

Minutes

Development Management Sub-Committee of the Planning Committee

10.00am, Wednesday 20 February 2019

Present:

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Dixon, Gordon, Griffiths, McLellan, Mitchell, Mowat, Osler and Staniforth.

1. Minutes

To approve the minute of the Development Management Sub-Committee of 5 December 2018 subject to amending the decision of item 5 to read 'the voting being equal, the Convener use his casting vote in favour of the motion'

To approve the minute of the Development Management Sub-Committee of 23 January 2019 as a correct record.

2. General Applications and Miscellaneous Business

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

Requests for Presentations

The Chief Planning Officer gave a presentation on agenda Item 4.1 – 210 Craigs Road, Edinburgh, as requested by Councillors Gardiner and Mowat.

The Chief Planning Officer gave a presentation on agenda Item 4.3 – 14 Regent Terrace, Edinburgh, EH7 5BN, as requested by Councillor Mowat.

Decision

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

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

3. 30 Corstorphine Road, Edinburgh, EH12 6HP

The Chief Planning Officer had identified applications for planning permission and listed building consent to be dealt with by means of a hearing at 30 Corstorphine Road, Edinburgh, EH12 6HP – application nos 17/05071/FUL and 17/05073/LBC. The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the applications for planning permission and listed building consent be granted.

(a) Report by the Chief Planning Officer

A detailed presentation had been given on the 9 January 2019, the Chief Planning Officer therefore gave a brief presentation. The surrounding area was mainly residential. To the north of the site was the recently completed flatted development within the grounds of Westerlea on Ellersly Road. Large detached villas sat to the east and west of the site. Further west towards Ellersley Road, sites had been redeveloped with modern developments.

The proposal was for a change of use of the existing buildings and the erection of two flatted residential blocks in the grounds of the listed building. The total number of residential units was 32, comprising 27 units in the two new build blocks, 2 units in Tor House, 2 units in the stable block and 1 unit in the lodge house.

It was proposed to build a new five storey residential block to the east of the main house, containing fourteen flats: nine, two bed and five, three bed. Thirteen of the apartments would have private terraces. This new building was contemporary in style with a flat-roof, large windows and balconies. Materials proposed are natural stone on the principal elevations and sides with brick proposed on the rear elevation and zinc cladding to the roof. To the south of this block, it was proposed to erect a five storey block containing thirteen flats: five, two bed flats and eight, three bed flats. Twelve of the apartments will have private terraces. This building mirrored the north block with its contemporary style, flat roof, large windows and balconies. Materials proposed were natural stone on the principal elevations and sides with brick proposed on the rear elevation and zinc cladding to the roof.

The Chief Planning officer discussed residential amenity. A detailed study tests showed that the windows on the south elevation of the neighboring north block would have reduced daylighting to the windows with five of these bedroom windows failing the vertical sky component (VCS); three of these windows were on the ground floor and two at the first floor. A further assessment using the Average Daylight Factor (ADF) had been undertaken and this demonstrated that the bedroom windows met the criteria set out in the Edinburgh Design Guidance.

The development would provide 32 parking spaces for the residential units including 4 spaces for disabled people and four with electric charging points. New pedestrian access would be provided from Corstorphine Road. The distribution of parking around the site, access routes to them and the provision met levels required in the Council's guidance and was satisfactory. Two secure cycle stores were to be located to the south of the site and to the east of the Tor House to provide secure cycle parking. The Chief Planning Officer stated that transport, parking and access were satisfactory and accorded with policy Tra 2 and Tra 3 of the LDP.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the applications for planning permission and listed building consent be granted.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372411

(b) Dr James Forbes, Murrayfield Community Council

Dr Forbes stated that Murrayfield Community Council welcomed sustainable development that preserved or enhanced Conservation Areas, but the proposed application failed by harming the character and appearance of the area. Also, design of the application, with regard to layout, scale and style was inappropriate. The Community Council also had other concerns such as affordable housing and the impact on amenity of neighbouring properties.

Mature Trees were essential to the character and appearance of the Conservation Area. The proposed development would remove 33 trees, including 15 at least 10m in height and 5 that were mature heritage trees. The new plantings would take 40 to 50 years to reach maturity.

Dr Forbes also addressed the listed building application. Where a proposed development affected a listed building, special regard should be paid to the desirability of preserving the building or its setting as stated in Section 59(1) of the Planning (listed Buildings and Conservation Areas) (Scotland) Act 1997. The setting of Tor House, its stable block and gate lodge would be irreparably ruined by this development. The north block would sit between Tor House and the stable block and would sit 5.4m higher than Tor House.

Dr Forbes urged committee to reject the applications for planning permission and listed building consent.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372411

(c) William Fulton

Mr Fulton had lived in a family home immediately to the west of the proposed development. Mr Fulton was concerned about the height and density of the development and asked committee to consider the densification and height of the application.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372411

(d) Neil McKerrow

Neil McKerrow stated that 65 residents objected to the applications due to the degradation of residential amenity and negative impact on conservation area. Independent Light Assessment revealed both 1st and 2nd floors of the Westerlea failed both Vertical Sky Component and Average Daylight Factor tests. Also, the proposed North Block was at least 2 storeys too high, should be reduced in height and moved further away from the boundary.

