

## Development Management Sub-Committee of the Planning Committee

10.00 am Wednesday 3 December 2014

### Present:

Councillors Perry (Convener), Bagshaw, Blacklock, Brock, Dixon, Heslop, McVey, Milligan, Mowat, Rose and Ross.

### 1. General Applications and Miscellaneous Business

The Sub-Committee considered the reports on planning applications and pre-applications, listed in Sections 4, 5, 6, and 9 of the agenda for the meeting.

The Acting Head of Planning and Building Standards gave presentations on agenda items 4.1 (30-30A Dundas Street, Edinburgh) as requested by Councillor Mowat and item 4.4 (4 Robertson Street, Edinburgh) as requested by Councillor's Dixon and Ross.

A request to consider agenda item 4.2(b) (9-11 Kinnear Road) by holding a hearing session had been received from Councillor Whyte.

### 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)

### 2. 4 Robertson Avenue, Edinburgh (Land 17 meters northwest of)

The Acting Head of Planning and Building Standards reported on an application for planning permission for the erection of 10 apartments at 4 Robertson Avenue, Edinburgh (application no 13/04622/FUL).

The Acting Head of Planning and Building Standards gave details of the proposal and the planning considerations involved and recommended that the application be granted.

### Motion

To continue the application for 2 cycles to allow the developer to reconfigure the design, particularly in relation to car parking, accessibility and the amenity area.

- moved by Councillor Dixon, seconded by Councillor Ross

## **Amendment**

To refuse planning permission for the reasons detailed in section 3 of the report by the Acting Head of Planning

- moved by Councillor Blacklock, seconded by Councillor Bagshaw

## **Voting**

For the motion - 5 votes

For the amendment - 5 votes

The votes being equal, the Convener used in his casting vote in favour of the motion.

## **Decision**

To continue the application for 2 cycles to allow the developer to reconfigure the design, particularly in relation to car parking, accessibility and the amenity area.

## Appendix

Agenda Item No/Address	Details of Proposal/Reference No	Decision
<p><b>Note:</b>Detailed conditions/reasons for the following decision are contained in the statutory planning register.</p>		
<p><a href="#"><u>Item 4.1 - 30-30A Dundas Street, Edinburgh</u></a></p>	<p>Proposed alterations to the frontage and rear outbuildings (as amended) Application no 14/02746/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the condition, reason and informative detailed in section 3 of the report by the Acting Head of Planning and Building Standards.</p>
<p><a href="#"><u>Item 4.2(a) – 9-11 Kinneir Road, Edinburgh</u></a></p>	<p>Application for material variation to consent 14/00016/FUL. Application no 14/03395/FUL</p>	<p>To <b>REFUSE</b> planning permission for the reasons detailed in section 3 of the report by the Acting Head of Planning and Building Standards.</p>
<p><a href="#"><u>Item 4.2(b) – 9-11 Kinneir Road, Edinburgh</u></a></p>	<p>Application to alter 3 rear windows to form garden access doorways with terraces at rear of Mackenzie House and Scott House East, alter boundary wall to form suitable driveway and pedestrian access at new build (Plot 02), form new driveway at Mackenzie House West (Plot 03) – Application no 14/03395/LBC</p>	<p>1. To decline the request for a hearing by Councillor Whyte. 2. To <b>REFUSE</b> planning permission for the reasons detailed in section 3 of the report by the Acting Head of Planning and Building Standards.</p>
<p><a href="#"><u>Item 4.3 – 52 Newbattle Terrace, Edinburgh</u></a></p>	<p>Application to demolition of existing dwellinghouse and erection of new 7 unit apartment block – Application no 14/03188/FUL</p>	<p>To <b>GRANT</b> advert consent subject to condition, reason and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.</p>
<p><a href="#"><u>Item 4.4 – 4 Robertson Avenue, Edinburgh (Land 17 metres northwest of)</u></a></p>	<p>Application to erect 10 apartments Application no 13/04622/FUL</p>	<p>To <b>CONTINUE</b> the application for 2 cycles to allow the developer to reconfigure the design, particularly in regards to: - car parking - amenity of residents - refuse and cycle provision  (On a division)</p>

Agenda Item No/Address	Details of Proposal/Reference No	Decision
<a href="#"><u>Item 4.5 - 118 West Bow, Edinburgh</u></a>	Application for a part change of use from mixed use of cafe, hot food takeaway and retail to cafe and retail with the removal of the restriction on opening hours.  Application no 14/03600/FUL	To <b>GRANT</b> advert consent subject to condition, reason and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
<a href="#"><u>Item 5.1 – Alnwickhill Reservoir, Liberton Gardens, Edinburgh (Land 50 metres east of)</u></a>	Residential development of 296 dwellings including associated accesses, roads and landscaping (as amended)  Application no 14/00577/AMC	To <b>GRANT</b> planning permission subject to conditions, reasons, informatives and a legal agreement detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
<a href="#"><u>Item 5.2 – Ferrymuir Gait, South Queensferry (site north of)</u></a>	Residential development with associated accesses, roads and landscaping.  Application no 14/01509/PPP	To <b>GRANT</b> planning permission in principal subject to conditions, reasons, informatives and a legal agreement detailed in section 3 of the report by the Acting Head of Planning and Building Standards.  Access arrangements to be brought forward at detailed application (AMC) stage. Applicant to explore options for road adoption.
<a href="#"><u>Item 5.3 – 15 Greenhill Gardens, Edinburgh</u></a>	Application for a single storey extensions to the rear and side of the property, minor stone cleaning to the front elevation and erection of garden shed.  Application no 13/04781/FUL	To <b>REFUSE</b> planning permission for the reasons detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
<a href="#"><u>Item 5.4 – 194 Peffermill Road, Edinburgh (land 30 metres north of)</u></a>	Application to display 2 scrolling, 48 sheet advertisement displays both with internal low energy LED illumination (static).  Application no 14/03228/ADV	To <b>REFUSE</b> planning permission for the reasons detailed in section 3 of the report by the Acting Head of Planning and Building Standards.

Agenda Item No/Address	Details of Proposal/Reference No	Decision
<a href="#"><u>Item 6.1(a) – 210</u></a> <a href="#"><u>Lanark Road West, Edinburgh</u></a>	<p>Application to demolish existing primary school building and outbuildings. Erection of 48 residential units, 12 flats for rent, 15 flats for sale, 14 terraced houses for sale, 7 detached houses for sale and associated landscaping works.</p> <p>Application no 14/02658/FUL</p>	<p>To <b>GRANT</b> planning permission subject to conditions, reasons, informatives and a legal agreement detailed in section 3 of the report by the Acting Head of Planning and Building Standards.</p>
<a href="#"><u>Item 6.1(b) – 210</u></a> <a href="#"><u>Lanark Road West, Edinburgh</u></a>	<p>Application to demolish existing primary school building and outbuildings. Erection of 48 residential units, 12 flats for rent, 15 flats for sale, 14 terraced houses for sale, 7 detached houses for sale and associated landscaping works.</p> <p>Application no 14/03464/LBC</p>	<p>To <b>GRANT</b> planning permission subject to notification to Scottish Ministers, conditions, reasons and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.</p>
<a href="#"><u>Item 9.1 – 5,15</u></a> <a href="#"><u>Bonnington Road Lane, Edinburgh</u></a>	<p>Report on forthcoming application by Bonnington Partnership for a residential LED development.</p> <p>Application no 14/ 03896/PAN</p>	<p>To note the key issues at this stage.</p> <p>Further information asked for on:</p> <ul style="list-style-type: none"> <li>- Access to the development from Bonnington Road</li> <li>- Open Space provision and creation of a buffer to the Water of Leith</li> <li>- Transportation links to and from the development including alternatives to private car.</li> <li>- Assessment of existing and proposed employment opportunities.</li> </ul>

Agenda Item No/Address	Details of Proposal/Reference No	Decision
<p><a href="#"><u>Item 9.2 – Land at 14, 16-18 Bothwell Street, Edinburgh</u></a></p>	<p>Report on forthcoming application by DPI Ltd for demolition of existing warehouse buildings and erection of student accommodation with associated visitor car parking.</p> <p>Application no 14/03754/PAN</p>	<p>To note the key issues at this stage.</p> <p>Further information asked for on:</p> <ul style="list-style-type: none"> <li>- Maintenance of the open space</li> <li>- Height of development to existing and approved developments</li> <li>- Density of student accommodation and HMOs in the surrounding area.</li> <li>- The distance from Universities and other places of further education.</li> <li>- The type of students that the accommodation will be marketed at.</li> <li>- Transportation links to and from the development.</li> </ul>

## Development Management Sub-Committee of the Planning Committee

10.00 am Wednesday 17 December 2014

### Present:

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

### 1. General Applications and Miscellaneous Business

The Sub-Committee considered the reports on planning applications and pre-applications, listed in Sections 4, 5, 6, 7 and 8 of the agenda for the meeting.

