

# Minutes

## Development Management Sub-Committee of the Planning Committee

10.00 am Wednesday 21 February 2018

### Present:

Councillors Gardiner (Convener), Booth, Cameron (substituting for Councillor Child for agenda item 6), Child, Gordon (substituting for Councillor Ritchie), Graczyk, Griffiths, Mitchell, Mowat, Osler and Staniforth.

## 1. Minutes

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### Decision

To approve the minute of the meeting of the Development Management Sub-Committee of 7 February 2018 as a correct record, subject to the amendment of the minute of 10 January 2018, at item 1.1 to state that the voting numbers for the amendment was 8 and not 11.

## 2. General Applications and Miscellaneous Business

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The Sub-Committee considered reports on planning applications listed in Section 4, 6, 7 and 9 of the agenda for the meeting.

### Requests for Presentations

The Chief Planning Officer gave a presentation on agenda item 4.2 - 543 Gorgie Road, Edinburgh – as requested by Councillors Booth and Osler.

The Chief Planning Officer gave a presentation on agenda item 4.4 – 1 Lauriston Place, Edinburgh – as requested by Councillor Booth.

### Requests for Hearings

Councillors Lang, Work and Young as local ward members had requested that a hearing be held to consider agenda item 7.1 – 10 Builyeon Road, South Queensferry.

### Decision

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

(Reference – reports by the Chief Planning Officer, submitted.)

### 3. 14 Bath Street, Edinburgh

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The Chief Planning Officer had identified a planning Application for planning permission for the retention of principal façade of former cinema building (including partial restoration of missing elements) and the erection of a residential building comprising 20n flatted dwellings including garages, car parking and associated landscaping at 14 Bath Street, Edinburgh, to be dealt with by means of a hearing (application no. 16/06447/FUL).

#### (a) Report by the Chief Planning Officer

The property was a vacant former cinema, last serving as a bingo hall, standing on Bath Street, the main approach road to Portobello beach from Portobello High Street.

The existing building was designed in 1938/39 but built either during or slightly after the Second World War. Although intended to look like a solid concrete structure, it was actually brick-built with a thin rendered cement skin, standing on a concealed timber frame. The frontage had several added outer layers over the original frontage. The frontage had been stripped of all its original projecting glazed features, and its central tower had been truncated, giving a much lower and flatter form than that originally built. Internally the front section contained the entrance lobby, stairs and projection room, but these areas had been stripped of most original features.

To the rear the building's character was very different. This section contained the auditorium. Externally this section was a simple rendered brick box with a corrugated asbestos roof. Steel uprights (paired C-sections) were visibly expressed as thin "pilasters". Brickwork was only half a brick thick here, despite its great height, and it was not structurally connected to the steel uprights. Steelwork was corroded through where it connects to ground level. It was noted that the outer render contains layers of asbestos.

Internally, the currently accessible lower auditorium was plain and relatively featureless. Its proportions were compromised by a suspended ceiling, and this space was of no intrinsic architectural merit. Above the suspended ceiling the original form and ornamentation remains substantially intact. This included the entire upper balcony, which although lacking seating, retained its original form and structure. However, it was noted that this ornamentation, though remaining fairly intact above the suspended ceiling, also contained a high percentage of asbestos fibre, rather than being pure plaster.

The structure as a whole was listed category C on 12 December 1974 (reference number: 26818).

The site contained three mature trees along its eastern edge onto Mentone Terrace, but was otherwise wholly hard-surfaced, with tarmac creating an informal (non-delineated) parking area.

On its west side the cinema abuted a substantial five storey Victorian tenement, rising higher than the current remnant cinema structure.

Bath Street as a whole was varied in character, with buildings dating from 1810 to contemporary, and with scales varying from one storey to five storeys. The carriageway

was narrow, and although a two-way street, parking on each side restricts car movements to a single car travelling in one direction at any given time.

To the rear, Mentone Terrace was a residential street of more consistent character than Bath Street, which wrapped around the north-east corner of the site. Mentone Terrace was cottage-like in character on its western side, and more tenemental in character on the east and to the north.

This application site was located within the Portobello Conservation Area.

The presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/293968](https://edinburgh.public-i.tv/core/portal/webcast_interactive/293968)

**(b) Portobello Community Council**

Sean Watters gave a presentation on behalf of Portobello Community Council.

He indicated that Portobello Community Council objected to the applications. The new owners and the agent for the application attended their meeting in November 2106 asking for feedback on their proposals for re-development. The Community Council ran a short consultation to gather the view of the community which broadly reflected the response to the planning application itself. They received 263 responses to which a substantial majority objected to both the principal of changing the use to residential and on the actual proposals themselves.

