

Minutes

Development Management Sub-Committee of the Planning Committee

10.00am, Wednesday 22 November 2023

Present:

Councillors Osler (Convener), Beal, Burgess (substituting for Councillor Booth), Cameron (Items 1.1-6.2), Dalgleish, Gardiner, Jones, Mattos-Coelho, Mowat and Staniforth.

1. Minutes

Decision

To approve the minute of the Development Management Sub-Committee of the 25 October 2023 as a correct record.

2. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in sections 4 and 6 of the agenda for this meeting.

Requests for a Presentation

Councillor Booth requested a presentation on Item 4.3 - plot A1, Western Harbour View, EH6 6PG, Edinburgh – application no. 23/06110/PAN.

Councillor Osler requested a presentation on Item 4.6 - 162 Ferry Road, Edinburgh, EH6 4NX – application no. 23/02174/FUL.

Councillor Staniforth requested a presentation on Item 4.6 - 162 Ferry Road, Edinburgh, EH6 4NX – application no. 23/02174/FUL.

Requests for a Hearing

Ward Councillor O'Neill requested a hearing for Item 4.6 – 162 Ferry Road, Edinburgh, EH6 4NX – application no. 23/02174/FUL.

Decision

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

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

3. Land 143 Metres Southeast Of 94 Ocean Drive, Edinburgh

The Chief Planning Officer had identified an application to be dealt with by means of a presentation for the proposed erection of residential development with associated landscaping and infrastructure (variation of design approved under permission 19/02778/FUL) at land 143 metres southeast of 94 Ocean Drive, Edinburgh – application no. – 23/01615/FUL.

(a) Report by the Chief Planning Officer

Planning permission was sought on land 143 Meters Southeast Of 94 Ocean Drive, Edinburgh for the proposed erection of residential development with existing landscaping and infrastructure. A site was identified for housing led, mixed use development and high-density residential development and supported at this brownfield location through both NPF4 and the LDP. The proposals would not have a negative impact on the historic environment. The additional height of the four storeys on Block A was largely in keeping with the scale and spatial structure of the extant permission. The design and materials were presented as appropriate for the context of the wider site. The layout provided an enhancement of the public realm, with the reduction in car parking, increased landscaping, and the introduction of the promenade. The proposed housing mix and the level of affordable housing was presented as acceptable. There was an infringement against open space policy due to the way the block sat in the landscaped area and there were some potential infringements on daylighting on the adjacent land. Any noise implications for the site could be dealt with through conditions in a similar way to the existing permission on the site. Other matters such as in relation to transport implications, flooding, biodiversity and sustainability were considered as acceptable. Subject to recommended conditions and a legal agreement the proposal was presented as acceptable and broadly complied with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory Edinburgh Design Guidance. There were no material considerations which would indicate otherwise.

The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 22 November 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(b) Hilary Ford and Robert Drysdale

Hilary Ford introduced herself as a local resident objecting the proposal. Leith was a historically important industrial and working area of the city and was increasingly popular as a tourist destination. The proposal and the scale of development were described as a threat to the balance of old and new, creating a dangerous new vernacular in terms of scale and height, and would detract from the visual amenity of what made Leith such a popular place to live and visit. Ms Ford highlighted a few specific aspects of this proposal which were contrary to the Council's Local Development Plan. The proposed building would be the highest in the area and was designed to provide small flats which would also affect the population of Leith.

Robert Drysdale objected to this proposal due to access to the public open space and visual impact. He presented a map showing the distance to the nearest part from the proposed development which was contrary to Council Open Space Strategy. Mr

Drysdale presented photographs to visualise height of the existing buildings and showed a visual impact on this area which was contrary to Council's tall buildings policy.

The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 22 November 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(c) Ward Councillor Faccenda

Councillor Faccenda addressed the Sub-Committee on behalf of the local community. She mentioned the high number of objections received, especially from Leith and Newhaven Community Council. The main concerns were about the height of the proposed development, lack of social housing, no access to green space, and pushing density to the maximum level. Councillor Faccenda stated that this proposal would have a visual impact on the area and would transform it in a negative way along with increasing the stress caused by limited parking space. She referred to the Design guidance as the proposed development was not in line with this framework and urged Councillors to protect Leith Community.

The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 22 November 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(d) Applicants and Applicant's Agent

Colin Smith (Chief of Planning, Turley), Martin Bellinger (Executive Director, Goodstone Living), Charlie Whitaker (3DReid Architects) and Lee Hawkins (Construction Director, Goodstone Living) were in attendance in support of the application.

Martin Bellinger spoke about project vision delivery and timing. While there was an increase in the height of one block by four storeys, there was also an increase in landscaped area and a reduction in the parking area and an increase in cycling parking to comply with the latest policy guidance. He highlighted developers' commitment to the community.