The Acting Head of Planning and Building Standards gave presentations on agenda items 4.6 (5 Merchiston Avenue, Edinburgh) as requested by Councillors Heslop and Howat

A request to consider agenda item 6.1 (83 Craighall Road Drive, Edinburgh) by holding a hearing session had been received from Councillor Jackson.

### 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)

### Declaration of Interests

Councillor Ross declared a non-financial interest in agenda items 4.9 – Niddrie mains Road, Edinburgh. Application number 14/03416/PPP as a Director of Parc Craigmillar, and item 6.2 – 199 Fountainbridge, Edinburgh. Application number 14/02814/PPP as a Director of EDI, left the room and took no part in the consideration of these items.

### 2. 17-21 Portobello High Street, Edinburgh (Land 100 West Of)

The Sub-Committee had agreed to hold a hearing for consideration of the following application at 17-21 Portobello High Street, Edinburgh:

The demolition of buildings and development for residential, retail, sui generis and retirement apartments, detailed matters for retail store (siting, design, access and landscaping) detailed matters of residential (max no. of heights of units, layout and points of vehicular/pedestrian access and egress) – Application no 14/003736/PPP.

**(a) Report by the Acting Head of Planning and Building Standards.**

The Acting Head of Planning and Building Standards reported on the application. He gave details of the proposals which constituted the redevelopment of a brownfield site within the urban area for residential and retail uses which this was in accordance with the aims of the development plan. Although the retail element did not accord with the North West Portobello Development Brief, there were overriding considerations which allowed acceptability of the proposals. Issues of height design and location of the proposed housing would be subject to further planning applications for the approval of matters specified in conditions, as would parking, landscaping and sustainability. Issues of residential amenity for existing properties had been considered and the impact of the development was found to be acceptable. There were no material considerations that outweighed this conclusion and it was recommended that the application be granted subject to conditions relating to the submission of further applications for matters specified in the conditions.

The presentation can be viewed via the link below:

[http://www.edinburgh.public-i.tv/core/portal/webcast\\_interactive/157915](http://www.edinburgh.public-i.tv/core/portal/webcast_interactive/157915)

**(b) Geoff Lynn - Portobello Community Council**

Geoff Lynn on behalf of Portobello Community Council outlined the Public Consultation carried out by them on the application. He outlined the aims of the consultation, which were to raise awareness of this major planning application amongst Portobello Community Council residents and business owners, to encourage engagement on the matter, help people access the details of the application, and to gather responses to inform the community Council's decision. Details were provided of the reach of the various methods of raising awareness. Engagement had been carried out by using facebook, Twitter and e-mail and various offline methods, including a leaflet delivered to 5,000 addresses and an information stall on Portobello High Street . More than 400 responses were received, with a good spread of across the length and breadth of the Community Council area. A summary of the responses to the consultation was provided.

The presentation can be viewed via the link below:

[http://www.edinburgh.public-i.tv/core/portal/webcast\\_interactive/157915](http://www.edinburgh.public-i.tv/core/portal/webcast_interactive/157915)

**(c) John Stewart, Stephen Hawkins and Joe Findlay - Portobello Amenity Society (PAS)**

John Stewart, Stephen Hawkins and Joe Findley, on behalf of Portobello Amenity Society advised that they objected to the proposals. The Society wished to see the Baileyfield site developed and welcomed the proposals to build houses on this site. However, they felt that there was, at present, a huge over provision of supermarkets in the immediate area and they were concerned that this proposal would affect the viability the vitality of Portobello town centre and would generate considerable traffic problems for the whole area. There were also major concerns about the design and the materials that were proposed. The site presented a fantastic development opportunity for Portobello. The proposal fell far short of the aspirations of the Development Brief and was not acceptable, and they were of the opinion that Portobello deserved a better development.

Stephen Hawkins presented about the traffic implications of the proposal; John Stewart Chair of Portobello Amenity Society spoke on the North West Portobello Development Brief, and Joe Findlay, of Findlay's of Portobello, gave a local trader's perspective.



## **Traffic**

Stephen Hawkins, advised that (PAS) objected to the supermarket element of the proposal on several traffic related grounds notably parking over provision, increased traffic and greater congestion at the Seafield and Bath Street junctions.

The Council had set its parking standards but the developer has shown a blatant disregard for these agreed standards. More than twice the maximum spaces are proposed, that is 97 in comparison to the 44 in the standard which is an increase of 120%.

A high volume of car traffic from outside the immediate area was expected as Aldi's business model was reliant on car borne shoppers and was contrary to the claim that the supermarket was proposed in order to address a deficiency in the west of Portobello. It was disingenuous to pretend that the spaces would be available for general use and would be used by shoppers to the existing town centre over 300m away. No evidence had been presented to show that linked trips would arise. It would not be a public car park as access would be controlled by Aldi as to who can use it and for how long.

For access to the supermarket site the creation of a ghost island was proposed. It was uncertain however how this alleviated safety issues created by the queuing busses on the north side of the road. The ghost island did not help traffic exiting eastbound with sight lines often obscured by delayed buses at the bus stop on the south side of Portobello High Street as the bus drivers change over.

The traffic flow figures were inconsistent with previous surveys and the tables presented for post development showed fewer vehicles queuing at the Seafield junction than could be seen at present, especially in the evening peak period, when significant queues build up. Queues along Portobello Road and Wakefield Avenue would be exacerbated as it was admitted that the junction would become saturated causing an increase in 'rat-running' along the adjoining residential streets.

Also, 90 extra cars an hour using the saturated Bath Street/Portobello High Street junction would make existing congestion worse in the heart of the town centre resulting in it becoming less attractive for locals and visitors alike. The council recently changed the phasing of the lights at this junction and increased waiting times at pedestrian controlled crossings in an attempt to limit rat-running through residential streets. It is noted that the council did not ask for an assessment of this junction knowing it was already over capacity. A wider, more holistic view of the effects of this development should be taken.

In summary, the traffic assessment did not reflect reality and some claims, such as the use of the railway station at Brunstane to get to the supermarket, are inconceivable. It gave no confidence that the increased traffic from the supermarket would not have a significant adverse effect on congestion and air quality in Portobello town centre.

## **The North West Portobello Development Brief**

Portobello Amenity Society believed that the application was contrary to the North West Portobello Development Brief.

This Brief was developed following an extensive two year local consultation. Paragraph 3.8 states: 'Other than a possible purely local "corner shop" facility within the development.... no new retail provision is envisaged.' Quite clearly a 1,674 sq metre supermarket does not accord with the Brief.

The Brief also stated that the high street would house other specialist uses that benefit from a street frontage such as small offices, local services, artists' studios and healthcare. Unfortunately no such uses are included in this proposal.

## **Design and Materials**

When the application was presented to the Urban Design Panel, they raised concerns with respect to the break the car park forms in the High Street frontage. They were obviously concerned that a single storey building and a car park would present a weak frontage on a main arterial road leading into a conservation area. This was an important gateway site into Portobello which deserved high quality design and architecture. It was true that the present condition of the site was unattractive but was this proposal the best possible for this site? The Society would argue that it was not.

The applicant's answer was the creation of a new 'arrival space' between the car park and the high street consisting of 6 30 foot steel totems forming a civic space where people can sit and relax. These totems would not provide the scale that the panel obviously felt was needed to integrate this section of the high street with the town centre. PAS would argue that these totems did not link the store into the town, nor do they provide a strong enough link between the single storey supermarket and the four storey retirement block.

As the store was a single storey stand alone building with its own car park, it failed completely to integrate with the rest of the town centre and was, in reality, an out of centre development masquerading as an extension to the town centre.

The Society also had concerns about the proposed use of red brick for both the retail store and the residential units. The applicant argues that the use of red brick will tie in with the former power station which once stood opposite. To argue that the main building material should match a long demolished building is strange in the extreme.

Given the need for new housing in Edinburgh, the society believes it would be more appropriate for the site to be developed for housing with a 'corner shop' facility in accordance with the Development Brief. This would also decrease the need to develop so much Green Belt agricultural land as was proposed at Brunstane.

## **Retail**

The area is extremely well served by supermarkets. In Portobello town centre there is Scotmid and a Sainsbury's Local store. In addition, all brands of supermarkets are within easy reach, most of them on direct bus routes.

No evidence has been provided of the alleged retail "deficiency" in Portobello.

