

Committee Minutes

Development Management Sub-Committee of the Planning Committee

Edinburgh, 23 November 2011

Present:- Councillors Lowrie (Convener), Burgess, Child, Coleman, McIvor, McKay, Milligan, Morris, Mowat, Munn, Paisley, Peacock, Rose and Thomas.

Also in Attendance:- Councillor Bridgman, Buchan, Burns, and Hawkins.

1 104 Newcraighall Road, Edinburgh – Housing (Newcraighall East)

The Head of Planning gave details of an application no 10/03506/PPP, submitted by Trustees of Sir C.M Dalrymple's Trust for planning permission in principle for new housing, local mixed use facilities together with open space, access and services, infrastructure, landscape and footpath/cycle provision. The site was referred to as 'Newcraighall East' and extended to approximately 15 hectares, located on the eastern end of Newcraighall village.

The Sub-Committee had agreed on 22 June 2011 to defer consideration of the application to a future meeting to allow for a further report to be made by the Council's Monitoring Officer, in light of complaints by third parties that the planning authority had not followed correct procedure. Following examination of the complaints, the Monitoring Officer had recommended that the Council could proceed on the basis of the site not being within Green Belt; that the application should be re-advertised as being contrary to the development plan, and that the Sub-Committee should take into account any further representations and other relevant material considerations. These recommendations had been followed, and with a summary of any representations received being included in the officer's report.

The Sub-Committee agreed that this application should be dealt with by means of a hearing.

The Head of Planning reported on the planning considerations involved. He said that the proposals were a departure from the development plan in being contrary to Structure Plan Policy HOU 8: Development on Greenfield Land. However, there were other material considerations that outweighed the development plan: the site was in the urban area (as defined on the Edinburgh

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City Local Plan proposals map) and that there was a need for housing. The site was capable of development, within a sustainable and suitable location, and its development would afford regeneration benefits. A departure from policy was therefore justified.

Speakers were heard by the Sub-Committee as follows:-

1) Portobello and District Community Council/Gilberstoun Residents Association

Rev Terry Dobson said that, although the Council was looking at the site as being within the urban area, it did not necessarily follow that it should be developed for housing. Edinburgh had a need for housing, this was recognised, but not necessarily an urgent need at this time. It had been stated by the Head of Planning that there needed to be a 5 year housing supply' and that presently there was only 45% of that target available – however the reason for the shortfall was a lack of infrastructure and a shortfall in demand. There were a substantial numbers of sites with planning permission that had not yet been built on, including brownfield sites, for example in Craigmillar, which could be looked to first before having to grant permission for greenfield sites.

Newcraighall was a village of some 120 houses, whereas this site, together with the Newcraighall North site, was being proposed for over 400 houses. If there were to be additional housing then it would need to be of a scale that could be absorbed without completely over-whelming the character and the infrastructure of the village.

2) Craigmillar Community Council/Newcraighall Residents Association

Mr T Tweed referred to there being large tracts of land available for development in Craigmillar and surrounding areas; local communities would benefit more from the regeneration that would follow from re-development of such sites (which were already within the urban envelope) than from building on greenfield sites that served to prevent coalescence of communities. Mr D Hewitt said that the community was very concerned at these plans which would in effect triple the size of the village – the community benefits promised were not sufficient to warrant such scale of development. The view locally was that the sites were Green Belt in character and should be retained as such.

Mr R Faccenda made points of there being serious concerns about the effects on the village and its infrastructure, including traffic on local roads, unsuitable ground conditions with subsidence locally from underground mining, and impact on the character and heritage of Newcraighall which was one of only a few villages still remaining on the edge of the city.

