

# Minutes

## Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 9 October 2019

### Present:

Councillors Child (Vice-Convenor) (in the Chair), Mary Campbell, Booth, Dixon (substituting for Councillor Gordon), Griffiths, Mitchell, Mowat, Munn, Osler, Rose and Frank Ross (substituting for Councillor Gardiner)

### 1. Minutes

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To approve the minute of the Development Management Sub-Committee of 25 September 2019 as a correct record.

### 2. General Applications and Miscellaneous Business

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

#### Requests for Presentations

None.

#### Decision

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

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

### 3. GF, 7 IF, 8, 10, 10A & 10B Lower Gilmore Place, Edinburgh

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At the Development Management Sub-Committee of 28 August 2019, Committee agreed to determine the application for planning permission at 7 GF, 7 IF, 8, 10, 10A & 10B Lower Gilmore Place, Edinburgh, by means of a hearing. Details were provided of proposals for the demolition of all buildings on site and the erection of office (Class 4) and flatted residential development with associated car parking and landscaping – application no 19/00789/FUL.

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

The proposal was for the demolition of all buildings on site and the erection of 20 flats and a ground floor office. Comparisons were provided between the proposed scheme

and the scheme that was refused by the Reporter. The revised scheme had a mansard roof instead of a flat roof and the proposed service tower was removed. A reminder of the key considerations was provided. The principle of the development and scale and design were acceptable. There were no issues regarding transport. Amenity for future occupiers and neighbouring properties were also acceptable as were the affordable housing and public realm improvement elements of the application.

The Senior Housing Development Officer provided further details on affordable housing. As the application was for a development consisting of 20 homes, the Affordable Housing Policy would apply. The application, as it stood, would deliver 5 affordable housing units. The delivery of affordable housing on the site would be achieved through allocation of commuted sums funding to Dunedin Canmore Housing. The funding would allow Dunedin Canmore to purchase an additional 4 units. Dunedin Canmore would deliver the nine homes for social and mid-market rent on site. This would mean that Dunedin Canmore would have complete ownership of a block within the development, and this would represent 45% of the homes on site.

After providing details of the proposals and the planning considerations involved, the Chief Planning Officer recommended that the application be granted.

The presentation can be viewed via the link below:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/447045](https://edinburgh.public-i.tv/core/portal/webcast_interactive/447045)

## **(b) Gilmore Place and Lochrin Residents Association**

Ishbel McFarlane spoke on behalf of Gilmore Place and Lochrin Residents Association.

The Scottish Government's Reporter rejected on appeal Glencairn's previous Planning Application for this site. Despite the findings in the Reporter's Decision Notice, the current Application had not been modified in key areas in line with the Reporter's findings. The Reporter's findings were important because they were based on The Fountainbridge Development Brief which formed the Council's key guidelines to the proposed development of the site.

Ms McFarlane focussed on four key criteria for rejecting the application. The first was overdevelopment. Glencairn ignored the findings of the Reporter in 2018, as Glencairn had applied in 2019 to build exactly the same number of flats (20) of almost exactly the same size and make-up as in their 2018 application which was heavily criticised and rejected by the Reporter on the grounds of overdevelopment of the site. The second point was massing, scale and design. Contrary to the findings of the Reporter in 2018, Ms McFarlane argued Glencairn's plan was still for 4 main floors with a flat roof, it was not the 3 main floors and sloping roof development as clearly determined by the Reporter. The third point raised was amenity of neighbouring properties. Contrary to the Reporter's findings of 2018, which stated that there would be significant adverse effects on amenity of nearby residents in respect of loss of privacy and overlooking, there were still 4 main floors with near vertical mansard roof and full-size windows on the fourth floor so significant adverse effects on the amenity of nearby residents remained. The fourth point raised was public realm improvements. Ms McFarlane argued that nothing had changed from the last application. The developer was signalling that the owners of 15 flats and all visitors to 20 flats would park in Lower Gilmore Place. This directly

contradicted the Council's stated aim of providing pedestrian and cycle priority in this street and would severely aggravate an already bad situation and not improve the public realm.

Gilmore Place and Lochrin Residents Association were not against appropriate development of the site but requested a new proposal in which the findings of the Reporter's Decision Notice were adhered to, the guidelines of the Fountainbridge Development Brief were implemented, and the advice of the Edinburgh Urban Design Panel Report was followed. Ms McFarlane requested that committee reject the application for planning permission.

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### **(c) City Centre Ward Councillors**

Councillors Claire Miller and Alasdair Rankin addressed the Sub-Committee as Ward Councillors of the City Centre Ward. Councillor Rankin stated that he had a lot of representations over a number of months from residents and from the Chair of Gilmore Place and Lochrin Residents Association and that referred back to the Reporters decision notice of 2018 to refuse the development and raised issues regarding overdevelopment, massing, design, residential amenity, public realm improvements, overshadowing and creating a pedestrian and cycling priority area. Councillor Rankin said of reading the report, he did not believe these issues had been adequately met. Councillor Rankin stated he had no objection in principle to what was proposed but the fact that so little issues of concern had been taken in to account. There was merit in all the points made previously by the Gilmore Place and Lochrin Residents Association and other who had made representations and Councillor Rankin urged committee to refuse the application.