The planning application for a superstore at Milton Link was refused by the council and a Scottish Government Reporter in 2012. He concluded that: "Taking both quantitative and qualitative issues into account, the proposal is not justified by a gap in provision locally."

The planning application by Lidl for a supermarket at Inchview Terrace was refused last year. The planning officer's report stated that: "The primary catchment area is well provided for in terms of convenience shopping...and it is not accepted there is a qualitative retail deficiency in the area." In other words, there is no need for another supermarket here.

The projected 3.3% impact is not minimal for independent retailers who operate on very tight

margins. The town centre is fragile and this supermarket, outside the town centre, would have a very serious impact on its vitality and viability.

The provision of yet another supermarket has to take business from somewhere and the easy targets are the small independents. Supermarkets now account for more than 97% of total grocery sales and still want more. Independents only have 2.5% market share. [source: TNS Worldpanel]. They have been increasingly squeezed to the point where they will soon disappear altogether.

Over the last few years, because of the growth of supermarkets and out of town retail, a number of independent shops have had to close, for example, a craft shop, a gift shop, a greengrocer, three clothes shops, and a hardware shop of 50 years' standing. Recent changes to shops in the centre have been away from retailing to services, such as beauty salons and chiropodists.

The council's study (Edinburgh's Shopping Centres 1986-2010) identified that the number of non-supermarket foodstores in Portobello fell by 38% in that period.

Far from having, as Aldi claim, "a minimal impact upon Portobello town centre", this supermarket would send it into terminal decline.

PAS did not agree that the site is "edge of centre". The entrance to the supermarket would be more than 220m away from the edge of the designated town centre and 330m from the primary retail frontages. It would also be detached from the town centre. Kwik-fit creates a barrier and there are also several blocks of flats between Kwik-fit and the end of the primary retail frontage on this side of the High Street. The development would therefore not form an extension to the high street but would be isolated retail. It was also impossible to see the town centre from the application site.

The applicants admit that they expect most shoppers to drive to the store and this meant the local shops would be bypassed and lose trade as a result.

Finally, this proposal did not comply with the five elements of policy Ret 2 in that:

- it would threaten the vitality and viability of the town centre as it is separated from it by several hundred metres and would therefore draw trade from the centre;
- this development does not help to maintain a compact centre;
- the proposed supermarket is far larger than any other store in the town. It will have an unbalancing effect;
- the proposed supermarket would not reinforce or add to what is already on offer in the town centre;
- the car park, controlled by Aldi, offers no improvement to accessibility to car transport for the town centre.

In summary, this store was not needed, would be harmful to the high street, did not comply with policy and granting permission would be inconsistent with previous decisions.

### **A Trader's Perspective**

Joe Findlay the owner of Findlay's of Portobello, an award-winning butcher's shop advised that they had relocated to Portobello in 1986 when they forced to move from their previous premises in Rodney Street when it suffered a 50% loss of trade due to the opening of a supermarket close by.

The community came together to fight off the application for a supermarket on the Baileyfield site 10 years ago and it was good to see that a sizeable majority objected to this plan.

Since the previous supermarket was refused 10 years ago, new supermarkets have opened in the area including a Sainsbury's Local in the high street, the doubling in size of Tesco in Musselburgh, a new Scotmid and Farm Foods at Duddingston Park South and two Lidl's - one at Musselburgh and the other at Craigmillar. This is in addition to Aldi in Musselburgh and all the other supermarkets in the area such as branches of the "Big Four". Clearly, there was absolutely no need for another supermarket in the area.

The presence of these discounters plus the economic downturn has had a negative impact on Portobello High Street and trade had fallen by 5% in the last few years. The deli next door to the butcher's shop now closes at 2 pm each day because of falling trade. Contrary to the claim by the developers that there were four delis in the town, there are actually only two.

Portobello has a number of independent traders such, Williamson's fishmonger's, Banana Republic greengrocer's, the Fine Wine shop, Earthy organic foods, the Mousehole Deli, and several convenience shops.

The developer predicts a loss of trade to the whole town centre of 3.3%. If the foodshops close, there will be lower footfall and all the other businesses will be affected as well.

3.3% is an unrealistically low estimate as this operator aims to undercut competitors by at least 15% <http://www.theguardian.com/business/2014/sep/29/how-aldi-price-plan-shook-up-tesco-morrisons-asda-sainsburys>] and would be selling products similar to those sold by the independents.

Some of the traders who would be most affected have said:

Adam Rankine, of the Fine Wine shop, says that if turnover reduces to the extent he estimates it will, then he would be forced to shut up shop within six months of Aldi opening.

Mrs Khan of Banana Republic greengrocer says that she has already lost trade since Sainsbury's Local opened and her business would be finished if Aldi opened.

James Bonthron of Williamson's fishmonger's said: "Whilst I am a specialist retailer, I recognise that I am likely to lose trade as a result of this supermarket opening. My greatest concern is that if one or more of the independent food retailers closes then the town centre will be seen as not worthwhile using for shopping as a critical mass of retailers is needed to make it viable."

In my own shop, I currently have 10 staff but I estimate that if my trade dropped by the amount predicted (and it is likely to be higher) I would have to let two members of staff go.

You have already heard that independent traders now only have 2.5% of the grocery market. They are struggling at present and this supermarket would lead to the extinction of the independent traders in Portobello.

The council has a stated aim of protecting town centres and supporting small businesses. On

behalf of the traders of Portobello, I am asking you please to protect our town centre by refusing permission for this supermarket.

## **Conclusion**

Portobello Amenity Society does wish to see the Baileyfield site developed and welcomes the proposal to build houses on this site. However, we feel that there is, at present, a huge over-provision of supermarkets in the immediate area and are concerned that this proposal would affect the viability and vitality of Portobello town centre and would generate considerable traffic problems for the whole of the area. PAS also have major concerns about the design and the materials that are proposed. The site presents a fantastic development opportunity for Portobello. This proposal falls far short of the aspirations of the Development Brief and was just not good enough. Portobello deserves better. For all of the above reasons, Portobello Amenity Society asks that this application be refused.

The presentation can be viewed via the link below:

[http://www.edinburgh.public-i.tv/core/portal/webcast\\_interactive/157915](http://www.edinburgh.public-i.tv/core/portal/webcast_interactive/157915)

### **(d) Robert Newton, GVA and Ewan Anderson, 7N Architects - Applicants**

Robert Newton representing GVA addressed the Committee with Ewan Anderson representing 7N Architects. With reference to the site and redevelopment, it was outlined that the masterplan led approach had been adopted. A community and stakeholder consultation had taken place during the pre-application stage, with a clear majority of respondents supporting the proposals. Improvements had been made to the proposals in response to feedback from the consultation. An outline was provided of the masterplan and it was indicated that this would bring new housing on brownfield urban land. There would be 290 new dwellings, constituting a range of housing types, sizes and tenures, a new Aldi foodstore, with an entrance at the High Street and there would be new pedestrian routes to the site and access to transport links. The proposals would create new public realm/art at the gateway to Portobello. Additionally, the space, for the proposed development, had been subject to considerable change over the years. The development plan supported the principle of re-development and there would be a sustainable mix of houses. 350 jobs would be created and an Aldi food store would be a welcome addition to the High Street.

In conclusion, it was requested that the application be granted.

The presentation can be viewed, via the link below.

[http://www.edinburgh.public-i.tv/core/portal/webcast\\_interactive/157915](http://www.edinburgh.public-i.tv/core/portal/webcast_interactive/157915)

### **(e) Councillor David Walker – Ward Councillor**

Councillor Walker, Ward Councillor for Portobello/Craigmillar had advised that he was unable to attend and requested that a letter be tabled on his behalf. He advised that the application was contrary to the North West Portobello Development Brief (NWPDB), in terms of framework and the type of shop type retail operation envisaged on the Baileyfield site. Two previous applications for supermarkets were refused on the grounds that the Council and the Scottish Government Reporter did not believe there was the need for any further supermarkets in the area. There were already a significant number of food stores in Portobello town centre and another 14 supermarkets within a three mile radius. The Baileyfield site was outside the town centre and would draw trade away from local shops. The level of parking provision associated with the proposed store would attract high volumes

of traffic to Portobello High Street. Edinburgh was desperately short of land to meet its LDP2 housing commitments and brownfield sites, such as Baileyfield, should be earmarked for housing, thereby reducing the need to build on the green belt or green field sites throughout the City.

In conclusion, Councillor Walker hoped that the Sub-Committee would fully consider the points raised and requested that application no. 14/03736/PPP be refused and the developers come forward with proposals for this site that were consistent with the NWPDB.

