

Committee Minutes

Development Quality Sub-Committee of the Planning Committee

Edinburgh, 28 May 2003

Present:- Councillors Davies (Convener), Child, Gilmour, The Hon David Guest, Harrold, Hunter, Laing, Longstaff, Lowrie, Munro, Ponton, Tritton and Wigglesworth.

Also Present:- Councillors Mrs MacKenzie and Perry.

1 Shrub Place – Proposed Mixed Development

Planning applications had been received for a proposed development at Shrub Place (02/04595/FUL) and 1 Shrub Place Lane (02/04593/FUL) comprising 340 flats, 10 retail and commercial units facing Leith Walk, open space, landscaping, car parking and access roads. A listed building consent application (02/04595/LBC) had also been received for the retention, alteration and partial demolition of listed buildings to form 18 flats.

The Director of City Development reported on the applications.

Letters commenting on the proposals had been received from the Cockburn Association, Spokes, CTC, Pilrig Residents Association, Shaw's Colonies Group, The 226 Group and New Town Broughton and Pilrig Community Council and 74 commercial and residential neighbours.

Mr Garber was heard on behalf of the applicants.

The Sub-Committee heard Ms Holton (on behalf of the Cockburn Association), Mr Stewart (on behalf of the New Town Broughton and Pilrig Community Council) and Mr Tobermann (on behalf on the Pilrig Residents Association) on their comments on the application.

Members of the Sub-Committee then asked questions of the various parties present.

Councillor Davies thanked all parties for their respective contributions.

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The Sub-Committee did not accept the recommendation of the Director of City Development to approve the development as it lacked quality and did not meet the requirements of the Design Principles for the site previously approved by the Planning Authority and agreed unanimously to refuse the application for flats at 1 Shrub Place Lane for the reasons detailed in Appendix 1 to this minute (item 3c) and to continue the application for listed building consent to form flats to allow further assessment of the proposals.

Motion

To refuse planning permission for the mixed development at Shrub Place for the reasons that:

- a) The proposal does not provide affordable housing contrary to the Council's adopted non-statutory policy guidance in respect of affordable housing and to the approved Design Principles for the site.
- b) The general height of the development would be detrimental to the character and appearance of the area and as such is contrary to the approved Design Principles for the site.
- c) The design and materials are of insufficient quality and would be detrimental to the character and appearance of the area contrary to policies E25 and E26 of the North East Edinburgh Local Plan and to the approved Design Principles for the site.
- d) The proposals would result in insufficient levels of sunlight and excessive overshadowing to the detriment of residential amenity contrary to the Council's adopted non-statutory guideline on Daylight, Privacy and Sunlight.

- Moved by Councillor Munro, seconded by Councillor Child.

Amendment

In similar terms to the motion but excluding reason 1 above.

- moved by Councillor The Hon David Guest, seconded by Councillor Lowrie

Voting

The motion was carried by 8 votes to 5.

Decision

- 1) To refuse planning permission for a flatted development at 1 Shrub Place Lane (02/04593/FUL) for the reasons detailed in item 3c of Appendix 1 to this minute.

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- 2) To continue consideration of the application (02/04595/LBC) for listed building consent to form flats at Shrub Place to allow further assessment.

- 3) To refuse planning permission for a mixed development at Shrub Place (02/04595/FUL) for the reasons that:
 - a) The proposal does not provide affordable housing contrary to the Council's adopted non-statutory policy guidance in respect of affordable housing and to the approved Design Principles for the site.

 - b) The general height of the development would be detrimental to the character and appearance of the area and as such is contrary to the approved Design Principles for the site.

 - c) The design and materials are of insufficient quality and would be detrimental to the character and appearance of the area contrary to policies E25 and E26 of the North East Edinburgh Local Plan and to the approved Design Principles for the site.

 - d) The proposals would result in insufficient levels of sunlight and excessive overshadowing to the detriment of residential amenity contrary to the Council's adopted non-statutory guideline on Daylight, Privacy and Sunlight.

(References – reports by the Director of City Development, submitted.)

2 Applications

The Sub-Committee considered the remaining items on the agenda.