The Community Council also had concerns about the economic viability of the proposals and possible changes to the listed building status of the building. They thought that the application had failed to demonstrate a case for the demolition of a highly valued local buildings that the proposed re-development would be detrimental to local character and amenity and that local opinion seemed decisively in favour of rejecting the proposals.

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**(c) Friends of the George**

Phil Denning (Chair of Out of the Blue), Michael Davison (Friends of the George) and Steve Wood (Conservation Accredited Engineer and Director at David Narro Associates) gave a presentation on behalf of the Friends of the George.

Phil Denning indicated that the positive vision for the building proposed by Friends of the George built upon feasibility work undertaken by Out of The Blue. At the time of their feasibility work they noted interest to purchase the site, though it was sold without notification to the current developer. They remained fully supportive of Friends of The George and had helped to facilitate commitment from Queen Margaret University to collaborate in the development of the building as a community cinema and cultural venue. With their commitment to support the delivery of this project, Out Of The Blue, brought a wealth of experience and expertise.

Michael Davidson explained that they were a constituted group who aimed to revive The George Cinema. With over 300 members, they had a vision to retain and upgrade this building and operate it as a community cinema and cultural venue. They were confident of delivering this vision and drew on the skills and experience of their committee and extensive membership.

They were grateful for the support they had received from all four of our ward councillors. They needed to use their limited time to question the conclusions drawn by others about the viability for the repair of the auditorium. On the basis of the professional advice provided by conservation accredited consultants they contended that the repair of the auditorium was entirely feasible.

Regarding asbestos, the mere presence of asbestos did not necessitate removal, let alone the demolition of a building. Such issues had been addressed on many similar projects. It was possible that with demolition there was a greater risk of harm emanating from the disturbance of asbestos materials than would a scheme of carefully controlled and executed retention. The problem could not be simply measured in terms of square metres. The information about asbestos in the developer's report suggested that a much less invasive approach to dealing with coatings could be considered.

Steve Wood indicated that the structure was not showing any fundamental signs of distress. The defects present were purely a result of lack of maintenance and were not a result of the original structural design. The design did not require upgrading to meet current codes. There were no structural issues which would prohibit the repair or adaptation of the building to allow it to remain in use.

Redesign or structural work would be limited to firstly, adaptation or intervention, which would be routine and deliverable and secondly, repair which, despite the localised corrosion of some of the columns, would not be significant or unduly complex. Additionally, the reported lack of ties and restraint in the context of masonry infill panels was fundamentally erroneous and details were provided of the ties and restraint throughout the structure. In the unlikely event any panels might require additional restraint, this could be delivered in a routine manner.

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**(d) Councillor Mary Campbell, Ward Member**

Councillor Mary Campbell thanked the Sub-Committee for hearing the deputation and urged the members to reject this application on the grounds of Policy ENV2. When she visited the site, she was surprised by the large number of original features that remained, such as the detail on the wall and features remaining over and above the original terrazzo floor and stair. The developers had referred extensively to asbestos, however, this was fairly common and existed in City Chambers. She also raised the impressive, detailed proposal for the Community Centre on Workspace that was pulled together by the Friends of the George and Out of the Blue. Communities needed more than just housing, they needed spaces for them to use. Leith would be benefitting from

a refurbished community asset in the form of the theatre, it would therefore be fantastic if Portobello could do the same for their community asset.

In conclusion, Policy ENV2 required that the demolition of a listed building would only be permitted in exceptional circumstance, that account should be taken of the value to be derived from its continual use, the type of use should safeguard its future and that public benefits to be derived from allowing demolition outweighed the loss. She did not consider these conditions to be met, so urged the members to reject the application.

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**(e) Councillor Kate Campbell, Ward Member**

Councillor Kate Campbell indicated that she had been a member of the Sub-Committee and knew the very difficult decision that they faced. Obviously, more houses were needed in the city, but the proposed project intended to build a small number of luxury homes that sacrificed a great historic building and had the potential to become a hub for the community. Historic Environment Scotland guidance stated that once lost listed buildings could not be replaced, therefore, there was a presumption against demolition or other works that adversely affected the listed building. The George was to be the last of the super cinemas about in the city and it was designed by well-known architects. Planning authorities should therefore only approve such applications where they were satisfied that one of the criteria was met that this building was incapable of repair. The people who made up the deputations today were not idealists, but were experts. They were confident in their alternative proposal and that the building was able to be repaired and restored. If the Sub-Committee made decided that demolition of the building should go ahead, they had to be clear that the HESPS test and the criteria set out in the LDP, under Policy Env 2 had also been met. Finally, she had been inside this building and it was clear that this is amazing building that had to be preserved. The Sub-Committee could set the building on a path to restoration or they could destroy it forever. During the decade 1960 to 1969, some major mistakes were made. Once lost, listed buildings could not be replaced, so these mistakes should not be repeated.