The Convener ruled in terms of Standing Order 8.1 (b) that votes be taken on the motions and amendments in the following order:

Vote 1 – Amendment 2 against Amendment 3 = Vote 1 Outcome.

Vote 2 – Motion against Amendment 1 = Vote 2 Outcome

Vote 3 – Vote 2 Outcome against Vote 1 Outcome = Final Decision

### **Vote 1 - Amendment 2 against Amendment 3**

#### **Amendment 2**

To issue a mixed decision to grant planning permission in principle for the proposed housing development, but to refuse planning permission for the retail store as its location and the proposed materials were inappropriate to this site.

- Moved by Councillor Mowat, seconded by Councillor Child.

#### **Amendment 3**

To refuse planning permission as the proposals were contrary to Policy Ret 2 (Town Centres) which set criteria for assessing retail development in or on the edge of town centres and Transport Policies 4 and 18.

- moved by Councillor Bagshaw, seconded by Councillor Dixon.

#### **Voting**

For amendment 2 - 6 votes

For amendment 3 - 2 votes

#### **Vote 1 Outcome**

To issue a mixed decision to grant planning permission in principle for the proposed housing development, but to refuse planning permission for the retail store as its location and the proposed materials were inappropriate for this site.

#### **Vote 2 – Motion against Amendment 1**

#### **Motion**

To grant planning permission subject to the conditions, reasons and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.

- moved by Councillor Howat, seconded by Councillor Rose.

#### **Amendment 1**

1. To grant planning permission in principle subject to conditions, reasons, informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.

2. An amended legal agreement to include affordable housing.
  3. The operation plan of the car parking and the number of car parking spaces for the retail part of the development to be approved by the Development Management Sub-Committee.
- moved by Councillor Perry, seconded by Councillor Blacklock.

**Voting**

For the motion - 6 votes  
 For amendment 1 - 6 votes

The number of votes cast for the Motion and for the Amendment being equal, the Convener used his casting vote in favour of amendment 1.

**Voting**

**Vote 2 Outcome** To grant planning permission in principle subject to conditions, reasons, informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.

1. An amended legal agreement to include affordable housing.
2. The operational plan of the car parking and the number of car parking spaces for the retail part of the development to be approved by the Development Management Sub-Committee.

**Vote 3 – Vote 2 Outcome against Vote 1 Outcome**

**Vote 2 Outcome (Amendment 1)**

1. To grant planning permission in principle subject to conditions, reasons, informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
  2. An amended legal agreement to include affordable housing.
  3. The operational plan of the car parking and the number of car parking spaces for the retail part of the development to be approved by the Development Management Sub-Committee.
- moved by Councillor Perry, seconded by Councillor Blacklock.

**Vote 1 Outcome (Amendment 2)**

To issue a mixed decision to grant planning permission in principle for the proposed housing development, but to refuse planning permission for the retail store as its location and the proposed materials were inappropriate for this site.

- Moved by Councillor Mowat, seconded by Councillor Child.

**Voting**

Vote 2 Outcome - 9 votes  
 Vote 2 Outcome - 2 votes

## Final Decision

1. To grant planning permission in principle subject to conditions, reasons, informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
2. An amended legal agreement to include affordable housing.
3. The operational plan of the car parking and the number of car parking spaces for the retail part of the development to be approved by the Development Management Sub-Committee.

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

## **3. 1 Canonmills Bridge, Edinburgh (Land 100 West Of)**

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The Acting Head of Planning and Building Standards reported on an application for planning permission for the change of use from class 3 to retail, erection of 6 flats and 3 town houses and minor alterations to elevations at 1 Canonmills Bridge, Edinburgh (application no 14/02786/FUL).

The Acting Head of Planning and Building Standards gave details of the proposal and the planning considerations involved and recommended that the application be granted.

The Sub-Committee had previously agreed to continue consideration of this application for a site visit.

### **Motion**

To grant planning permission subject to conditions, reasons, informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.

- moved by Councillor Perry, seconded by Councillor Howat

### **Amendment**

To indicate intention to refuse planning permission for the reasons that the development would be detrimental to the character of the conservation area and the Acting Head of Planning and Building Standard to report with back with detailed reasons.

- moved by Councillor Bagshaw, seconded by Councillor Heslop.

### **Voting**

- |                   |   |         |
|-------------------|---|---------|
| For the motion    | - | 2 votes |
| For the amendment | - | 4 votes |

### **Decision**

To indicate intention to refuse planning permission for the reasons that the development would be detrimental to the character of the conservation area and the Acting Head of Planning and Building Standard to report with back with detailed reasons.

(References – Development Management Sub-Committee of the Planning Committee 19 November 2014 (item 2); report by the Acting Head of Planning and Building Standards, submitted.)



## Appendix

Agenda Item No/Address	Details of Proposal/Reference No	Decision
<p><b>Note:</b>Detailed conditions/reasons for the following decision are contained in the statutory planning register.</p>		
Item No 4.1 - Calder Road Edinburgh	<p>Application for advert consent at advertising station, modification of existing internally illuminated advertising hoarding to digital display.</p> <p>Application no 14/03792/ADV</p>	To <b>GRANT</b> advertisement consent subject to the conditions, reasons and informative detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
Item No 4.2 - 70A Duddingston Road Edinburgh (Duddingston Primary School)	<p>Erection of a single storey, stand-alone 60/60 nursery, within the site boundary of Duddingston Primary School. Ancillary storage building within the proposed nursery playground area.</p> <p>Application no 14/04060/FUL</p>	To <b>GRANT</b> planning permission subject to the conditions, reasons and informative detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
Item No 4.3 - 103B Granton Road Edinburgh (Wardie Primary School)	<p>Erection of a stand-alone single storey nursery building, and a single storey extension to an existing education building within the site boundary of Wardie Primary School.</p> <p>Application no 14/04593/FUL</p>	To <b>GRANT</b> planning permission subject to the conditions, reasons and informative detailed in section 3 of the report by the Acting Head of Planning and Building Standards.

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Item No 4.4 - 34B Haddington Place Edinburgh	Erection of mixed use development comprising student accommodation, retail, cafe and restaurant uses -  Application no 14/03513/FUL	<p>1. To <b>GRANT</b> planning permission subject to conditions, reasons, informatives and a legal agreement detailed in section 3 of the report by the Acting Head of Planning and Building Standards</p> <p>2. And an additional condition that:</p> <p>The ground floor commercial units subject of this permission shall be used for Class 1, 2 or 3 (as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997.</p> <p>Reason</p> <p>To define the terms of the consent</p>
Item No 4.5 - 42 Liberton Brae Edinburgh	Erection of mixed use development comprising student accommodation, retail, cafe and restaurant uses.  Application no 14/03513/FUL	To <b>GRANT</b> planning permission subject to informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
Item No 4.6 - 5 Merchiston Avenue Edinburgh	Alterations and extension to existing dwelling house comprising of a single storey extension to the northwest to form garage and gym and a two storey extension to the southeast to form additional living area and bedroom. (Resubmission of planning application 13/03431/FUL).  Application no 14/02125/FUL	To indicate intention to <b>REFUSE</b> planning permission for the reasons that the development would be contrary to policies Des 11 and Env 6 the Acting Head of Planning and Building Standard to report with back with detailed reasons