Charlie Whitaker spoke about the advantage of active travel and great access to public transport. He explained the implications of increasing daylight. Mr Whitaker described changes made in regard to elevation.

Colin Smith referred to a number of policies and requirements that have been met to build this development. He also highlighted the affordable housing which would be delivered. The development would provide a substantial green space and had passed all required assessments.

The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 22 November 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

Decision

To **GRANT** planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.

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

4. 162 Ferry Road, Edinburgh

Details were provided for a proposed change to planning condition to extend the opening hours of a restaurant from 20.00 to 21.00 to match existing tables and chairs licence 162 Ferry Road, Edinburgh due the high number of objections received - application no. 23/02174/FUL.

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

Decision 1

To **REFUSE** the request for a hearing.

Decision 2

Motion

To **GRANT** planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.

- moved by Councillor Mowat, seconded by Councillor Gardiner

Amendment

To **REFUSE** planning permission as the proposals were contrary to LDP Policy Hou 7.

- moved by Councillor Osler, seconded by Councillor Staniforth

Voting

The voting was as follows:

For the motion - 7 votes

For the amendment - 3 votes

(For the motion: Councillors Beal, Cameron, Dalgleish, Gardiner, Jones, Mattos-Coelho and Mowat.

For the amendment: Councillors Osler, Burgess and Staniforth.)

Decision

To **GRANT** planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.

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

5. Old Liston Road, Newbridge (Land South West of)

An application was presented to Committee for Planning Permission in Principle for the erection of logistics, business and industrial development, related uses including trade counter and EV charging hub (Classes 4, 5, 6 and Sui Generis) with ancillary development (including Class 1), associated access, infrastructure and landscaping – application no. 23/01423/PPP.

This application was submitted alongside an application for planning permission for a proposal for the erection of a logistics, business and industrial development with related uses including trade counter (Classes 4, 5 and 6) together with ancillary development (including Class 1), associated access, infrastructure and landscaping – application no. 23/01421/FUL.

The Chief Planning Officer recommended both applications for approval.

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(a) Report by the Chief Planning Officer

Whilst the proposed development was contrary to the LDP in relation to its allocation for housing, and NPF4 Policy 26 (Business and Industry), as the site was not allocated for business and industry, it had met the aspirations of a number of policies in the development plan, such as NPF4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) and NPF4 Policies 1 and 2 in relation to climate change and adaptation. Issues concerning prematurity were engaged but the development proposal was not so substantial, nor its cumulative effects so significant, that to grant planning permission would undermine the plan-making process by predetermining decisions about the scale, location or phasing of new development that are central to the Proposed City Plan 2030. There were special circumstances which justified granting permission for the development which was contrary to the development plan. Delivering housing on the site had not been achieved during the LDP period and based on the evidence submitted with the application it was considered that there are severe constraints on delivery and that it was unlikely that housing will be delivered on the site within the Proposed City Plan 2030 lifespan. The proposal would contribute to the local, regional, and national economy by reusing a former vacant industrial site. It was sustainably located in terms of transport links and would re-use brownfield land, enhance biodiversity and mitigate climate and nature crises. The limited transport and archaeology issues could be appropriately addressed by condition. There were no flooding issues identified. In this context, the proposal was acceptable, and it was recommended that the application be granted subject to the conditions set out in the report. There were no other material considerations that outweighed this conclusion.

The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 22 November 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(b) Robston and Epsotech

Philip Neaves (Planning Consultant) and Duncan Birrell (Transport Consultant) spoke on behalf of Ribston and Epsotech, the owners and occupiers respectively of the Epsotech factory at Newbridge. Mr Neaves addressed main concerns in regard to the proposal such as capacity of the network which had to be updated; noise impact assessment; and an updated transport assessment.

Duncan Birrell highlighted that the proposal was based on the old transport assessment from 2007 and was outdated. No one had assessed the composition of traffic and there was a low capacity which could create a safety issue. He requested a traffic data assessment of proposed site.

The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 22 November 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(c) Ward Councillor Lang

Councillor Lang addressed the Sub-Committee on behalf of the local community. He highlighted the housing emergency in Edinburgh and spoke about the housing crisis in the capital. This was a site reserved for building houses by City Plan 2030 and the

proposal was to build an industrial hub. Council had received a planning permission application to build new homes. He asked the Committee to reject this application as it was against the current development plan, and against the policy to build new houses in the housing emergency situation. The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 22 November 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(d) Applicants and Applicant's Agent

Fraser Littlejohn (Planning Consultant, Montagu Evans LTD), Tim Stevenson and Mark Robertson (Ryden) were in attendance.

