applications and pre-application as listed in Sections 4, 6, 7 and 8 of the agenda for the meeting.

Decision

To determine the application as detailed in the appendix to this minute.

Dissent

Councillor Ross requested that his dissent be recorded in respect of the decision made at agenda item 4.4. The application to Convert the attic and form 6 person HMO maisonette from 5 person HMO flat at 3F1 100 Polwarth Gardens, Edinburgh, EH11 1LH

(Reference – report by the Acting Head of {Panning and Building Standards, submitted)

3. Seaview Terrace

Details were provided of an application to demolish a garage and erect a domestic dwelling at 27 Seaview Terrace. Application number 13/02193/FUL.

The Acting Head of Planning and Building Standards gave details of the proposals and the planning considerations included, and recommended that planning permission be granted.

A site visit was undertaken by the sub-committee on 31 October 2013.

Motion

To grant planning permission subject to informatives as detailed in the report by the Acting Head of Planning.

- moved by Councillor Perry, seconded by Councillor Howat.

Amendment

To indicate that the Sub-Committee was minded to refuse the application on the grounds that the development was an unacceptable intrusion to the area and would result in the loss of a key view of the Forth.

- moved by Councillor Child, seconded by Councillor Brock.

Voting

For the motion	-	7 votes
For the amendment	-	3 votes

Decision

To grant planning permission subject to informatives as detailed in the report by the Acting Head of Planning.

(Reference - report by the Acting Head of Planning and Building Standards, submitted.)

4. Shrub Place

Details were provided on applications for a proposed Mixed Use Development redevelopment of Listed Buildings (Tram Workshops) application no. 13/01070/FUL, and proposals to retain the existing chimney, alter the existing tram workshops to accommodate residential development, and reduce the height of the existing gable wall to remove requirement for galvanised steel buttresses application no 13/01071/LBC at 7 Shrub Place, Edinburgh.

The Acting Head of Planning and Building Standards gave details of the proposals and the planning considerations included, and recommended that planning permission be granted.

A site visit was undertaken by the sub-committee on 31 October 2013.

Motion

1. To grant planning permission subject to conditions, informatives and a legal agreement, and listed building consent subject to as detailed in the report by the Acting Head of Planning.
2. To grant planning permission and listed building consent subject to conditions, informatives and notification to the Scottish Ministers prior to determination
3. To note that the Sub-Committee was accepting a minor infringement in terms of sizes of units given the submission of the application before the Edinburgh Design Guidance was adopted, and also because of the extant planning permission where a greater proportion of units were below the minimum floor area in the guidance.

- moved by Councillor Howat, seconded by Councillor Perry.

Amendment

To continue consideration of the applications for discussions with the developer on increasing the room sizes to meet the Edinburgh Design Guidance standards and any proposals to reduce the density of the development.

- moved by Councillor Ross, seconded by Councillor Bagshaw.

Voting

For the motion	-	8 votes
For the amendment	-	3 votes

Decision

1. To grant planning permission subject to conditions, informatives and a legal agreement, and listed building consent subject to as detailed in the report by the Acting Head of Planning.
2. To grant listed building consent subject to conditions, informatives and notification to the Scottish Ministers prior to determination
3. To note that the Sub-Committee was accepting a minor infringement in terms of sizes of units given the submission of the application before the Edinburgh Design Guidance was adopted, and also because of the extant planning permission where a greater proportion of units were below the minimum floor area in the guidance.

(Reference - reports by the Acting Head of Planning and Building Standards, submitted.)

APPENDIX

Applications

Agenda Item No/ Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>General application and miscellaneous business</p>		
Item No 4.1 - 1 Craigpark, Ratho (Craigpark Quarry)	Material variation to planning permission Ref; 05/01229/FUL to provide amended housing layout and substitution of house types and associated works. – Application no. 13/02527/FUL	To GRANT the application subject to conditions, informatives and a legal agreement, as detailed in the report by the Acting Head of Planning and Building Standard
Item No 4.2 - 63A Cumberland Street, Edinburgh	Replace existing sashes in front bedroom window with slimline double glazing units to match existing appearance. Replace fanlight of 3 windows above rear patio door with slimline double glazing to match existing appearance. – Application no. 13/03334/LBC	To GRANT listed building consent with an informative, as detailed in the report by the Acting Head of Planning and Building Standards.
Item No 4.3 - Greendykes Road, Edinburgh (Land at)	Approval of matters specified in conditions of application 07/01644/OUT	To APPROVE the application permission subject to conditions as detailed in the report by the Acting Head of Planning and Building Standards.
Item No 4.4 - 100 (3F1) Polwarth Gardens, Edinburgh	Convert attic and form 6 person HMO maisonette from 5 person HMO flat. Fit 2 no. rooflights to front elevation, 2 no. rooflights to rear elevation and rooflight to platform roof. – Application no. 13/02955/FUL	To GRANT the application subject to informatives as detailed in the report by the Acting Head of Planning and Building Standards. Note: Councillor Ross requested that his dissent be recorded in respect of the above decision
Item No 4.5 - 16 Ravenscroft Street, Edinburgh	Reopening of door in boundary wall to lane to allow access to mobility scooter.– Application no. 13/02968/FUL	To GRANT the application subject to informatives as detailed in the report by the Acting Head of Planning and Building Standards.