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Item No 4.7 - 14 (3f2) Montpelier Park Edinburgh	Proposed extension into attic of flat with velux roof windows and glazed cupola.  Application no 14/03456/FUL	To <b>GRANT</b> planning permission subject to informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
Item No 4.8 - 2 Moredun Dykes Road Edinburgh (Gilmerton Primary School)	Erection of a two storey education building within the site boundary of Gilmerton Primary School.  Application no 14/04581/FUL	To <b>GRANT</b> planning permission subject to a condition, reason and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
Item No 4.9 - Niddrie Mains Road Edinburgh (Site at)	Mixed use development inc. retail (class 1); financial, professional and other services (class 2); food and drink (class 3); business and employment (class 4); residential institutions (class 8); residential (class 9); assembly and leisure (class 11); sui generis flatted development and other associated works including car parking, public realm, access arrangements and works in general.  Application no 14/03416/PPP (Application for Planning Permission in Principle)	To <b>GRANT</b> planning permission in principle subject to conditions, reasons, informatives and a legal agreement detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
Item No 4.10 - 20 Royston Mains Avenue Edinburgh (at site 50 metres south of)	Proposed new build two storey care home for the frail elderly.  Application no 14/03377/FUL	To <b>GRANT</b> planning permission subject to conditions, reasons and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
Item No 4.11 - 1 School Wynd Ratho (Ratho Primary School)	Erection of a two storey education building within the site boundary of school.  Application no 14/04592/FUL	To <b>GRANT</b> planning permission subject to conditions, reasons and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Item No 5.1 - Queensferry Road Kirkliston (Land Adjacent to)	<p>Planning application under Section 42 of the planning act seeks to increase total number of residential units from 680 to 720 (06/05149/OUT).</p> <p>Application no 14/01283/PPP (Application for Planning Permission in Principle)</p>	To <b>GRANT</b> planning permission in principle subject to conditions, reasons, informatives and a legal agreement detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
Item No 6.1 - 83 Craighall Road, Edinburgh	<p>External alterations and change of use from garage and public house to convenience store (class 1), children's nursery (class 10) and 3 studio flats (as amended)</p> <p>Application no 14/02023/FUL</p>	<ol style="list-style-type: none"> <li>1. To decline the request for a hearing by Councillor Jackson.</li> <li>2. Continued for a Site Visit</li> </ol>
Item 6.2 - 199 Fountainbridge Edinburgh	<p>Proposed mixed use development comprising retail (Class 1), financial services (class 2), food and drink (class 3), office/light industrial (class 4), hotel (class 7), housing (class 9), community use (class 10), leisure (class 11), public house (non-classified use) and associated parking, open space, infrastructure and public realm works.</p> <p>Application no 14/02814/PPP (Application for Planning Permission in Principle)</p>	To <b>GRANT</b> planning permission in principle subject to conditions, reasons, informatives and a legal agreement detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
Item No 6.3 - 328 Gilmerton Road Edinburgh (Liberton High School)	<p>Extension to existing Sports Centre including Gym Hall &amp; support facilities.</p> <p>Application no – 14/04530/FUL</p>	To <b>GRANT</b> planning permission subject to a condition, reason and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Item No 6.4 - 36 Morrison Crescent Edinburgh	Erection of 19 affordable residential units. Application no 14/02232/FUL	To indicate intention to <b>REFUSE</b> planning permission for the reasons that the location of the development would be detrimental to neighbouring amenity and its proximity to the adjacent main road would be detrimental to the amenity of potential residents and the Acting Head of Planning and Building Standard to report with back with detailed reasons.
Item No 6.5 - 22 Observatory Road Edinburgh	Demolish existing house and build new house. Application no 14/02276/FUL	Continued for a Site Visit
Item No 7.1 - 17-21 Portobello High Street Edinburgh	Protocol Note by the Head of Legal, Risk and Compliance	Noted
Item No 7.1(a) - 17-21 Portobello High Street Edinburgh (Site 100 Metres West Of)	Demolition of buildings and development for residential, retail, sui generis and retirement apartments, detailed matters for retail store (siting, design, access and landscaping) detailed matters of residential (max no. of heights of units, layout and points of vehicular/pedestrian access and egress). Application no 14/003736/PPP	<ol style="list-style-type: none"> <li>1 To <b>GRANT</b> planning permission in principle subject to conditions, reasons, informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.</li> <li>2 An amended legal agreement to include affordable housing</li> <li>3 The operation plan of the car parking and the number of car parking spaces for the retail part of the development to be approved by the Development Management Sub-Committee.</li> </ol> <p>(On a division)</p>

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Item No 8.1 - 1 Canonmills Bridge Edinburgh	Change of use from class 3 to retail, erection 6 flats and 3 town houses and minor alterations to elevations.  Application no 14/02786/FUL	To indicate intention to <b>REFUSE</b> planning permission for the reasons that the development would be detrimental to the character of the conservation area and the Acting Head of Planning and Building Standard to report with back with detailed reasons.  (On a division)

## Development Management Sub-Committee of the Planning Committee

10.00 am Wednesday 14 January 2015

### Present:

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

### **1. General Applications and Miscellaneous Business**

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The Sub-Committee considered the reports on planning applications and pre-applications, listed in Sections 4, 5, 6, and 9 of the agenda for the meeting.

The Acting Head of Planning and Building Standards gave presentations on agenda items 4.2 (Kinleith Mill, Industrial Estate) as requested by Councillor Heslop and item 4.3 (31 Lothian Road, Edinburgh) as requested by Councillor's Bagshaw and Mowat.

### **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)

### **2. Kinleith Mill Industrial Estate Currie (Land at)**

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The Acting Head of Planning and Building Standards reported on an application for a development of 89 residential units at Kinleith Mill Industrial Estate (application no 14/03079/AMC).

### **Motion**

To approve the application subject to the conditions, reasons, informatives and legal agreement as detailed in Section 3 of the report by the Acting Head of Planning and Building Standards

- moved by Councillor Perry, seconded by Councillor Howat

## **Amendment**

To refuse planning permission and for the Acting Head of Planning and Building Standard to report back with detailed reasons.

- moved by Councillor Heslop, seconded by Councillor Rose

## **Voting**

For the motion - 10 votes

For the amendment - 2 votes

## **Decision**

To approve the application subject to the conditions, reasons, informatives and legal agreement as detailed in Section 3 of the report by the Acting Head of Planning and Building Standards



## Appendix

Agenda Item No/Address	Details of Proposal/Reference No	Decision
<p><b>Note:</b>Detailed conditions/reasons for the following decision are contained in the statutory planning register.</p>		
<a href="#">Item 4.1 - 9 East Mains of Ingliston Eastfield Road Edinburgh (Land 45 Metres South Of)</a>	9 East Mains of Ingliston, Eastfield Road, Edinburgh (Land 45 Metres South Of) – Erect 1 illuminated digital signage screen made from frosted and printed polypropylene.  Application no. 14/04456/ADV	To note the application had been withdrawn from the agenda to allow the applicant to submit further information on the context of the proposal.
<a href="#">Item 4.2 - Kinleith Mill Industrial Estate Currie (Land At)</a>	Proposed development at land at Kinleith Mill industrial estate, comprising 89 residential units including associated access, parking and landscaping.  Application no. 14/03079/AMC	To <b>APPROVE</b> the application subject to the conditions, reasons and informative detailed in section 3 of the report by the Acting Head of Planning and Building Standards.  (On a division)
<a href="#">Item 4.3 - 31 Lothian Road Edinburgh</a>	Change of use from Class 11 (Assembly and Leisure) to Sui Generis (Public House) including external alterations  Application no. 14/02936/FUL	Continued for: <ul style="list-style-type: none"> <li>– Information on the capacity of the proposed venue.</li> <li>– Further comment from Police Scotland and Environmental assessment.</li> <li>– Representatives from Police Scotland and Environmental assessment to be invited to The Committee when the application returns.</li> <li>– A site visit to look at the external and internal aspects of the venue and the surrounding area to be arranged.</li> </ul>
<a href="#">Item 4.4 - 10 Oxfangs Green Edinburgh (Pentland Primary School)</a>	Erection of a single storey, 3-classroom building within the grounds of Pentland Primary School.  Application no. 14/04587/FUL	To <b>GRANT</b> planning permission subject to conditions, reasons and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards
<a href="#">Item 4.5 - 18 Parkgrove Place Edinburgh (Clermiston Primary School)</a>	Erection of a 2 storey, 4-classroom building within the grounds of the school. Relocation of existing shed.  Application no. 14/04586/FUL	To <b>GRANT</b> planning permission subject to conditions, reasons and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards
<a href="#">Item 4.6 - 2F 10A Queensferry Street Edinburgh</a>	Change of use from existing office (Class 4) to form four one-bedroom apartments (as amended to three).  Application no. 14/000123/FUL	To <b>GRANT</b> planning permission subject to conditions, reasons and informative detailed in section 3 of the report by the Acting Head of Planning and Building Standards

Agenda Item No/Address	Details of Proposal/Reference No	Decision
<a href="#">Item 4.7 - 17 Waverley Bridge Edinburgh</a>	Proposed change of use from class 3 food and drink to sui generis public house including external alterations.  Application no. 14/03514/FUL	To <b>GRANT</b> planning permission subject to a condition, reason and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
<a href="#">Item 4.8 - 51 Whitehouse Loan Edinburgh (James Gillespies Primary)</a>	Erection of a two-storey educational building (4 classrooms) and ancillary accommodation within the grounds of James Gillespie's Primary School. Removal of existing shed.  Application no. 14/04588/FUL	To <b>GRANT</b> planning permission subject to a conditions, reasons and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
<a href="#">Item 5.1 - 5 Merchiston Avenue Edinburgh</a>	Alterations and extension to existing dwelling house comprising of a single storey extension to the northwest to form garage and gym and a two storey extension to the southeast to form additional living area and bedroom  (Resubmission of planning application 13/03431/FUL)	To <b>REFUSE</b> planning permission for the reasons detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
<a href="#">Item 5.2 - 36 Morrison Crescent Edinburgh</a>	Erection of 19 affordable residential units.  Application no 14/02232/FUL	To <b>REFUSE</b> planning permission for the reasons detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
<a href="#">Item 6.1 - 18 Cammo Walk Edinburgh (Land 345 Metres South East Of)</a>	Application for planning permission in principle for up to 670 residential unit development supported by ancillary mixed uses, including associated works and landscaping (as amended).  Application no. 14/01776/PPP	In the absence of full accompanying technical information from the applicant to support the application proposals the Sub-Committee advises the Reporter that it would have been unable to make a decision at the present time.
<a href="#">Item 6.2 - 27 Johnston Terrace Edinburgh (Land 87 Metres West Of)</a>	Removal of temporary rock trap barrier and erection of 2.5m fence and stone wall to form permanent rock containment area. Fence and wall to run 165m of Johnston Terrace, located below the south facing rock face of Edinburgh Castle. Provision of new asphalt footpath terminations to north footpath with whin/granite kerbs to match existing (as amended to re-include a footpath on the north side).  Application no. 14/03286/FUL	To <b>GRANT</b> planning permission in principle subject to a condition, reason, informatives and a legal agreement as detailed in section 3 of the report by the Acting Head of Planning and Building Standards.

