

Development Management Sub-Committee of the Planning Committee

10:00am Wednesday 29 January 2014

Present:

Councillors Perry (Convener), Howat (Vice-Convener), Bagshaw, Blacklock, Brock, Child, Dixon, Heslop, McVey, Milligan, Mowat, Robson, Rose and Ross.

1. Caltongate Development

The Acting Head of Planning and Building Standards reported on applications for planning permission, listed building consent and conservation area consent for the redevelopment/erection/demolition of buildings for mixed use development including offices, commercial, leisure and other associated uses, landscaping and public realm on land adjacent to New Street, East Market Street, Cranston Street and Canongate (application nos 13/03406/FUL, 13/03407/FUL, 13/03399/LBC, 13/03400/LBC, 13/03405/LBC, 13/03402/CON and 13/03403/CON).

He gave details of the proposals and the planning considerations involved, and recommended that planning permission, listed building consent and conservation area consent be granted.

In addition, the Acting Head of Planning and Building Standards recommended that, should planning permission be granted, further conditions be added as follows:

- 1) Details of cycle parking, to conform to current parking standards, shall be provided for each element of the development and to be secure and under cover, the details to be agreed with the Acting Head of Transport.
- 2) Condition 1 – identifying site sub-sections:
No development shall take place until a plan identifying individual sub-sites and phasing has been submitted to and approved in writing by the Planning Authority. Any subsequent alterations to this plan shall be agreed in writing by the Acting Head of Planning and Building Standards. Hereafter, reference to sub-sites in subsequent conditions relates to the identified sub-sites within this phasing plan.
- 3) To change the other conditions to reflect reference to sub-sections.

Pre-application discussions had taken place on this application and a site visit had been undertaken.

(a) Old Town Community

Julie Logan, former Chair of the Old Town Community Council advised that they objected to the application. Since the pre-application report was considered in 2006 the circumstances regarding the redevelopment of Caltongate had radically changed and that the Caltongate Masterplan was no longer fit for purpose. Other concerns raised included:

1. The lack of detail within the application, particularly the southern side of the development, meant that a detailed analysis of the proposal was impossible.
2. The loose nature of the planning application meant that it was contradictory and as such allowed the developer to alter the development significantly without consulting the wider community.
3. The applicant had not engaged with the local community on the design proposals to a sufficient level.
4. The development was a piece of poorly thought out urban design with little or no unique elements.
5. The phrase 'public realm' was used throughout the applications but was not clearly defined.
6. The public square would be privately owned and managed which could mean that public access was severely restricted.
7. The proposals did not secure the future of numerous listed buildings and some on the 'at risk' register.
8. No traffic assessment had been undertaken nor the intensive use of budget hotel operatives that the development would encourage at the expense of residential properties.
9. The delay from pre-application reports to final application meant the situation has radically altered.
10. The volume of day light exposure to the hotels and civic square was also questioned.

In conclusion she requested that the application be refused.

(b) Edinburgh Old Town Development Trust

Neil Simpson on behalf of the Edinburgh Old Town Development Trust advised that the Trust objected to the application. There was no architectural diversity with the development and that what was proposed was not a good example of a sustainable community. He also raised concerns around the route and pathways through the proposed development site and the nature of the proposed budget hotel operatives that the development would encourage.

In conclusion he requested that the application be refused.

(c) David Raine on behalf of Sheila Gilmore MP

David Raine on behalf of Sheila Gilmore MP advised that she objected to the application. Mr Raine reported that Ms Gilmore recognised that redevelopment was needed in Caltongate but cautioned that development should not be at any cost. She described the material and design as ‘any time any town’ and that the designs were unsympathetic for a development situated so close to a world heritage site. She also felt that the mix of commercial and residential properties was not well balanced and as such would do little to ensure the longevity of the community.

In conclusion she requested that the application be refused.