Councillor Mrs MacKenzie was heard as local ward member in respect of agenda item 6 (39 Barnton Avenue West).

Councillor Perry was heard as local ward member in respect of agenda item 22 (33 Ulster Crescent).

Decision

To agree as detailed in Appendix 1 to this minute.

(Reference – reports by the Director of City Development, submitted.)

3 206-208 Queensferry Road – Breach of Control

An unauthorised satellite dish had been erected on the front elevation of 206-208 Queensferry Road at first floor level contrary to the Council's non-statutory guidance on satellite dish aerials.

Decision

To take enforcement action to secure the removal of the satellite dish from the front elevation to the rear roof of the property or to a more suitable location agreed in writing by the Head of Planning and Strategy.

(Reference – report by the Director of City Development, submitted.)

4 Appeal Decisions by the Scottish Ministers

Decisions on appeals had been made by the Scottish Ministers as detailed in Appendix 2 to this minute.

Decision

To note the report.

(Reference – report no DQ/005/03-04/CS by the Director of Corporate Services, submitted.)

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APPENDIX 1

APPLICATIONS

(As referred to in item 2 of the foregoing minute)

Note: Detailed conditions/reasons for the following decisions are contained in the statutory Planning Register.

Agenda Item No	Address/ Reference No	Details of Proposals	Decision
3	Shrub Place (Plot Adjacent To) (02/04595/FUL)	a) Proposed new urban village development; comprising a mix of new residential, retail and commercial uses, open space, landscaping, car parking and access roads.	To refuse planning permission for the following reasons: 1) The proposal does not provide affordable housing contrary to the Council's adopted non-statutory policy guidance in respect of affordable housing and to the approved Design Principles for the site. 2) The general height of the development would be detrimental to the character and appearance of the area and as such is contrary to the approved Design Principles for the site.

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Agenda Item No	Address/ Reference No	Details of Proposals	Decision
	(02/04595/LBC)	b) Retention, alteration and partial demolition of listed buildings as part of new urban village development.	<p>3) The design and materials are of insufficient quality and would be detrimental to the character and appearance of the area contrary to policies E25 and E26 of the North East Edinburgh Local Plan and to the approved Design Principles for the site.</p> <p>4) The proposals would result in insufficient levels of sunlight and excessive overshadowing to the detriment of residential amenity contrary to the Council's adopted non-statutory guideline on Daylighting, Privacy and Sunlight.</p> <p>(Agreed on a division – see item 1 of the foregoing minute)</p> <p>Continue to allow further assessment of the proposals (see item 1 of the foregoing minute).</p>

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Agenda Item No	Address/ Reference No	Details of Proposals	Decision
	(02/04593/FUL)	c) Part of proposed new urban village development; comprising mix of new residential, retail and commercial uses, open space, landscaping, car parking and access roads.	<p>To refuse planning permission for the following reasons:</p> <ol style="list-style-type: none"> 1) The proposal does not provide affordable housing contrary to the Council's adopted non-statutory policy guidance in respect of affordable housing and to the approved Design Principles for the site. 2) The general height of the development would be detrimental to the character and appearance of the area and as such is contrary to the approved Design Principles for the site. 3) The design and materials are of insufficient quality and would be detrimental to the character and appearance of the area contrary to policies E25 and E26 of the North East Edinburgh Local Plan and to the approved Design Principles for the site.

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			4) The proposals would result in insufficient levels of sunlight and excessive overshadowing to the detriment of residential amenity contrary to the Council's adopted non-statutory guideline on Daylighting, Privacy and Sunlight. (See item 1 of the foregoing minute).
4	16 Ashley Gardens (02/03691/FUL)	Single storey extension to rear. (Erection of the extension not in compliance with details reported to the Sub-Committee).	Continue for one week.
5	55 London Road (02/01170/FUL)	New church, 34 serviced accommodation apartments and associated facilities and 16 flats (amended).	Continue for report on the conditions imposed on and the implications for the operation of the neighbouring workshop development.
6	39 Barnton Avenue West (03/00497/FUL)	Deletion of 2 car garage from previous approved application, addition of garage extension.	Grant conditional planning permission.
7	6-10 Beaverhall Road (03/00342/FUL)	Change of use from warehouse units to offices including caretakers flat.	Grant conditional planning permission.
8	42 Clark Avenue (03/00568/FUL)	Construct dormer roof.	Grant planning permission.
9	43 Craigmount Gardens (03/00640/FUL)	Attic conversion with extended roof, dormers, roof windows and ground floor extension.	Grant planning permission.