Agenda Item No/Address	Details of Proposal/Reference No	Decision
<a href="#">Item 9.1 - 69-97 Inglis Green Road Edinburgh (Land 69 Metres West Of)</a>	Forthcoming application by Cruden Homes East Ltd to demolish existing shopping centre and erect 60-65 flats and associated car parking and landscaping.  Reference no. 14/04491/PAN	To note the key issues at this stage.
<a href="#">Item 9.2 - 181 St Johns Road Edinburgh</a>	Forthcoming application by Realis Estates to demolish of existing retail premises and erect a food retail development with ancillary cafe, parking, infrastructure and landscaping.  Reference no. 1403550/PAN	To note the key issues at this stage.  The traffic assessment to include the whole of Manse Road and the Featherhalls  Further information requested on: <ul style="list-style-type: none"> <li>- Maintaining the safer route to school for Corstorphine PS</li> <li>- Air Quality</li> </ul>
<a href="#">Item 9.3 - 24 West Bowling Green Street Edinburgh</a>	Forthcoming application by WBG Partnership for Residential development.  Reference no. 14/04538/PAN	To note the key issues at this stage.  Further information requested on: <ul style="list-style-type: none"> <li>- Openspace</li> <li>- Permeability of the site</li> <li>- Active travel considerations</li> <li>- Noise disturbance to the proposed housing from the neighbouring engineering works</li> <li>- The possibility of the design including reference to the industrial history of the area</li> </ul>

## Development Management Sub-Committee of the Planning Committee

10.00 am Wednesday 28 January 2015

### Present:

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

### 1. General Applications and Miscellaneous Business

The Sub-Committee considered the reports on planning applications and pre-applications, listed in Sections 4, 5, 6, 8 and 9 of the agenda for the meeting.

The Acting Head of Planning and Building Standards gave a presentation on agenda item 4.2 (Cauldcoats, Millerhill, Dalkeith) as requested by Councillor Perry.

#### 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)

#### Dissent

Councillor Bagshaw requested that his dissent be recorded in respect of the decision on agenda item 6.3 – 3-8 St Andrew Square, 7-1 South St David Street, Edinburgh (application no 14/04101/FUL).

Councillor Blacklock requested that her dissent be recorded in respect of the decision on agenda item 8.1 – 83 Craighall Road, Edinburgh (application no 14/02033/FUL).

### 2. 22 Observatory Road, Edinburgh

The Acting Head of Planning and Building Standards reported on an application to demolish an existing house and build a new house at 22 Observatory Road, Edinburgh (application no 14/02276/FUL).

## **Motion**

To indicate that the Sub-Committee was minded to refuse planning permission for the reasons that the scale, form and design of the proposed development would have a detrimental impact on the character of the street and residential amenity in terms of overshadowing and daylight and that the Acting Head of Planning and Building Standards report back to the Sub-Committee on the reasons for refusal.

- moved by Councillor Perry, seconded by Councillor Robson

## **Amendment**

To grant planning permission subject to the informatives as detailed in Section 3 of the report by the Acting Head of Planning and Building Standards.

- moved by Councillor Rose, seconded by Councillor Ross

## **Voting**

For the motion	-	6 votes
For the amendment	-	8 votes

## **Decision**

To grant planning permission subject to the informatives as detailed in Section 3 of the report by the Acting Head of Planning and Building Standards.

## Appendix

Agenda Item No/Address	Details of Proposal/Reference No	Decision
<p><b>Note:</b>Detailed conditions/reasons for the following decision are contained in the statutory planning register.</p>		
<a href="#">Item 4.1 - 106A Biggar Road, Edinburgh</a>	Change of use from locker rooms and admin office (upper floor) and shop (lower floor) to office accommodation to be let temporarily (3 years)  Application no 14/03916/FUL	To <b>GRANT</b> planning permission subject to informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
<a href="#">Item 4.2 - Cauldcoats, Millerhill, Dalkeith (Land At)</a>	Application for planning permission in principle for residential development; erection of primary school; and mixed use development (this application is accompanied by an environmental statement submitted under the terms of The Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2011)  Application no 15/00027/MLC	To raise <b>NO OBJECTION</b> to the application proposals but to ask Midlothian Council to ensure that the applicant makes provision for the introduction of robust air quality mitigation measures to address emissions from space heating within the proposed development, in order to keep background concentrations to a minimum, and to ensure that journeys by private car are reduced by ensuring good access to public transport. Furthermore, that the applicant's transport assessment be updated to take account of recent and planned junction improvements to the highway network, as described in section 3.3 of the report.
<a href="#">Item 4.3 - 73 Craiglockhart Drive South, Edinburgh</a>	Discharge of the planning obligation to the works required to create a pedestrian link  Application no 14/03614/OBL	To <b>REFUSE</b> planning permission for the reasons and informative detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
<a href="#">Item 4.4 - 24 Featherhall Avenue, Edinburgh</a>	Alterations to a nursery school and erection of a storage unit (in retrospect)  Application no 14/04447/FUL	To <b>GRANT</b> planning permission (in retrospect).
<a href="#">Item 4.5 - High Street, Edinburgh (Telephone Boxes)</a>	Change of use of two phone boxes to two retail units (as amended)  Application no 14/00846/FUL	To <b>GRANT</b> planning permission subject to the informative detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
<a href="#">Item 4.6 - 35A Howe Street, Edinburgh</a>	Erect basement level extension to replace existing out-shot (as amended)  Application no 14/04241/FUL	To <b>GRANT</b> planning permission subject to the condition, reason and informative detailed in section 3 of the report by the Acting Head of Planning and Building Standards

Agenda Item No/Address	Details of Proposal/Reference No	Decision
<a href="#">Item 4.7 - 7 Kew Terrace, Edinburgh (Site 26 Metres West Of)</a>	<p>Application under section 75 for modification of planning obligation (13/04207/FUL) to delete the safer routes to schools contribution and amend the tram contribution</p> <p>Application no 14/04947/OBL</p>	<p>To <b>REFUSE</b> planning permission for the reasons detailed in section 3 of the report by the Acting Head of Planning and Building Standards.</p>
<a href="#">Item 4.8 - South St David Street, Edinburgh (Bus Shelter Advertising Panels)</a>	<p>Free standing double-sided advertising panels at various locations (as amended to exclude George Street locations). 206235 George Street 57m after Frederick Street, EH2 2HT 206240 George Street 72m before Hanover Street, EH2 3BU 206500 South St David Street, after Princes Street, o/s Jenners, EH2 2YJ</p> <p>Application no 14/03911/ADV</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.</p>
<a href="#">Item 5.1 - 1 Canonmills Bridge, Edinburgh</a>	<p>Change of use from class 3 to retail, erection 6 flats and 3 town houses and minor alterations to elevations</p> <p>Application no 14/02786/FUL</p>	<p>To <b>REFUSE</b> planning permission for the reason set out in the addendum in section 3 of the report by the Acting Head of Planning and Building Standards.</p>
<a href="#">Item 6.1 - Belford Mews, Edinburgh (Land Adjacent To)</a>	<p>Erect dwelling house on three levels which includes the removal of a tree and mature planting</p> <p>Application no 14/02924/FUL</p>	<p>To <b>CONTINUE</b> consideration of the application for a site visit.</p>
<a href="#">Item 6.2 - 1-13 Buccleugh Place, 30,32,34 Buccleugh Street, Edinburgh</a>	<p>Change-of-use of 1-6 and 7-13 Buccleugh Place (excluding flats 4F2/2, 4F5/2, 1F2/5 and 1F1/8 Buccleugh Place) from education to managed student residential use. Internal/external refurbishment (as amended)</p> <p>Application no 14/02521/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions, reasons and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards and subject also to the following additional conditions:</p> <ul style="list-style-type: none"> <li>• A Management Plan shall be submitted to and approved in writing by the Acting Head of Planning and Building Standards prior to the occupation of the units.</li> <li>• Details of the proposed soundproofing of the student flats shall be submitted to and approved in writing by the Acting Head of Planning and Building Standards prior to the commencement of works on site.</li> </ul>