Councillor Miller reiterated the points made by Councillor Rankin. The key consideration for Councillor Miller was that the Reporter made clear some of the issues of the site and did not feel that the proposed development addressed those issues. When the site was first proposed for development, the Sub-Committee asked the developers to look at how the site would be master planned, and Councillor Miller stated she had not seen this approach. In the neighbourhood there had been a good approach around the canal side areas being master planned and that had been done in collaboration with community members and that was missing from the proposed site. The large scheme brought forward was the developer's response to that request, but Councillor Miller did not think that was what Committee intended. The number of comments that were received had declined as the process had developed. However, Councillor Miller was unsure if the community were aware of the planning legislation that takes plans in separation. While the number of comments declined, as an elected member, Councillor Miller argued the sentiment was the same and support for the application was not there for the application, as it stood, from people who live in the neighbourhood. Councillor Miller asked committee to refuse the application for planning permission but to advise the developers what was required was to take a more collaborative approach with the resident groups that existed who were well constituted and well based in the community and look again

at what could be proposed what would be acceptable. Councillor Miller stated the community were not opposed to change at the site, but the proposed changes were unacceptable.

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#### **(d) Applicant and Applicant's Agent**

Kerry Nicol (ISA Architects), Paul Scott (Planning Consultant, Glencairn Properties) and Daryl Teague (Owner, Glencairn Properties) were heard in support of the application.

Mr Teague discussed the history of the developer's applications at the site. The site was purchased in 2017 and applications were submitted for the site in 2017 and 2018. An appeal against non-determination was pursued in 2018. The appeal was dismissed but provided a steer issues on that a new application must address. Using the Report's feedback allowed the developer to create a matrix to use going forward in discussions with the local community and the Council. The appeal decision confirmed that the principle of housing on the site was acceptable, that the footprint of the proposed development was acceptable, the distance from the wall of the rear boundary of the site was acceptable with the appropriate landscaping and that the level of open spacing and car parking was acceptable. Mr Teague stated that the Reporter dismissed the appeal on scale and massing grounds.

Having considered the issues highlighted at the appeal process, the developer had a meeting with the Council at the beginning of the process with Planning Officers. On the back of this meeting, the Council and the developer were able to agree an appropriate scale, height and depth with a preferred style of building.

Mr Teague explained the current position with existing tenants. The site was sold to the developer as a development site and the developers inherited the tenancy arrangements. The tenants were given 1 years notice in October 2018 and were on a 1 month rolling lease. Mr Teague asked Committee to grant the application for planning permission.

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#### **Motion**

To grant planning permission subject to the conditions, reasons, informatives and a legal agreement set out in section 3 of the report by the Chief Planning Officer and an additional condition relating to screening.

- moved by Councillor Child, seconded by Councillor Mitchell.

#### **Amendment**

To refuse Planning Permission as the application was contrary to Local Development Plan policies Des 1, 2, 3 and 4, the Fountainbridge Development Brief and the Edinburgh Design Guidance.

- moved by Councillor Booth, seconded by Councillor Osler.

## **Voting**

For the motion: - 5 votes

(Councillors Child, Griffiths, Mitchell, Frank Ross and Rose)

For the amendment: - 6 votes

(Councillors Booth, Mary Campbell, Dixon, Mowat, Munn and Osler)

## **Decision**

To refuse Planning Permission as the application was contrary to Local Development Plan policies Des 1, 2, 3 and 4, the Fountainbridge Development Brief and the Edinburgh Design Guidance.

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

## **4. 24 Westfield Road, Edinburgh, EH11 2QB**

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Details were provided of proposals for the erection of purpose-built student accommodation, ancillary uses and associated landscaping and infrastructure at 24 Westfield Road, Edinburgh, EH11 2QB – application no 19/01970/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 set out in the report by the Chief Planning Officer.

- moved by Councillor Child, seconded by Councillor Booth.

## **Amendment**

To grant planning permission subject to the conditions relating to material samples, contaminated land, archaeology, any noise protection measures, a legal agreement to secure transport contribution and referral to Ministers due to the SEPA objection.

- moved by Councillor Rose, seconded by Councillor Osler.

## **Voting**

For the motion: - 5 votes

(Councillors Mary Campbell, Child, Booth, Griffiths and Munn)

For the amendment: - 6 votes

(Councillors Dixon, Mitchell, Mowat, Osler, Rose and Frank Ross)

## **Decision**

To grant planning permission subject to the conditions relating to material samples, contaminated land, archaeology, any noise protection measures, a legal agreement to secure transport contribution and referral to Ministers due to the SEPA objection.