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**(f) Councillor Laidlaw, Ward Member**

Councillor Laidlaw indicated that the Council spoke a great deal about supporting community councils, yet when it came to planning decisions it often seemed that the community benefit of a development fell by the wayside. The George had been a vibrant and much-loved part of Portobello since the outbreak of the Second World War. Portobello was a vibrant and thriving community and needed to have more than just new homes, it needed local amenities, places to work and arts and culture that provided a focus to their community. Edinburgh needed more housing, but Portobello was contributing more than its fair share, with over two thousand new homes being

planned or being constructed, which created more pressure and an opportunity to create amenity spaces. He previously lived in an area of London with its own community cinema – “the Lexi”. It could easily have been come yet another luxury development, but the community resisted and instead became a cultural centre and a community hub. The George could offer such an experience for the people of Portobello. To demolish an iconic piece of architecture and replace it with yet more “high end” residential development was very short sighted. The Sub-Committee should listen to the community which has in large numbers objected to the plans to demolish the George. The Sub-Committee were asked to carefully consider if they would support turning this arts centre into yet another block of expensive flats when it could be a valuable hub for the community and a real support for culture across the city.

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**(g) Councillor Child, Ward Member**

Councillor Child thanked the Sub-Committee for being allowed to speak and indicated that she agreed with the other three ward councillors in that they supported the community and supported the retention of this building and its use for the community. She had received an e-mail from Professor Ian Campbell, who was a constituent and objected to this. He said with great eloquence, as an architectural historian, that he expressed his extreme concern and incomprehension at both council officers and Historic Environment Scotland apparently accepting, uncritically, the assertions of the reports commissioned by the applicants. He previously worked for the predecessor of Historic Environment Scotland and always took such reports with great scepticism when assessing cases for demolition. The reports commissioned by those who wanted to save the George were compiled by conservation accredited professionals and they concluded that there were no insuperable problems in saving the building and restoring it as an invaluable community asset. The four members were from different parties, but were all of one mind and that was to please save this building.

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**(h) Applicant and Applicant’s Architect – Buckley Building UK**

Liam Buckley (Buckley Building UK) and George Gilbert (Architect to the Applicant) spoke in favour of the development.

Liam Buckley indicated that he was the owner/applicant and hoped that their proposal was the only one being considered by the Sub-Committee at today’s hearing.

He indicated that he spent most of my life in Portobello and the surrounding area, so he was well aware of this building and its history, from an early age. His company had a proven track record in delivering new residential housing developments in sensitive areas, such as Park Lane in Portobello. After viewing the George, it was clear to see

that the building was in an extremely poor condition. He regarded this as a unique opportunity, and he was the only party to come forward with a credible offer. Since that time, we have been transparent in our approach to our free unique conservation design led proposal. They were committed to a thorough consultation process, which included guided tours for members of the public and elected members. They also distributed information leaflets to the local community, had support from the silent majority of residents in Portobello and encouragement from the Cockburn Association, who had commended their proposals. His ambition was to see the George restored to its former appearance whilst at the same time improving its surrounding amenity for local residents. Obtaining planning permission today would go a long way to achieving this.

George Gilbert indicated that he had been an architect for 45 years involved in many applications' presentations to this authority's historic buildings applications for over 40 years. This application had received an extremely high level of professional and consultee support from internal Council consultees and statutory consultees. The application had been audited by the Council and by Historic Environment Scotland. There had been substantial comment about the views of the various engineers, however, there was only one Edinburgh-based engineering company of some repute that had unrestricted access to the George and that was the applicant's consulting engineers. They had engaged the services of experts in the field of asbestos. It had been concluded that the asbestos in this building was not suitable for encapsulation, the structure itself was deteriorating and would need some considerable remediation and it would require the removal of asbestos in considerable quantities. But it was doubtful if the alternative proposals had been comprehensively audited or was compliant with all Council policies. There were 14 Council policies none of these had been met for these proposals. However, the Head of Planning's report was totally supportive of his application. The application was also supported by Historic Environment Scotland and the Cockburn Association whose views were held in high regard. The developer had been actively encouraged to progress this application to a conclusion and done so in a transparent and informed way. It was fairly unique that there was so much support from the Council, the Scottish Office, professional engineers and public watchdogs and with a considerable amount of consultation.