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Agenda Item No	Address/ Reference No	Details of Proposals	Decision
10	Findlay Gardens (Land Adjacent to No 56) (03/00105/FUL)	Develop dwelling house.	Grant conditional planning permission.
11	65 Gardiner Road (03/00006/VARY)	Erect a conservatory and garage (VARIATION).	Vary planning permission subject to conditions.
12	22 Greenbank Grove (03/00646/FUL)	Extend and alter house (including formation of 2 dormer windows) and erect 2m high timber fence on west boundary.	Grant conditional planning permission.
13	Hyvot Loan (02/03836/FUL)	New build housing association houses and flats (23 no.) (as amended).	Grant conditional planning permission.
14	36 Liberton Brae (03/00168/FUL)	Remove existing conservatory and construct a two-storey conservatory (as amended by letter dated 25 April 2003).	Grant conditional planning permission.
15	80 Niddrie Mains Road (02/03725/FUL)	Proposed light industrial units (as amended).	Grant conditional planning permission.
16	15 Oxford Street (03/01037/FUL)	House alterations with 4 velux roof lights.	Grant planning permission.
17	43 Park Road (03/00398/FUL)	Extend and sub divide villa to form two separate dwellings.	Refuse planning permission.
18	58/1 Rannoch Road (03/00718/FUL)	Erect a conservatory to domestic dwelling.	Grant conditional planning permission.
19	50 Ratho Park Road, Ratho (03/00704/FUL)	Erection of 2 storey extension and porch.	Grant planning permission.
20	92 Ravelston Dykes (03/01419/FUL)	Erect garage and form new entry.	Grant conditional planning permission.
21	43 Riccarton Mains Road, Currie (03/00012/FUL)	Kitchen/dining extension with laundry and shower room.	Grant planning permission.

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Agenda Item No	Address/ Reference No	Details of Proposals	Decision
22	33 Ulster Crescent (02/04574/FUL)	Adaption to dwelling house for disabled user with alterations to attic.	<p>Grant conditional planning permission subject to conditions to be determined by the Director of City Development.</p> <p>Note: The Sub-Committee considered that a departure from policy and the Director of City Development's recommendation to refuse planning permission was justified as there were other large dormer extensions in the area and in view of the particular medical circumstances of the applicant's household.</p>
23	13 Westgarth Avenue (03/00538/FUL)	Formation of dormer windows (as amended).	Grant planning permission.

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APPENDIX 2

**Appeal Decisions by the Scottish Ministers
(As referred to in item 4 of the foregoing minute)**

Development/Appellant	Decision and Date	Decision by the Scottish Ministers
<p>33 Baberton Mains Lea Alter and extend house (02/01988/FUL) Mr B Miller and Ms M Day</p>	<p>Planning permission refused on 20 August 2002 under delegated authority.</p>	<p>Appeal dismissed.</p>
<p>Lanark Road (North side opposite Territorial Army Centre) (02/02585/ADV) Maiden Outdoor Advertising Limited.</p>	<p>Advertisement consent refused on 27 January 2003 under delegated authority.</p>	<p>Appeal dismissed.</p>
<p>18 St Bernard's Row (02/01656/FUL and LBC) Erect timber entrance porch Marchioness of Bute</p>	<p>Planning permission and listed building consent refused on 4 July 2002 under delegated authority.</p>	<p>Appeals allowed and planning permission and listed building consent granted as detailed in the letter from the Scottish Executive.</p>
<p>128 St John's Road Erect advertising display (02/01077/ADV) Maiden Outdoor Advertising Limited.</p>	<p>Advertising consent refused on 10 January 2003 under delegated authority.</p>	<p>Appeal dismissed.</p>

W6/PL/DQS280503/EK