(d) Cockburn Association

Marion Williams on behalf of the Cockburn Association advised that the Association objected to the application. The aims of the Association were to protect the area from the worst excesses of developers and that what was proposed was insensitive to the local area and would weaken the urban fabric of the city centre.

The extent and scale of the development bore no relationship with what was on the site previously while the design was inappropriate and insensitive for the area and would in all likelihood drive people from the Old Town.

In conclusion she requested that the application be refused.

(e) Architectural Heritage Society Scotland

Ewan Hyslop on behalf of the Architectural Heritage Society Scotland advised that the Society objected to the application. The proposed demolition of certain buildings was unnecessary and that good practice would be to retain the older buildings and build around them, citing the Royal Infirmary as a good example. Mr Hyslop likened the proposed design to Edinburgh Park but felt that small boutique hotels would suit the area better and would also encourage clientele that would promote and encourage greater investment in the area.

In conclusion he requested that the application be refused.

(f) Councillor Karen Doran (Local Ward Member)

Councillor Doran explained that there had been a lot of opposition to this application from the local community. Her concerns were similar to those which had already been raised earlier in the meeting.

In conclusion she requested that the application be refused.

(g) Applicant

Lukas Nakos of Artisan REI and Richard Slipper of GVA James Barr began by stating that the development would herald £50m of capital investment and would create in excess of 2,400 jobs. He felt that the proposed development complemented the council plans and policies in regards to the Caltongate Masterplan and that this guidance document remained robust and fit for purpose. Mr Slipper outlined the various engagement exercises undertaken and said that many of the key messages had been taken on board and incorporated into the design.

Mr Nakos said that the design ensured that there was a natural flow from the New to Old Town. He was also encouraged by the interest shown in the development by many operatives and as such hoped to begin work as soon as possible. Mr Nakos said the level of investment of Artisan REI in Edinburgh signified the commitment they had in ensuring the development was successful and hoped that the first tranche of buildings would be occupied by December 2015.

Motion

To grant planning permission, listed building consent and conservation area consent subject to conditions, reasons and informatives and a legal agreement as detailed in the reports by the Acting Head of Planning and Building Standards and subject also to the following additional conditions:

- 1) Details of cycle parking, to conform to current parking standards, shall be provided for each element of the development and to be secure and under cover, the details to be agreed with the Acting Head of Transport.
 - 2) Condition 1 – identifying site sub-sections:
No development shall take place until a plan identifying individual sub-sites and phasing has been submitted to and approved in writing by the Planning Authority. Any subsequent alterations to this plan shall be agreed in writing by the Acting Head of Planning and Building Standards. Hereafter, reference to sub-sites in subsequent conditions relates to the identified sub-sites within this phasing plan.
 - 3) To change the other conditions to reflect reference to sub-sections.
- moved by Councillor Perry, seconded by Councillor Rose

Amendment

- 1) To indicate that the Sub-Committee was minded to refuse planning permission, listed building consent and conservation area consent for the reasons that the scale and design of the development would have a detrimental impact on the character and appearance of the Conservation Area and on the grounds that the proposals were contrary to policies ENV 1, 2, 3, 4, 5 and 6 and DES 1, 2, 3, 4, 5, and 7.
 - 2) To continue consideration of the application for the Acting Head of Planning and Building Standards to report further on the reasons for refusal.
- moved by Councillor Howat, seconded by Councillor Child.

Voting

For the motion	-	8 votes
For the amendment	-	6 votes

Decision

To grant planning permission, listed building consent and conservation area consent subject to conditions, reasons and informatives and a legal agreement as detailed in the reports by the Acting Head of Planning and Building Standards and subject also to the following additional conditions:

- 1) Details of cycle parking, to conform to current parking standards, shall be provided for each element of the development and to be secure and under cover, the details to be agreed with the Acting Head of Transport.
- 2) Condition 1 – identifying site sub-sections:
No development shall take place until a plan identifying individual sub-sites and phasing has been submitted to and approved in writing by the Planning Authority. Any subsequent alterations to this plan shall be agreed in writing by the Acting Head of Planning and Building Standards. Hereafter, reference to sub-sites in subsequent conditions relates to the identified sub-sites within this phasing plan.
- 3) To change the other conditions to reflect reference to sub-sections.