It was hoped that the Sub-Committee would see this as a measure of the commitment of the applicant and the granting of planning permission would reinforce the Council's commitment to the very sensitive regeneration of a valuable historic building and to those parts of the City over which they exerted influence.

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## **Decision**

To refuse planning permission for the reason that the proposals were contrary to Local Development Plan Policies ENV 2 (Listed Buildings – Demolition) and ENV 4 (Listed Buildings – Alterations and Extensions).

(Reference – report by the Chief Planning Officer, submitted.)

### **Declaration of Interest**

Councillor Child declared a non-financial interest in the above item as she had expressed a view on the application, left the room and took no part in consideration of this item.

## **4. 14 Bath Street, Edinburgh**

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The Chief Planning Officer provided details on an application for Listed Building Consent for Partial Demolition of former cinema building including retention and partial restoration of principal façade and addition of new-build element to the rear at 14 Bath Street, Edinburgh - (Application no. 16/06449/LBC).

### **Decision**

To refuse listed building consent for the reason that the proposals were contrary to:

- 1) Local Development Plan Policies ENV 2 (Listed Buildings – Demolition) of the local development plan.
- 2) Part 2 of the HESPS Test was not met as the building was not incapable of repair.

(Reference – report by the Chief Planning Officer, submitted.)

### **Declaration of Interest**

Councillor Child declared a non-financial interest in the above item as she had expressed a view on the application, left the room and took no part in consideration of this item.