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3) Applicants – Dalrymple Trust

The applicants were represented by Mr S Leslie, Dalrymple Trust, and Mr P Allan, planning consultant. They made the following points in their submission:

- The application, in conjunction with the site at Newcraighall East, could deliver 420 family houses over both sites to assist in meeting the essential housing requirements of the city and deliver sustainable economic growth and development. Of this, 25% was to be 'affordable housing'.
- A failure to deliver the additional housing would have a real impact on in Edinburgh, including employment and growth of the city, and also important to the national economy. The developments would provide support for the hard-pressed construction industry.
- There was a significant shortfall in the 5 year effective land supply in the region – and a justification to depart from greenfield policy. The majority of the brownfield sites were included in the 2010 housing land audit which indicated the 5 year housing supply as 5,458 units against a requirement for 12,254 - or 45% of the target.
- With 'Leith Docks' no longer being a housing offer, 15,000 fewer houses were now planned, compared with the assumptions of SESPlan. This was on top of a desperate need for family housing due to a 'pre-credit crunch' over-supply of flats. The need for housing in the city was dramatic and immediate.
- This site (and Newcraighall North site) was in the urban area and capable of development. They were in sustainable and suitable locations, and development would afford community and regenerations benefits. The sites were not in the Green Belt.

They added that the Dalrymple Trust had the means to deliver a number of community benefits including land required for the improvements to the school, the hard and grassed play areas, and a vital bus route.

(The representatives answered questions from members.)

4) Views of Ward Members

Councillors Bridgman, Hawkins and Child were heard as ward members. Councillors Bridgman and Hawkins said that the local community in Newcraighall was opposed to the development on grounds that the land was viewed as important open space, necessary to prevent coalescence and to preserve the heritage of Newcraighall village. They felt that the

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scale of the development and likely impact on the village was not adequately represented in the reports by the officers and asked the Committee to visit the sites. Councillor Child, as a ward member, was of a view that the extent of housing development being proposed was excessive in terms of impact on the area.

Having heard from the speakers, the Sub-Committee asked a number of questions of the Head of Planning.

Motion

That the recommendation by the Head of Planning to grant planning permission in principle be approved, subject to the conditions as detailed in his report

- moved by Councillor Lowrie, seconded by Councillor Rose.

Amendment

To continue consideration to ask the Head of Planning to negotiate with the applicants with a view to a reduction in the numbers of housing units to be allowed to be developed on the site

- moved by Councillor Mowat, seconded by Councillor McIvor.

Voting

For the motion	-	4 votes
For the amendment	-	8 votes

Decision

To continue consideration for the Head of Planning to negotiate with the applicants with a view to a reduced number of houses to be allowed to be developed on the site.

(References – Development Management Sub-Committee 22 June 2011 (item 2); report by the Head of Planning, 23 November 2011, submitted.)

Declarations of Interest

Councillor McKay declared a non-financial interest in this item, as a member of the board of EDI, and left the room and took no part in the consideration of the item. Councillor Child indicated that she would declare a non-financial interest in the matter and not participate in the decision on the matter but would wish to make representations on behalf of constituents to the meeting. She gave her views on the proposals and then withdrew from the meeting.

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2 103 Newcraighall Road, Edinburgh – Housing (Newcraighall North)

The Head of Planning gave details of an application no 10/03449/PPP, submitted by the EDI Group for planning permission in principle for development including new housing, potential mixed use facilities, open space, access and services infrastructure on land at 103 Newcraighall Road, Edinburgh (335 metres southwest of). The site extended to 9.5 hectares and was in agricultural use.

The Sub-Committee had agreed on 22 June 2011 to defer consideration of the application to a future meeting to allow for a further report to be made by the Council's Monitoring Officer, in light of complaints by third parties that the planning authority had not followed correct procedure. Following examination of the complaints, the Monitoring Officer had recommended that the Council could proceed on the basis of the site not being within Green Belt; that the application should be re-advertised as being contrary to the development plan, and that the Sub-Committee should take into account any further representations and other relevant material considerations. These recommendations had been followed, and with a summary of any representations received being included in the officer's report.

The Sub-Committee agreed that this application should be dealt with by means of a hearing.

The Head of Planning reported on the planning considerations involved. He said that the proposals were a departure from the development plan in being contrary to Structure Plan Policy HOU 8 'Development on Greenfield Land'. However, there were other material considerations that outweighed the development plan: the site was in the 'urban area' (as defined on the Edinburgh City Local Plan proposals map), and that there was a need for housing. The site was capable of development, within a sustainable and suitable location, and its development would afford regeneration benefits. A departure from policy was therefore justified.