The proposed North Block sat too close to Westerlea at 11m, substantially infringing council policy minimum of 18m. This would impact privacy and threatened overshadowing.

The AMA application should be rejected as it contravened a range of Council guidelines: on daylight, immediate outlook, overlooking and building separation which led to material degradation of existing residential amenity and privacy. The application disrespected the character and setting of buildings that were Listed and of Heritage merit. The proposed development contradicted and failed to meet recent stated Council Planning criteria for Tor, Westerlea and Corstorphine Hospital sites and would also damage a Conservation Area. Residents were not resistant to change, but not in the proposed format which was unacceptable.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372411

(e) Ward Councillors

Councillor Douglas stated that residents wanted to see the site brought back in to use and redeveloped but the application was unsympathetic. The 2010 application stated the character and setting of the stable block must be given importance as well as Tor House itself and that buildings located between Tor House and the stable block should be subservient in form. That was key to local residents when it came to the application. Why those principles had changed was something residents had an issue with. A further concern to residents was the council's policy of minimum distance of 18m between buildings. This was done on a case by case basis and residents thought this was arbitrary and not done on rules and regulations that should be followed through. The issue of conflicting lighting reports was raised. The impact the building would have on lighting should be examined before planning permission was granted.

Councillor Gloyer reiterated what Councillor Douglas said and other speakers had said. Nobody was opposed to the Tor House being redeveloped, it would be excellent if the Tor House and other listed buildings could be brought back into use, but it would have to be a development of the right kind. However, Councillor Gloyer wanted to focus on the conservation concerns of the application and specifically on the trees. The report mentioned that 24 trees would be felled on the site, yet the community council was clear 33 trees would be felled. Many of the trees on the site were tall and mature. The trees provided screening from the traffic on the A8 and they helped to ameliorate air pollution from the A8. Councillor Gloyer urged committee to interrogate these concerns with the applicant to reach a decision that could give new life to the Tor House without further damaging the character and appearance of Murrayfield.

Councillor Frank Ross was happy there was a development on the site but recognised the complexities of the issues faced by the committee. Councillor Ross focussed on the delivery of affordable housing on site. Policy Hou 6 states that for developments of 12 units or more there had to be 25% affordable housing. The LDP also looked beyond the kind of housing that must be provided. One of the overall objectives was to promote better, more sustainable, balanced communities. Policy Hou 6 also stated that a key

aim of the policy was that affordable housing should be integrated with market housing on the same site and address the full range of housing needs including family housing. Councillor Ross argued an opportunity was being missed with this development. Unless the council enforced these policies, the city would not end up with the type of place making that was trying to be achieved.

The presentation can be viewed via the link below:

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(f) **Applicant and Applicant's Agent**

Ali Afshar (AMA Newtown Ltd), Andrew Wilmot (Oberlanders Architects) and Tina Muldowney (Wardell Armstrong) were heard in support of the application.

Mr Afshar believed the applicant's intervention on the site would bring a significant conservation gain to Murrayfield Conservation Area. Mr Wilmot stated that a lot of areas within the site were full of character and extremely pleasant places to be but contained volumes of existing developments. The proposals, argued Mr Wilmot, followed the same strategy as previous developments such as Westerlea Ellersly Road.

Details were provided on the appropriateness of the density of the development. Former developments such as Barnardo's, 325 Corstorphine Road contained 31 units and the site area was 0.44Ha and the density was 70.5. The proposed development would contain 32 units on a 0.77Ha site area and would have a density of 41.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/372411

Decision

1. To **REFUSE** planning permission as the proposals were contrary Local Development Plan Policies Env 3 (Listed Buildings and Setting), Env 6 (Conservation Areas - Development), Env 12 (Trees), Hou 6 (Affordable Housing) and Des 4 (Development Design - Impact on Setting).
2. To **GRANT** Listed Building Consent subject to the informative set out in section 3 of the report by the Chief Planning Officer.

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

4. Former St Margaret's School, 4 East Suffolk Road, Edinburgh

The Chief Planning Officer had identified the following application for detailed presentation to the Sub-Committee. Details were provided of the application for planning permission at the former St Margaret's School, 4 East Suffolk Road for the conversion of the pre school nursery to six dwellings with car parking, bin stores and landscaping - application no 18/09696/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application for planning permission be granted.

Motion

To grant planning permission subject to the conditions, reasons and informatics detailed in Section 3 of the report by the Chief Planning Officer.

- moved by Councillor Gardiner, seconded by Councillor Mowat.

Amendment

To refuse planning permission as the application was contrary to LDP Policies Tra 3 and Tra 4.

- moved by Councillor Booth, seconded by Councillor Staniforth.