Agenda Item No/Address	Details of Proposal/Reference No	Decision
<a href="#">Item 6.3 – 3-8 St Andrew Square, 7-1 South St David Street, Edinburgh</a>	<p>Proposed amendments to an approved mixed use development, comprising revisions to the elevational treatment facing St Andrew Square, creating a new façade to replace the 6/7 St Andrew Square frontage</p> <p>Application no 14/04101/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the conditions and reasons detailed in section 3 of the report by the Acting Head of Planning and Building Standards.</p> <p>Councillor Bagshaw requested that his dissent be recorded in respect of the above decision.</p>
<a href="#">Item 8.1 – 83 Craighall Road, Edinburgh</a>	<p>External alterations and change of use from garage and public house to convenience store (class 1), children’s nursery (class 10) and 3 studio flats (as amended)</p> <p>Application no 14/02033/FUL</p>	<ol style="list-style-type: none"> <li>1. To <b>GRANT</b> planning permission subject to the conditions, reasons, informatives and a legal agreement detailed in section 3 of the report by the Acting Head of Planning and Building Standards.</li> <li>2. To ask the Acting Head of Planning and Building Standards to explore with the developer the feasibility of undertaking a traffic survey both before and after the site is operational and report back on measures which could be put in place to mitigate road safety issues and whether a condition regarding this could be added retrospectively to the above planning permission.</li> </ol> <p>Councillor Blacklock requested that her dissent be recorded in respect of the above decision.</p>
<a href="#">Item 8.2 – 22 Observatory Road, Edinburgh</a>	<p>Demolish existing house and build new house</p> <p>application no 14/02276/FUL</p>	<p>To <b>GRANT</b> planning permission subject to the informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.</p> <p>(On a division)</p>



Agenda Item No/Address	Details of Proposal/Reference No	Decision
<a href="#">Item 9.1 - Almond Avenue, Edinburgh Airport, Edinburgh</a>	Report on forthcoming application by Ability Hotels for Planning Permission for proposed development of a 175 bed hotel together with car parking and landscaping  Reference no. 14/04658/PAN	<ol style="list-style-type: none"> <li>1. To note the key issues at this stage.</li> <li>2. Further information requested on:               <ul style="list-style-type: none"> <li>• A flood risk assessment</li> <li>• Lighting impact on the tower</li> <li>• Transport to the site, including public transport and passenger links and whether these could be funded from developer contributions</li> <li>• Memorial Spitfire to be protected within a prominent position on the site</li> </ul> </li> </ol>
<a href="#">Item 9.2 - 12 Almond Court, Greendykes Road, Edinburgh (Land 80 Metres South East Of)</a>	Report on forthcoming application by Places for People for residential development  Reference no. 14/05092/PAN	<ol style="list-style-type: none"> <li>1. To note the key issues at this stage.</li> <li>2. Further information requested on:               <ul style="list-style-type: none"> <li>• Arrangements for parking within affordable housing development</li> <li>• Paths/links and integration with the Thistle Foundation development</li> </ul> </li> </ol>

## Development Management Sub-Committee of the Planning Committee

10.00 am Wednesday 11 February 2015

### Present:

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

### 1. General Applications and Miscellaneous Business

The Sub-Committee considered the reports on planning applications and pre-applications, listed in Sections 4, 5, 6 and 9 of the agenda for the meeting.

The Acting Head of Planning and Building Standards gave a presentation on agenda items 4.1 - 9A Antigua Street as requested by Councillor Mowat, 4.6 - 698 Ocean Drive (Ocean Terminal) as requested by Councillor Bagshaw and 4.9(a and b) - 24 – 28 Torphichen Street as requested by Councillor Perry.

A request to consider agenda item 6.3 – 345 Oxfords Road North by holding a hearing session had been received from Councillor Aitken.

### 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)

### 2. 24 – 28 Torphichen Street, Edinburgh

The Acting Head of Planning and Building Standards reported on applications for planning permission and conservation area consent for the demolition of an existing office block and redevelopment to form new hotel and ancillary uses (application nos 14/04085/FUL and 15/04086/CON).

The Convener ruled in terms of Standing Order 8.1 (b) that a vote be taken for or against a motion for continuation for a site visit, if this was lost then further proposals to determine the applications would be taken from the members

## **Motion 1**

To continue consideration of the matter for a site visit.

- moved by Councillor Mowat, seconded by Councillor Bagshaw.

## **Voting**

For the proposal - 4 votes  
Against the proposal - 9 votes

## **Decision 1**

Not to undertake a site visit

## **Motion 2**

To grant

1. Planning permission subject to the conditions, reasons and informatives, as detailed in Section 3 of the report by the Acting Head of Planning and Building Standards and a legal agreement in regard to tram contributions, and
  2. Conservation area consent subject to notification to Scottish Ministers
- moved by Councillor Perry, seconded by Councillor Child

## **Amendment**

1. To indicate intention to refuse planning permission and conservation area consent as the proposals would be detrimental to the amenity of the neighbouring residents
  2. The Acting Head of Planning and Building Standards to report on reasons for the refusal
- moved by Councillor Mowat, seconded by Councillor Bagshaw

## **Voting**

For the motion - 9 votes  
For the amendment - 4 votes

## **Decision**

To grant

1. Planning permission subject to the conditions reasons and informatives, as detailed in Section 3 of the report by the Acting Head of Planning and Building Standards and a legal agreement in regard to tram contributions, and
2. Conservation area consent subject to notification to Scottish Ministers

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

## **3. 345 Oxgangs Road North, Edinburgh (St John's Church Hall)**

The Acting Head of Planning and Building Standards reported on an application for planning permission for the demolition of existing buildings and erection of a class 1 retail food store with ancillary works including car parking access and landscaping (application no 14/03807/FUL).

The Sub-Committee also had a request from Councillor Aitken to hold a hearing session to consider the application

The Sub-Committee having received a presentation by the Acting Head of Planning and Building Standards on the application, and having considered the arguments put forward in the request to hold a hearing, agreed that it had sufficient information before it to determine the application and declined the request to hold a hearing submitted by Councillor Aitken

### **Motion**

To grant planning permission subject to the conditions reasons, informatives and a legal agreement, as detailed in Section 3 of the report by the Acting Head of Planning and Building Standards

- moved by Councillor Perry, seconded by Councillor Howat

### **Amendment**

1. To indicate intention to refuse planning permission as the proposals were contrary to policies ENV 18 and OS 1
2. The Acting Head of Planning and Building Standards to report on reasons for the refusal

- moved by Councillor Bagshaw, seconded by Councillor Brock

### **Voting**

For the motion - 13 votes

For the amendment - 2 votes

### **Decision**

1. To decline the request for a hearing by Councillor Aitken
2. To grant planning permission subject to the conditions reasons, informatives and a legal agreement, as detailed in Section 3 of the report by the Acting Head of Planning and Building Standards

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

## **4. 102 St Leonard's Street, Edinburgh**

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The Acting Head of Planning and Building Standards reported on an application for planning permission, the demolition of existing retail unit and redevelopment of the site for student housing, class 1 (retail) and/or class 2 (financial, professional and other services) uses with associated ancillary uses, landscaping and other associated development (application no 14/03643/FUL).

### **Motion**

To refuse planning permission for the reasons detailed in the report by the Acting Head of Planning and Building Standards.

- moved by Councillor Rose, seconded by Councillor Perry.

## **Amendment**

1. To indicate intention to grant planning permission, and
2. The Acting Head of Planning and Building Standards to report on suitable conditions to be attached to the consent.