Speakers were heard by the Sub-Committee as follows:-

1) Portobello and District Community Council/Gilberstoun Residents Association

Rev Terry Dobson said that his remarks made earlier at this meeting relative to the application for Newcraighall East (under item 1) applied also to this site, in terms of the site being greenfield and requiring to be valued as such, and the implications for the village of being over-whelmed by the scale of development. The Reporter to the public inquiry (on the Local Plan) had recommended far fewer houses being provided on the site. The community could absorb some development but not at the level being

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proposed. He was satisfied by some of the additional information given by officers in response to questions by members regarding developer contributions to infra-structure requirements.

2) Craigmillar Community Council/Newcraighall Residents Association

Again, the representatives said that much of their previous comments on the Newcraighall East site applied also to this site (see item 1 above). The development was likely to swamp the village, with little consideration having been given by the developers to the pleas from the village to reduce the number of houses. The infrastructure would be put under severe pressure: promised improvements in terms of new play areas could be funded in other ways - they did not wish an all weather facility at the expense of over-developing the village. The road junctions were near saturation at peak times and a number of road safety concerns remained. The development, at the level proposed, was too great for the village to cope with and if new housing was to be approved then should be at a lower level - as had been recognised in the Reporters' decision and in the recent (Lord Malcolm) court decision on the matter.

3) Applicants – EDI Group

The Sub-Committee received Ms K Cadell and Mr E Adair, representing EDI. The applicants made a number of points, viz:-

- many of the brownfield sites in the city, for example the Craigmillar site, had expensive infrastructure problems or risks in marketing; the industry did not believe that these sites would or could be developed in the short term under current economic conditions. The brownfield sites would not alleviate the chronic shortage of housing in the city.
- this site could provide around 200 houses, in line with the Masterplan for the combined area at Newcraighall, with no major development constraints. The site would be able to provide for family housing, which was in short supply in the city and necessary for its future development.
- issues of subsidence had been the subject of extensive investigations and the plans took account of the possible risks involved; there was no contamination on the site.
- the applicants were willing to make the required developer contributions to the infrastructure of the village. EDI had a proven track record on delivery of high quality developments in the city.

In reply to questions from members, the applicants said that the average density of housing units was 25 per hectare, according to their plans, which

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was similar to that of Gilberstoun at present. All of the housing was to be 'family housing'.

4) Views of Ward Members

Councillors Bridgman, Hawkins and Child were heard as ward members. They were of the view that the same issues applied at this Newcraighall North site as at Newcraighall East. The matter of density and scale of development had to be considered; at present they felt that Newcraighall would be unable to preserve its identity or the separation of urban areas, if development on the scale proposed was to go ahead.

Having heard from the speakers, the Sub-Committee asked a number of questions of the Head of Planning.

Decision

To continue consideration for the Head of Planning to negotiate with the applicants with a view to a reduced number of houses to be allowed to be developed on the site.

(References – Development Management Sub-Committee 22 June 2011 (item 2); report by the Head of Planning, 23 November 2011, submitted.)

Declarations of Interest:

Councillor McKay declared a non-financial interest in this item, as a member of the board of EDI, and left the room and took no part in the consideration of the item. Councillor Rose declared a non-financial interest in this item, as a member of the board of CEC Holdings, and left the room and took no part in the consideration of the item. Councillor Child indicated that she would declare a non-financial interest in the matter and not participate in the decision on the matter but would wish to make representations on behalf of constituents to the meeting. She gave her views on the proposals and then withdrew from the meeting.

3 21 Seafield Road East, Edinburgh – Slipway for Hovercraft

The Head of Planning gave details of an application (no 09/03359/FUL) for a proposed slipway for a hovercraft with associated pedestrian ramp, waiting room, and car park, at 21 Seafield Road East, Edinburgh. The site comprised a former bus depot and part of the foreshore area. The development was to provide facilities for a proposed cross-Forth hovercraft service.