Agenda Item No/ Address	Details of Proposal/Reference No	Decision
Item No 4.6 - 4 Seafield Street, Edinburgh	Construction of 155 dwellings (145 flats and 10 houses), including demolition of the Gatehouse at 4 Seafield Street and conversion of the Chapel and the Matron's House to form residential dwellings. – Application no. 13/02584/FUL	To GRANT the application subject to conditions, informatives and a legal agreement, as detailed in the report by the Acting Head of Planning and Building Standards.
Item No 4.7 - 8 Shandwick Place, Edinburgh	Change of use from vacant storage of a shop and residential accommodation to a hostel (class 7). – Application no. 13/02490/FUL	To GRANT the application subject to informatives and a legal agreement, as detailed in the report by the Acting Head of Planning and Building Standards.
Item No 4.8 - 9 Shandwick Place, Edinburgh	Change of use application from Class 1 (Retail) to Class 3 (Food and Drink) at the merged units of 9 and 13 Shandwick Place. – Application no. 13/01433/FUL	To APPROVE the planning permission subject to conditions, to informatives and a legal agreement, as detailed in the report by the Acting Head of Planning and Building Standards.
Application for Hearing		
Item No 6.1 - 154 Mcdonald Road, Edinburgh	Protocol note on hearing procedure	Noted
Item No 6.1(a) – 154 Mcdonald Road, Edinburgh	Alteration to and change of use from offices to form residential accommodation (as amended). – Application no 13/02458/FUL	To REFUSE the planning for the reasons that the proposal was contrary to policies Hou 2,3 and 5 and Trans 4 and 5 (On a division)

Agenda Item No/ Address	Details of Proposal/Reference No	Decision
Item No 6.2(b) - 154 Mcdonald Road, Edinburgh	Alterations to form studio residential accommodation (73 units) and associated works including removal of existing internal walls and insertion of new internal partitions; insertion of new windows to rear elevation; insertion of conservation roof lights to rear slope of roof; creation of sun room access to new roof terrace and installation of balustrade; addition of photo-voltaic panels to flat roof; and widening of existing access on south east elevation (as amended to delete rooftop sun room). – Application no. 13/02459/LBC	To GRANT listed building consent with an informative, as detailed in the report by the Acting Head of Planning and Building Standards.
Pre-Application Reports		
Item No 7.1 - A8 West Edinburgh (Land North of)	Forthcoming application by IBG Stakeholders (New Ingliston Ltd, Murray Estates Lothian Ltd, FSH Airport (Edinburgh) Services Ltd)	<ol style="list-style-type: none"> 1. To note the key issues in the report 2. Transport to circulate the previous report on works required to A8 to members
Item No 7.2 - 59 and 60 Belford Road, Edinburgh (Land at)	Forthcoming application by AMA (New Town) Ltd. for detail proposals for demolition and redevelopment of site for residential and office development	<ol style="list-style-type: none"> 1. To note the key issues. 2. Further information on proposals to retain Douglas House
Item No 7.3 - Cammo Estate, Maybury Road, Edinburgh	Forthcoming application by Crammond and Harthill Estate for development of a greenfield site for housing	<ol style="list-style-type: none"> 1. To note the key issues. 2. Further information on the proposed design and a scheme for infrastructure improvements to be undertaken prior to work being commenced on site
Item No 7.4 - Cliftonhall Road, Newbridge	Forthcoming application by Roxhill Developments Ltd for planning permission for erection of a distribution warehouse	<ol style="list-style-type: none"> 1. To note the key issues. 2. Further information on access proposals

Agenda Item No/ Address	Details of Proposal/Reference No	Decision
Item No 7.5 - Saughton Prison, Stenhouse Road, Edinburgh	Forthcoming application by Scottish Prison Service for a new Women's Regional Unit, associated parking and alterations to the existing prison estate	To note the key issues in the report
Returning Applications Following Site Visit		
Item No 8.1 - 27 Seaview Terrace, Edinburgh	Demolish garage and erect domestic dwelling. Application no. (13/02193/FUL)	To GRANT planning permission subject to informatives, as detailed in the report by the Acting Head of Planning and Building Standards. (On a division)
Item No 8.2(a) - 7 Shrub Place, Edinburgh (Site 69 Metres West Of)	Proposed Mixed Use Development including redevelopment of Listed Buildings (Tram Workshops) – Application no. (13/01070/FUL)	To GRANT the planning permission subject to conditions, to informatives and a legal agreement, as detailed in the report by the Acting Head of Planning and Building Standards. To note that the Sub-Committee was accepting a minor infringement in terms of sizes of units given the submission of the application before the Edinburgh Design Guidance was adopted, and also because of the extant planning permission where a greater proportion of units were below the minimum floor area in the guidance. (On a division)
Item No 8.2(b) - 7 Shrub Place, Edinburgh (Site 69 Metres West Of)	Retain existing chimney, alter existing tram workshops to accommodate residential development, reduce height of existing gable wall to remove requirement for galvanised steel buttresses – Application no. (13/01071/LBC)	To GRANT listed building consent subject to conditions and notification to the Scottish Ministers, as detailed in the report by the Acting Head of Planning and Building Standards. (On a division)