- moved by Councillor Howat, seconded by Councillor Heslop

## **Voting**

For the motion - 10 votes

For the amendment - 5 votes

## **Decision**

To refuse planning permission for the reasons detailed in the report by the Acting Head of Planning and Building Standards

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

## Appendix

Agenda Item No/Address	Details of Proposal/Reference No	Decision
<p><b>Note:</b>Detailed conditions/reasons for the following decision are contained in the statutory planning register.</p>		
<p>Item 4.1 - 9a Antigua Street Edinburgh</p>	<p>Alterations to existing restaurant including shop front and rear extension - application no 14/003714/FUL</p>	<p>To <b>GRANT</b> planning permission subject to conditions and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards; and</p> <ol style="list-style-type: none"> <li>1. Additional informatives that;               <ol style="list-style-type: none"> <li>I. All deliveries and refuse collections are made from the front of the premises to protect the amenity of neighbours to the rear of the property.</li> <li>II. There is no alfresco dining</li> <li>III. The fire escape to be by way of a fire protective zone (fire proof corridor through the building to the front)</li> </ol> </li> </ol>
<p>Item 4.2 - 13 Broomhouse Market Edinburgh (The Redgauntlet)</p>	<p>Alterations and change of use of existing public house to form shop and two flats over - application no 14/05131/FUL</p>	<p>To <b>GRANT</b> planning permission subject to informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.</p>
<p>Item 4.3 - 83 Craigcrook Road Edinburgh (Blackhall Primary School)</p>	<p>Erection of a new gym hall and associated ancillary accommodation within the grounds - application no 14/04602/FUL</p>	<p>To <b>GRANT</b> planning permission subject to conditions and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.</p>

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Item 4.4 - 139 Craighleith Road Edinburgh	Change of use of petrol filling station to residential (8 houses) (as amended) - application no 14/02316/PPP	To <b>GRANT</b> planning permission in principle subject to conditions, informatives and a legal agreement detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
Item 4.5 - 209 Dalry Road Edinburgh (At Advertising Hoarding 35 Metres South West Of)	Advert consent to erect an internally illuminated Digital 200 advert display by the roadside – application no 14/05228/ADV	To <b>GRANT</b> advertisement consent subject to conditions and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
Item 4.6 - 98 Ocean Drive Edinburgh (Ocean Terminal)	Front extension to units comprising Class 1 retail on the ground floor, staff welfare facilities on the first floor and mechanical plant on the second floor – application no 14/04482/FUL	To <b>GRANT</b> planning permission in principle subject to conditions, informatives and a legal agreement detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
Item 4.7 - Princes Street Edinburgh (Bus Shelter Advertising Panels)	Double sided advertising panels adjacent to bus shelters: 206165 Princes Street, after South Charlotte Street, EH2 4AH 206170 Princes Street, 121-123, EH2 4AD 206180 Princes Street, before Castle Street, EH2 2AA 206210 Princes Street, 109 EH2 3AA 206220 Princes Street, 106, EH2 3AA 206225 Princes Street, before Frederick Street, EH2 3AB Application no 14/03840/ADV	To <b>GRANT</b> advertisement consent subject to conditions and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Item 4.8 - Princes Street Edinburgh (Bus Shelter Advertising Panels)	Free-standing double-sided advertising panels at various locations: 206469 Princes Street, 62, EH2 2DJ 206470 Princes Street, 54-58, EH2 2DQ 206472 Princes Street, IFO Jenners, EH2 2YJ 206530 Princes Street, Opp Waverley Station, EH2 4AA 206531 Princes Street, before West Register Street, EH2 4AA Application no 14/03885/ADV	To <b>GRANT</b> advertisement consent subject to conditions and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
Item 4.9(a) - 24 - 28 Torphichen Street Edinburgh	Demolition of existing office block and redevelopment to form new hotel and ancillary uses- application no 14/04085/FUL	To <b>GRANT</b> planning permission in principle subject to conditions and , informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards and a legal agreement in respect of tram contributions.  (On a division)
Item 4.9(b) - 24 - 28 Torphichen Street Edinburgh	Demolition of existing multi-storey office block - application no 14/04086/CON	To <b>GRANT</b> conservation area consent subject to notification to Scottish Ministers as detailed in section 3 of the report by the Acting Head of Planning and Building Standards.  (On a division)
Item 4.10 - 64 St Johns Road Edinburgh	Proposed redevelopment of existing commercial bakery and retail unit to form mixed use development comprising student accommodation with support facilities, refurbished commercial unit (Classes 1 and 2) new studio apartment and 1 bedroom cottage (amended description) - application no 14/03341/FUL	To <b>GRANT</b> planning permission in principle subject to conditions and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.



Agenda Item No/Address	Details of Proposal/Reference No	Decision
<p>Item 5.1 - 1-13 Buccleuch Place 30 32 34 Buccleuch Street Edinburgh</p>	<p>Change-of-use of 1-6 and 7-13 Buccleuch Place, (excluding flats 4F2 2, 4F5 2, 1F2 5 + 1F1 8, Buccleuch Place) from education to managed student residential use. Internal/external refurbishment. (as amended) – application no 14/02521/FUL</p>	<p>To <b>GRANT</b> planning permission in principle subject to conditions and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.</p>
<p>Item 6.1 - 175 Comely Bank Road Edinburgh (Flora Stevenson Primary School)</p>	<p>Erection of a single storey 3-classroom building with ancillary accommodation within the grounds of Flora Stevenson Primary School (as amended) - application no 14/04582/FUL</p>	<p>To <b>GRANT</b> planning permission in principle subject to conditions and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards, and an additional condition that a procedure was to be agreed and implemented for updating the Travel Plan.</p>

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Item 6.2 - Glasgow Road, Edinburgh	Erect 2 illuminated digital 400 displays on steel structures – application no 14/04810/ADV	<p>To <b>GRANT</b> advertisement consent subject to:</p> <p>A. The following conditions and reasons</p> <p>Conditions:-</p> <ol style="list-style-type: none"> <li>1. Consent is granted for a period of five years from the date of consent.</li> <li>2. The intensity of illumination of the advertisement display shall be restricted to 75 candelas per square metre during night time hours, these hours being 30 minutes after sunset to 30 minutes before sunrise each day.</li> <li>3. Advertisements shall be static images only.</li> </ol> <p>Reasons:-</p> <ol style="list-style-type: none"> <li>1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.</li> <li>2. In order to safeguard existing amenity.</li> <li>3. To safeguard public safety.</li> </ol> <p>B. Informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.</p>

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Item 6.3 - 345 Oxbgangs Road North Edinburgh (St Johns Parish Church Hall)	Demolition of existing buildings and erection of a class 1 retail foodstore with ancillary works including car parking, access and landscaping - application no 14/03807/FUL	<p>1. To decline the request for a hearing by Councillor Aitken</p> <p>2. To <b>GRANT</b> planning permission in principle subject to conditions, informatives and a legal agreement detailed in section 3 of the report by the Acting Head of Planning and Building Standards.</p> <p>(On a division)</p>
Item 6.4 - 30 - 31 Princes Street Edinburgh	Breach of Control - reference no 13/00784/ELBB	Planning and Listed Building Enforcement Notices be Served with a compliance period of three to six months
Item 6.5 - 102 St Leonards Street Edinburgh	Demolition of existing retail unit and redevelopment of site for student housing, class 1 (retail) and/or class 2 (financial, professional and other services) uses with associated ancillary uses, landscaping and other associated development - application no 14/03643/FUL	<p>To <b>REFUSE</b> planning permission for the reasons and informative detailed in section 3 of the report by the Acting Head of Planning and Building Standard</p> <p>(On a division)</p>
Item 9.1 - Fountainbridge Edinburgh (Land at Springside)	Report for forthcoming application by Fountain North Ltd for Residential and mixed-use development including class 1 (retail), class 2 (financial, professional and other services), class 3 (food and drink), class 4 (business), class 7 (hotel) and/or class 11 (Leisure) and ancillary works – reference no. 14/05337/PAN	To note the key issues at this stage.

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Item 9.2 - 194 Glasgow Road Edinburgh (Site 100 Metres East Of)	Report on forthcoming application by West Craigs Ltd for a Mixed use development incorporating Class 4 (excluding offices), Class 5, Class 6 and residential development, landscaping, associated access, and all ancillary development - reference no 14/04157/PAN	<ol style="list-style-type: none"> <li>1. To note the key issues at this stage.</li> <li>2. An assessment of the Maybury Junction to be included of the transport scoping:</li> </ol>
Item 9.3 - 49 Potterrow Edinburgh (Land 49 Metres North Of)	Report on forthcoming application by the University of Edinburgh for Revisions to the original consent (04/03124/FUL) to a) create a more prominent public entrance and public 'way through' Potterrow to the central courtyard; b) create a greater degree of variation to the skyline profile on Potterrow; and c) omit the 29 car parking spaces originally proposed for the phase three basement - reference no 14/05341/PAN	<ol style="list-style-type: none"> <li>1. To note the key issues at this stage.</li> <li>2. The heights of the adjacent properties to be taken into consideration in the design of the development:</li> </ol>