## Appendix

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><a href="#"><u>Item 4.1 – 21A Corbiehill Road, Edinburgh</u></a></p>	<p>Construction of a new two-storey educational building comprising 8x classrooms and ancillary accommodation - application no 17/04270/FUL</p>	<p>To <b>GRANT</b> planning permission subject to informatives as detailed in section 3 of the report by the Chief Planning Officer.</p>
<p><a href="#"><u>Item 4.2 – 543 Gorgie Road, Edinburgh</u></a></p>	<p>Demolition of Existing Buildings and Erection of 23 residential properties, with Associated Access Roads, Landscaping and Boundary Treatments (as amended) – application no 17/00392/FUL</p>	<p>To <b>CONTINUE</b> consideration of this item as a presentation to the next meeting of the Sub-Committee.</p>
<p><a href="#"><u>Item 4.3 – 17A Hamilton Place, Edinburgh (Stockbridge Primary School)</u></a></p>	<p>Proposal for single storey classroom annex to Stockbridge Primary School, containing two classrooms and ancillary spaces - WC's , a store and cloak spaces - application no 17/04206/FUL</p>	<p>To <b>GRANT</b> planning permission subject to conditions, reasons and informatives as detailed in section 3 of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<a href="#"><u>Item 4.4 – 1 Lauriston Place, Edinburgh (Land 100 Metres South Of)</u></a>	Application for planning permission proposing the erection of residential development and ancillary works together with a mix of class 1, 2 and 3 uses at ground floor level (as amended) – application no 17/00168/FUL	To <b>GRANT</b> planning permission subject to: <ol style="list-style-type: none"> <li>1. Conditions, reasons, informatives and a legal agreement as detailed in section 3 of the report by the Chief Planning Officer.</li> <li>2. An additional informative that the applicant investigate further opportunities to install 100% cycle parking to meet the needs of the residents.</li> <li>3. Additional contribution requirements for health care provision to be incorporated in a suitable legal agreement.</li> </ol>
<a href="#"><u>Item 4.5 – 111 Longstone Road, Edinburgh (31 Metres Northeast Of)</u></a>	Erect 1x illuminated Hoarding Sign – application no 17/05547/ADV	To <b>GRANT</b> advertisement consent subject to conditions, reasons and informatives as detailed in section 3 of the report by the Chief Planning Officer
<a href="#"><u>Item 4.6 – 7 Mortonhall Road, Edinburgh</u></a>	Proposed alterations to existing garage with additional new study/sun room at first floor level. Internal alterations to link existing kitchen space with basement living room. New bi-fold door opening on rear elevation. Installation of air source heat pump on rear elevation of garage (as amended) – application no 17/04518/FUL	To <b>GRANT</b> planning permission subject to conditions, reasons and informatives as detailed in section 3 of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<a href="#"><u>Item 4.7 – 181 Newhaven Road, Edinburgh (Trinity Primary School)</u></a>	Single storey classroom annex to Trinity Primary School, containing two 60m2 classroom spaces and ancillary accommodation – application no 17/04960/FUL	To <b>GRANT</b> planning permission subject to conditions, reasons and informatives as detailed in section 3 of the report by the Chief Planning Officer.
<a href="#"><u>Item 4.8 – Niddrie Mains Road, Edinburgh (Redevelopment Site)</u></a>	(Redevelopment Site) – Erection of 194 new residential units, comprising 128 flats and 66 terraced houses, along with associated roads, pedestrian paths, parking courtyards, amenity space and soft landscaping (matters listed in conditions I (a), two, three (excluding (h)), four, five and six) (as amended) – application no 17/03244/AMC	To <b>APPROVE</b> matters specified in conditions as detailed in section 3 of the report by the Chief Planning Officer.
<a href="#"><u>Item 4.9 – 17-22 Royal Terrace, Edinburgh</u></a>	Alterations to the glazed screens which form part of the external elevations to the restaurant and lounge areas. Replace the existing glazed elevations with folding windows and sliding doors to the Playfair lounge and restaurant. New external seating area with timber screening to the Playfair Terrace – application no 17/05048/FUL	To <b>GRANT</b> planning permission subject to conditions, reasons and informatives as detailed in section 3 of the report by the Chief Planning Officer.
<a href="#"><u>Item 6.1 – 14 Bath Street, Edinburgh</u></a>	Protocol Note by the Head of Strategy and Insight	Noted.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<a href="#"><u>Item 6.2(a) – 14 Bath Street, Edinburgh</u></a>	Planning permission for retention of principal façade of former cinema building (including partial restoration of missing elements) and the erection of a residential building comprising 20n flatted dwellings including garages, car parking and associated landscaping – application no 16/06447/FUL	To <b>REFUSE</b> planning permission for the reason that the proposals were contrary to Local Development Plan Policies ENV 2 (Listed Buildings – Demolition) and ENV 4 (Listed Buildings – Alterations and Extensions).
<a href="#"><u>Item 6.2(b) – 14 Bath Street, Edinburgh</u></a>	Application for Listed Building Consent for partial demolition of former cinema building including retention and partial restoration of principal façade and addition of new-build element to the rear – application no 16/06449/LBC	To <b>REFUSE</b> listed building consent for the reason that the proposals were contrary to: <ol style="list-style-type: none"> <li>1) Local Development Plan Policies ENV 2 (Listed Buildings – Demolition) of the local development plan.</li> <li>2) Part 2 of the HESPS Test was not met as the building was not incapable of repair.</li> </ol>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><a href="#"><u>Item 7.1 – 10 Builyeon Road, South Queensferry (Land 288 Metres Southwest Of)</u></a></p>	<p>Mixed use development to provide residential, employment, primary school and associated uses – acknowledging BP Pipeline (Edinburgh LDP Site HSG32) (Scheme) - application no 16/01797/PPP</p>	<p>To <b>GRANT</b> planning permission in principle subject to:</p> <ol style="list-style-type: none"> <li>1. Conditions, reasons, informatives and a legal agreement as detailed in section 3 of the report by the Chief Planning Officer, subject to further conditions outlined from Transport Scotland.</li> <li>2. Additional informatives that: <ol style="list-style-type: none"> <li>(a) The developer should undertake public consultation and a placemaking exercise in relation to condition 1.</li> <li>(b) The submission of a Publicity and Consultation Report with condition 1.</li> <li>(c) Significant AMC applications be brought before the DM Sub-Committee for consideration.</li> <li>(d) Time period for the submission of the first AMC application, in relation to condition 1, be brought forward within 3 years. By Direction.</li> </ol> </li> </ol>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<a href="#"><u>Item 9.1 – 3 Burdiehouse Crescent, Edinburgh (Site 117 Metres Northeast Of)</u></a>	<p>Forthcoming application by City of Edinburgh Council for the erection of a new-build school for children with additional support needs including all associated hard and soft landscaping, external stores, boundary fencing, car parking with drop off areas and upgrading of existing access road - application no 18/00237/PAN</p>	<p>To <b>CONTINUE</b> consideration of this item to the next meeting of the Sub-Committee.</p>
<a href="#"><u>Item 9.2 – 181, 183, 185, 187, 198, 191, 193-195 St John’s Road, Edinburgh</u></a>	<p>Forthcoming application by Mactaggart And Mickel Commercial Development Ltd for mixed used development (Class 9 and sui generis flats) together with commercial space (including class 1, 2 and 3) and hot food takeaway (sui generis), car parking and associated works – application no 17/06066/PAN</p>	<p>To <b>CONTINUE</b> consideration of this item to the next meeting of the Sub-Committee.</p>