Tim Stevenson spoke to Committee about the company and proposal which would create a fantastic logistic park. The solar panels were considered, and bridge site was cleared up. This site would create construction and occupational jobs. He spoke about falling supply of industrial sites in Edinburgh due to high demand and redevelopment of industrial estates. He also pointed the ageing stock of industrial buildings. This site would be beneficial for number of reasons:

- Edinburgh's best industrial development opportunity
- Meets city and regional needs, replacing lost obsolete stock with modern
- Hub was energy efficient solution to a brownfield
- 1,800 long term jobs; 425 supply chain and 667 short term construction jobs
- £3.5 – 4m annual non domestic rates
- Comparable impact to a City Region Deal project, with no public subsidy

Fraser Littlejohn highlighted a strong engagement with the community and assured that issues raised would be addressed. Mark Robertson concluded that this would be a sustainable site which comply to policies and could be a home to electric charges points, a further plan included cycling spaces to support Edinburgh community.

The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 22 November 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

Old Liston Road, Newbridge - application no. 23/01423/PPP

Motion

To **REFUSE** planning permission in principle as the proposals were contrary to the Local Development Plan and NPF4 Policy 26.

- moved by Councillor Osler, seconded by Councillor Staniforth

Amendment

To **GRANT** planning permission in principle subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.

- moved by Councillor Mowat, seconded by Councillor Gardinier.

Voting

For the motion - 3 votes

For the amendment - 6 votes

(For the motion: Councillors Burgess, Osler and Staniforth.)

For the amendment: Councillors Beal, Dalgleish, Gardiner, Jones, Mattos-Coelho and Mowat.)

Decision 1

To **GRANT** planning permission in principle subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.

Old Liston Road, Newbridge - application no. 23/01421/FUL

Motion

To **GRANT** planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.

- moved by Councillor Jones, seconded by Councillor Mowat

Amendment

To **REFUSE** planning permission as the proposals were contrary to the Local Development Plan and NPF4 Policy 26.

- moved by Councillor Osler, seconded by Councillor Neil.

Voting

For the motion - 7 votes

For the amendment - 2 votes

(For the motion: Councillors Burgess, Dalgleish, Gardiner, Jones, Mattos-Coelho, Mowat and Staniforth.)

For the amendment: Councillors Beal and Osler.)

Decision 2

To **GRANT** planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.

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

Appendix

Agenda Item No. /	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>4.1 – 210 Craigs Road, North, at land 369 metres northeast of 210 Craigs North, Edinburgh</p>	<p>Residential development, ancillary retail use, active travel route, open space, landscaping, access, services and all associated infrastructure. - application no. 23/04779/PAN</p>	<p>To note the key issues at this stage.</p>
<p>4.2 – 13 East Mains of Ingliston, Ingliston Road, Ingliston</p>	<p>Hotel development of approximately 240 rooms across range of sizes/products. Proposal includes landscaping, associated car parking, servicing, access and ancillary development - application 23/04770/PAN</p>	<p>To note the key issues at this stage.</p>
<p>4.3 – Plot A1 Western Harbour View, Edinburgh, EH6 6PG</p>	<p>Residential development and associated works on a brownfield site within the Western Harbour Mixed Use Development Masterplan. - application no. 23/06110/PAN</p>	<ol style="list-style-type: none"> 1) To note the key issues at this stage. 2) To request that the full application include details of the outcome of the screening opinion in relation to the Environmental Impact Assessment and any tree survey. 3) To ask that any consultation include questions relating to biodiversity.
<p>4.4 – Castle Gogar - Confirmation of Tree Preservation Order No. 204</p>	<p>Tree Preservation Order No. 204 (Castle Gogar) was made on 1 June 2023 to protect trees and woodlands in the interest of amenity. This Order expires after 6 months unless it is confirmed within this time. The Order must be confirmed before 1 December 2023 to ensure it provides permanent tree protection. It is recommended that Committee confirms Tree Preservation Order No. 204 (Castle Gogar).</p>	<p>To confirm the Order No 204.</p>