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

## 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 - Broughton Road, Edinburgh, (Bus Shelter Adjacent To Broughton Road Play Area)</u></a></p>	<p>Replacement of a non-advertising bus shelter with a Foster bus shelter with a double-sided back-lit LED advertising panel - application no 19/03996/ADV</p>	<p>To <b>GRANT</b> Advert Consent subject to the conditions and reasons set out in section 3 of the report by the Chief Planning Officer.</p>
<p><a href="#"><u>Item 4.2 - 46 Broughton Road, Edinburgh, (Bus Shelter Adjacent To)</u></a></p>	<p>Replacement of non-advertising bus shelter with Foster advertising bus shelter including double-sided back-lit LED advertising panel - application no 19/04000/ADV</p>	<p>To <b>GRANT</b> Advert Consent subject to the conditions and reasons set out in section 3 of the report by the Chief Planning Officer.</p>
<p><a href="#"><u>Item 4.3 - Duke Street, Edinburgh (At Bus Shelters)</u></a></p>	<p>The replacement of a non-advertising bus shelter with a Foster bus shelter, including a double-sided back-lit LED advertising panel- application no 19/04001/ADV</p>	<p>To <b>GRANT</b> Advert Consent subject to the conditions and reasons set out in section 3 of the report by the Chief Planning Officer.</p>
<p><a href="#"><u>Item 4.4 - 119 Easter Road, Edinburgh (Bus Shelter Adjacent To)</u></a></p>	<p>Replacement of a non-advertising bus shelter with a Foster bus shelter, including a double-sided back-lit LED advertising panel. - application no 19/04004/ADV</p>	<p>To <b>GRANT</b> Advert Consent subject to the conditions and reasons set out in section 3 of the report by the Chief Planning Officer.</p>
<p><a href="#"><u>Item 4.5 - 225 Easter Road, Edinburgh (Bus Shelter Adjacent To)</u></a></p>	<p>The replacement of a non-advertising bus shelter with a Foster advertising bus shelter, including a double-sided back-lit LED advertising panel. - application no 19/04009/ADV</p>	<p>To <b>GRANT</b> Advert Consent subject to the conditions and reasons set out 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 4.6 - 307 Easter Road, Edinburgh (Bus Shelter Adjacent To)</u></a>	The replacement of a non-advertising bus shelter with a Foster advertising bus shelter, including a double-sided back-lit LED advertising panel - application no 19/04010/ADV	To <b>GRANT</b> Advert Consent subject to the conditions and reasons set out in section 3 of the report by the Chief Planning Officer.
<a href="#"><u>Item 4.7 - 348 Easter Road, Edinburgh (Bus Shelter Adjacent To)</u></a>	The replacement of a non-advertising bus shelter with a Foster advertising bus shelter, including a double-sided back-lit LED advertising panel - application no 19/04012/ADV	To <b>GRANT</b> Advert Consent subject to the conditions and reasons set out in section 3 of the report by the Chief Planning Officer.
<a href="#"><u>Item 4.8 - 60 Glenbrook Road, Balerno, (Land 30 Metres West Of)</u></a>	Change of Use from derelict farm steading to erection of 6x glamping pods and associated works inc. concrete bases, footpaths, refurbished barn and landscaping (as amended). - application no 19/01963/FUL	This item was <b>WITHDRAWN</b> from the agenda.
<a href="#"><u>Item 4.9 - Gogarburn Tram Stop, Glasgow Road, Edinburgh (Bus Shelter 163 Metres East of)</u></a>	The removal of an advertising shelter with parallel ads to the road and the installation of a replacement upgraded Foster advertising shelter, with adverts facing drivers - application no 19/04160/ADV	To <b>GRANT</b> Advert Consent subject to the conditions and reasons set out in section 3 of the report by the Chief Planning Officer.
<a href="#"><u>Item 6.1 - GF, 7 IF, 8, 10, 10A &amp; 10B Lower Gilmore Place, Edinburgh</u></a>	Protocol Note by the Head of Strategy and Communications – application no 19/00789/FUL	Noted.
<a href="#"><u>Item 6.2 - GF, 7 IF, 8, 10, 10A &amp; 10B Lower Gilmore Place, Edinburgh</u></a>	Demolition of all buildings on site and erection of office (Class 4) and flatted residential development with associated car parking and landscaping - application no 19/00789/FUL	To <b>REFUSE</b> Planning Permission as the application was contrary to Local Development Plan policies Des 1, 2, 3 and 4, the Fountainbridge Development Brief and the Edinburgh Design Guidance.  (on a division)

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<a href="#">Item 7.1 - 24</a> <a href="#">Westfield Road,</a> <a href="#">Edinburgh, EH11</a> <a href="#">2QB</a>	Erection of purpose built student accommodation, ancillary uses and associated landscaping and infrastructure. - application no 19/01970/FUL	To <b>GRANT</b> planning permission subject to the conditions relating to material samples, contaminated land, archaeology, any noise protection measures, a legal agreement to secure transport contribution and referral to Ministers due to the SEPA objection.  (on a division)