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The Head of Planning reported on the planning considerations. He recommended that planning permission be granted subject to conditions including a time limited period of three years.

Councillor Hawkins was heard as a ward member for the Portobello area.

Motion

That planning permission be granted as recommended by the Head of Planning, subject to conditions as detailed in his report

- moved by Councillor McIvor, seconded by Councillor Paisley.

Amendment

That consideration be continued for a site visit

- moved by Councillor Mowat, seconded by Councillor Child.

Voting

For the motion	3 votes
For the amendment	7 votes

Decision

To continue consideration for a site visit.

(Reference – report by the Head of Planning 23 November 2011, submitted.)

4 18 Hutchison Road, Edinburgh – Housing and Retail

The Head of Planning gave details of an application (no.11/01250/PPP) for a mixed use development comprising residential and retail foodstore (Class 1) and associated access and parking (no 11/01250/PPP) at 19 Hutchison Road, Edinburgh. The site extended to 3.5 hectares and had previously been occupied by a fruitmarket and a supermarket, both now demolished.

The Head of Planning reported on the planning considerations involved. He said that the site was allocated for housing and it had not been sufficiently demonstrated that housing could not be delivered across the entire site. In retail terms, the proposal was outwith existing centres and it had not been demonstrated that there was a local gap in shopping provision: it had been shown that the impact upon the vitality and viability of existing centres, particularly Gorgie/Dalry town centre, was significant and that there were other sites within the catchment area that could serve locally identified needs (such as

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Wester Hailes) that should be prioritised. The benefits of regenerating the site and the negligible employment benefits did not outweigh planning policy in this instance. He therefore was recommending that planning permission be refused.

Councillors Buchan and Burns were heard as ward members. They indicated that there was support for the application from within the local community, having regard in particular to the site having lain derelict for a long time and the prospect of much needed affordable housing being provided in an area of need and other re-generation benefits.

Motion

That the Sub-Committee be minded to approve the application on grounds that a justification for an exception to policy was allowable in this case, having regard to likely community benefits from re-generation of a site that had lain derelict, including additional housing and incorporating a large proportion of affordable housing in an area of shortage, and increased employment prospects, and having regard also to previous site history which had included a retail element.

The Head of Planning to be asked to report further on suitable conditions, etc, for any planning permission.

- moved by Councillor Lowrie, seconded by Councillor McIvor.

Amendment

To approve the recommendation by the Head of Planning to refuse planning permission, for the reasons as detailed in his report

- moved by Councillor Child, seconded by Councillor Peacock.

Voting

For the motion	8 votes
For the amendment	4 votes

Decision

To resolve in terms of the motion by Councillor Lowrie that the Sub-Committee be minded to grant planning permission, with the Head of Planning asked to report back on suitable conditions for a grant of consent.

(Reference – report by the Head of Planning, 21 November 2011, submitted.)

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5 Other Planning Applications and Street Re-naming

The Sub-Committee considered the remaining reports on planning applications (and street re-naming and re-numbering) on the agenda, as listed in the Appendix.

Decision

To determine the planning applications and pre-application reports as detailed in the Appendix to this minute.

(Reference – reports by the Head of Planning, submitted.)

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APPENDIX

Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.