Voting

For the motion: - 7 votes

(Councillors Child, Dixon, Griffiths, Gardiner, McLellan, Mitchell, Mowat,)

For the amendment: - 3 votes

(Councillors Booth, Osler and Staniforth)

Decision

To grant planning permission subject to the conditions, reasons and informatics detailed in Section 3 of the report by the Chief Planning Officer.

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

5. 215 High Street, Edinburgh, EH1 1PE

Details were provided of a planning application for the change of use of a former nursery site into a small street traders market with an indoor area incorporating ancillary seating area with a café providing snacks and drinks within the existing building – application no 18/02294/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be refused.

Motion

To refuse planning permission for the reasons detailed in Section 3 of the report by the Chief Planning Officer.

- moved by Councillor Gardiner, seconded by Councillor Child.

Amendment

To grant planning permission.

- moved by Councillor Staniforth, seconded by Councillor Osler.

Voting

For the motion: - 7 votes

(Councillors Child, Dixon, Gardiner Gordon, Griffiths, McLellan and Mitchell)

For the amendment: - 3 votes

(Councillors Booth, Osler, Staniforth)

Decision

To refuse planning permission for the reasons detailed in Section 3 of the report by the Chief Planning Officer.

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

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.		
<u>Item 4.1 - 210 Craigs Road Edinburgh (At Land 369 Metres Northeast Of)</u>	210 Craigs Road Edinburgh (At Land 369 Metres Northeast Of) - Forthcoming application by the West Craigs Ltd. for Proposal of Application Notice for mixed use development including business and employment uses (class 4), (class 6); hotels (class 7) and ancillary uses including retail (class 1), financial and professional services (class 2), food and drink (class 3), residential institutions (class 8), residential (class 9), non-residential institutions (class 10), assembly and leisure (class 11), sui generis flatted development; and other associated works including landscaping, car parking, servicing, access and public realm – application no 18/10028/PAN	<p>1) To note the key issues at this stage.</p> <p>2) To take into account the following additional issues:</p> <ul style="list-style-type: none"> • Education provision in the area • The wider transport issues in the west of the city • Active travel links and walking and cycling provision • Consideration of public transport availability for the site, including capacity and frequency.
<u>Item 4.2 - Frogston Road East, Edinburgh (At Land At)</u>	Frogston Road East, Edinburgh (At Land At) - Application for Planning Permission for new build primary school and early years centre. The proposal will incorporate space for 462 primary school pupils and 80 nursery pupils – application no 18/08609/FUL	To GRANT planning permission subject to the informatives set out in section 3 of the report by the Chief Planning Officer.
<u>Item 4.3 - 14 Regent Terrace, Edinburgh EH7 5BN</u>	14 Regent Terrace, Edinburgh EH7 5BN - Application for Planning Permission for a proposed garden room (as amended) – application no 18/09751/FUL	To GRANT planning permission subject to the informatives set out in section 3 of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 6.1(a) - 30 Corstorphine Road Edinburgh EH12 6HP</u>	Application nos 17/05071/FUL & 17/05073/LBC – Protocol Note	Noted
<u>Item 6.1(b) - 30 Corstorphine Road Edinburgh EH12 6HP</u>	30 Corstorphine Road Edinburgh EH12 6HP - Application for Planning Permission for conversion of the former nursing home, gate lodge and stable block to residential use, erection of two residential blocks comprising 27 residential units, associated landscaping and ancillary works – application no 17/05071/FUL	To REFUSE planning permission as the proposals were contrary Local Development Plan Policies Env 3 (Listed Buildings - Setting), Env 6 (Conservation Areas - Development), Env 12 (Trees), Hou 6 (Affordable Housing) and Des 4 (Development Design - Impact on Setting).
<u>Item 6.1(c) - 30 Corstorphine Road, Edinburgh EH12 6HP</u>	30 Corstorphine Road Edinburgh EH12 6HP - Application for Listed Building Consent for alterations to stable block and removal of non-original extensions to former Tor Nursing Home. Alterations to Torwood House to facilitate conversion to residential use (as amended) – application no 17/05073/LBC	To GRANT Listed Building Consent subject to the informative set out in section 3 of the report by the Chief Planning Officer.
<u>Item 7.1 - Former St Margaret's School, 4 East Suffolk Road, Edinburgh</u>	Former St Margaret's School, 4 East Suffolk Road, Edinburgh - Application for Planning Permission for the conversion of pre-school nursery to six dwellings with car parking, bin stores and landscaping – application no 18/09696/FUL	To GRANT planning permission subject to the conditions, reasons and informatics as set out in section 3 of the report by the Chief Planning Officer. (On a division)

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 8.1 - 215 High Street, Edinburgh EH1 1PE</u>	215 High Street, Edinburgh EH1 1PE - Application for Planning Permission for change of use of former nursery site into a small street traders market with an indoor area incorporating ancillary seating area with a café providing snacks and drinks within the existing building – application no 18/02294/FUL	To REFUSE planning permission for the reasons set out in section 3 of the report by the Chief Planning Officer. (On a division)