Agenda Item No. /	Details of Proposal/Reference No	Decision
<p>4.5 - Brunstane - Confirmation of Tree Preservation Order No. 205</p>	<p>Tree Preservation Order No. 205 (Brunstane) was made on 1 June 2023 to protect woodland areas in the interests of amenity. This Order expires after 6 months unless it is confirmed within this time. The Order must be confirmed before 1 December 2023 to ensure it provides permanent tree protection. It is recommended that Committee confirms Tree Preservation Order No. 205 (Brunstane). It is further recommended that Committee revokes associated Tree Preservation Order No. 193 (Brunstane).</p>	<p>To confirm the Order No. 205 and revoke the corresponding previous order.</p>
<p>4.6 - 162 Ferry Road, Edinburgh, EH6 4NX</p>	<p>Change to planning condition to extend the opening hours of this restaurant from 20.00 to 21.00 to match existing tables and chairs licence. - application no. 23/02174/FUL</p>	<p>Decision 1 To REFUSE the request for a hearing.</p> <p>Decision 2 To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer. (On a division)</p>
<p>4.7 – 169 Gilmore Place, Edinburgh, EH3 9PW</p>	<p>Retrospective change of use from restaurant (Class 3) and takeaway to short term let (Sui Generis) - application no. 23/04466/FULSTL</p>	<p>To REFUSE planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>
<p>4.8 – 171 Gilmore Place, Edinburgh, EH3 9PW</p>	<p>Retrospective change of use from restaurant (Class 3) and takeaway to short-term let (Sui Generis) - application no. 23/04469/FULSTL</p>	<p>To REFUSE planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>

Agenda Item No. /	Details of Proposal/Reference No	Decision
<p>4.9 - 173 Gilmore Place, Edinburgh, EH3 9PW</p>	<p>Retrospective change of use from restaurant (Class 3) and takeaway to short-term let (Sui Generis) - application no. 23/04471/FULSTL</p>	<p>To REFUSE planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>
<p>4.10 - 1F 22 Lower Gilmore Place, Edinburgh, EH3 9NY</p>	<p>Proposal: Change of use to short-term letting (in retrospect) - application no. 23/03781/FULSTL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.11 - 32A Royal Circus, Edinburgh, EH3 6SS</p>	<p>Proposal: Retrospective change from residential to short-term let apartment (Sui Generis) – application no. 23/00880/FULSTL</p>	<p>To REFUSE planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>
<p>4.12 - 34 St Stephen Street, Edinburgh, EH3 5AL</p>	<p>Proposal: Change of use from twin shop unit to two short term let Properties – application no. 23/00823/FULSTL</p>	<p>To GRANT planning permission subject to the conditions as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.13 - 27A Stafford Street, Edinburgh, EH3 7BJ</p>	<p>Proposal: Change of use from office (Class 4) to short-term let (Sui Generis) (in retrospect) – application no. – 23/04324/FULSTL</p>	<p>To REFUSE planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>
<p>4.14 - 29A Stafford Street, Edinburgh, EH3 7BJ</p>	<p>Proposal: Retrospective change of use from office (Class 4) to shortterm let (Sui Generis) – application no. – 23/04327/FULSTL</p>	<p>To REFUSE planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>

Agenda Item No. /	Details of Proposal/Reference No	Decision
<p>6.1 - Land 143 Metres Southeast Of 94 Ocean Drive, Edinburgh (Skyliner/Dockside) – Erection of residential development with associated landscaping and infrastructure (variation of design approved under permission 19/02778/FUL) – application no.23/01615/FUL</p>	<p>Protocol Note by the Service Director – Legal and Assurance</p>	<p>Noted.</p>
<p>6.2 - Land 143 Metres Southeast Of 94 Ocean Drive, Edinburgh</p>	<p>Proposal: Erection of residential development with associated landscaping and infrastructure (variation of design approved under permission 19/02778/FUL) – application no. 23/01615/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.</p>
<p>6.3 - Old Liston Road - Planning Permission in Principle for erection of logistics, business and industrial development, related uses including trade counter and EV charging hub (Classes 4, 5, 6 and Sui Generis) with ancillary development (including Class 1), associated access, infrastructure and</p>	<p>Protocol Note by the Service Director – Legal and Assurance</p>	<p>Noted.</p>

Agenda Item No. /	Details of Proposal/Reference No	Decision
<u>landscaping – application no. 23/01423/PPP</u> <u>Erection of a logistics, business and industrial development with related uses including trade counter (Classes 4, 5 and 6) together with ancillary development (including Class 1), associated access, infrastructure and landscaping – application no. 23/01421/FUL</u>		
6.4 - <u>Land south west of Old Liston Road, Newbridge</u>	Proposal: Planning Permission in Principle for erection of logistics, business and industrial development, related uses including trade counter and EV charging hub (Classes 4, 5, 6 and Sui Generis) with ancillary development (including Class 1), associated access, infrastructure and landscaping – application no. – 23/01423/PPP	To GRANT planning permission in principle subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer. (On a division)
6.5 - <u>Land south west of Old Liston Road, Newbridge</u>	Proposal: Erection of a logistics, business and industrial development with related uses including trade counter (Classes 4, 5 and 6) together with ancillary development (including Class 1), associated access, infrastructure and landscaping – application no. 23/01421/FUL	To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer. (On a division)