Agenda Item No/ Address	Details of Proposals/ Reference No	Decision
<u>Item 3 - 1 Bingham Avenue, Edinburgh (Lismore Primary School)</u>	Erection of a new single storey respite care centre on the site of the former Lismore Primary School. As amended. 11/03032/FUL	To GRANT planning permission subject to the conditions and with informatives as detailed in the report by the Head of Planning.
<u>Item 4 - 140, 142, 146 Canongate, Edinburgh (Museum of Edinburgh)</u>	Alterations to frontage (as amended). 11/02673/FUL	Continued for further information.
<u>Item 5 - 3,5-7 Cathedral Lane, Edinburgh</u>	Demolition of existing toilet block. Proposed 2 no substations and rebuilding of existing retaining wall. 11/03129/FUL	To GRANT planning permission subject to the conditions and with informatives as detailed in the report by the Head of Planning.
<u>Item 6 - GF 107 Charterhall Grove, Edinburgh</u>	Vary condition 1 under section 42 for application 06/02729/FUL, to extend the consent for a further 3 years. 11/02488/FUL	To GRANT planning permission subject to the conditions and with informatives as detailed in the report by the Head of Planning.
<u>Item 7 - 52A-D and 60-92 Gracemount Drive, Edinburgh (Proposed Street Renaming and Renumbering)</u>	To seek approval to rename and renumber a section of Gracemount Drive.	To APPROVE the renaming and renumbering of 52A-D Gracemount Drive into Soutra Road, and 60-92 Gracemount Drive into Linden Avenue.

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Agenda Item No/ Address	Details of Proposals/ Reference No	Decision
<u>Item 8 - 70 Great Junction Street, Edinburgh</u>	Variation to amend planning consent (06/05135 and 10/01553) to change the use of 2 retail units to form 2 residential units, change the use of the commercial space from class 1 retail to class 4 office, relocate pend, minor changes to stair and roof and reduce car parking. 11/02796/FUL	To GRANT planning permission, with conditions, informatives and legal agreement, as detailed in the report by the Head of Planning.
<u>Item 9 - 11 Mackenzie Place, Edinburgh (Land 63 metres Northeast of)</u>	Erect hut and fences around allotment site. 11/02063/FUL	To GRANT planning permission subject to the conditions and with informative as detailed in the report by the Head of Planning.
<u>Item 10 - 51-53 Newhaven Place, Edinburgh</u>	Proposed three storey extension to existing hotel to provide an additional 53 bedrooms with associated alterations to car parking and landscaping. 11/02317/FUL	To continue consideration of the matter for a site visit.

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Agenda Item No/ Address	Details of Proposals/ Reference No	Decision
<u>Item 11 - 9-21</u> <u>Salamander Place,</u> <u>Edinburgh</u>	Mixed use development for residential, class 4, open spaces, formation of new roads/access car and cycle parking and landscaping. (as amended to exclude land for future community fire station). 07/03238/FUL	To GRANT planning permission subject to the conditions, informatives and legal agreement as detailed in the report by the Head of Planning.
<u>Item 13 - 52</u> <u>Shandwick Place,</u> <u>Edinburgh</u>	Change of use to Class 3 restaurant and erection of external flue (as amended). 11/02661/FUL	To GRANT planning permission with conditions as detailed in the report by the Head of Planning.
<u>Item 14 - 22D</u> <u>Southhouse</u> <u>Broadway, Edinburgh</u>	New build two storey special needs housing block with two individual flats within, with both communal and private garden areas. 11/03021/FUL	To GRANT planning permission subject to informatives and a legal agreement as detailed in the report by the Head of Planning.
<u>Item 15 - 4, 4A West</u> <u>Park Place, Edinburgh</u>	Redevelopment of site for purpose-built student housing and associated facilities including cycle-parking and landscaping (as amended). 11/02165/FUL	To GRANT planning permission subject to the conditions, informatives and legal agreement as detailed in the report by the Head of Planning.

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Agenda Item No/ Address	Details of Proposals/ Reference No	Decision
<u>item 16 - 57 Constitution Street, Edinburgh</u>	Change of use from offices and surgery to guesthouse (as amended). 11/01867/FUL	To REFUSE the application for reasons as follows - 1) The proposal is contrary to policy Hou8, Inappropriate Uses in Residential Areas, in that the use is expected to lead to a loss of adjacent residential amenity for reason of noise and disturbance. 2) The proposal is contrary to non- statutory guidelines on Parking Standards in that the required number of parking spaces would exceed the five spaces illustrated.
<u>Item 19 - 4A Fettes Row, Edinburgh</u>	Proposed mews dwelling house.	To GRANT planning permission subject to the conditions and informatives, as detailed in the report by the Head of Planning.