(Reference – reports (7) by the Acting Head of Planning and Building Standards, submitted.)

2. General Applications and Miscellaneous Business

The Sub-Committee considered the reports on planning applications and pre-applications as listed in Sections 4, 7 and 9 of the agenda for the meeting.

The Acting Head of Planning and Building Standards gave presentations on agenda item 4.3 (27 Johnston Terrace) as requested by Councillor Mowat and agenda item 4.4 (65 West Harbour Road) as requested by Councillor Bagshaw.

Decision

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

(Reference – reports by the Acting Head of Planning and Building Standards, submitted.)

Declaration of Interests

Councillor McVey declared a non-financial interest in items 9.1(a) and 9.1(b) as a Board Member of 6VT, left the room and took no part in the consideration of this item.

3. Broughton Street Lane, Edinburgh (Land at)

The Acting Head of Planning and Building Standards reported on an application to extend the period of time to conclude a legal agreement in respect of land at Broughton Street Lane, Edinburgh (application no 13/01217/FUL).

On 11 September 2013, the Sub-Committee had indicated that it was minded to grant consent subject to a suitable legal agreement being concluded within three months.

The legal agreement had not been concluded and the application was returning to the Sub-Committee with a recommendation that a further period of three months was allowed to conclude the legal agreement.

Motion

To grant an extension of a further three months to allow for conclusion of the legal agreement.

- moved by Councillor Perry, seconded by Councillor Ross

Amendment

Not to grant a further three month extension.

- moved by Councillor Mowat, seconded by Councillor Bagshaw

Voting

For the motion	-	7 votes
For the amendment	-	4 votes

Decision

To grant an extension of a further three months to allow for conclusion of the legal agreement.

(Reference – report by the Acting Head of Planning and Building Standards, submitted)

Declaration of Interests

Councillor Robson declared a non-financial interest in the above item as a former Director of NUS Scotland, left the room and took no part in the consideration of this item.

APPENDIX

Applications

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>		
Item 4.1(a) 34 Bread Street, Edinburgh	<p>Installation of 15 condenser units with 2.2m high acoustic screening on roof of single storey extension to rear of hotel (as amended).</p> <p>Application no. 13/02663/FUL</p>	<p>To GRANT planning permission subject to conditions, reasons and informatives as detailed in the report by the Acting Head of Planning and Building Standards.</p>
Item 4.1(b) 34 Bread Street, Edinburgh	<p>Installation of 15 no. condenser units with 2.2m high acoustic screening on roof of single storey extension to rear of hotel.</p> <p>Installation of a 665mm x 465mm dry riser inlet to East Fountainbridge elevation (as amended).</p> <p>Application no. 13/02649/LBC</p>	<p>To GRANT listed building consent subject to conditions, reasons and informatives as detailed in the report by the Acting Head of Planning and Building Standards.</p>
Item No 4.2 12 Freelands Way, Ratho (Land 130 metres west of)	<p>Proposed residential development of 14 houses, footpaths and landscaping at land to north of Freelands Way, Ratho.</p> <p>Application no. 13/03878/FUL</p>	<p>Report WITHDRAWN at the request of the Acting Head of Planning and Building Standards</p>

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Item 4.3 27 Johnston Terrace, Edinburgh (Land 87 metres west of)	<p>Removal of temporary rock trap barrier and erection of 3 metre high stone filled gabion walls to form new permanent rock trap. Gabions to run 165 metres of Johnston Terrace located below the south facing rock face of Edinburgh Castle. Provision of new asphalt footpath with whin/granite kerbs to match existing.</p> <p>Application no. 13/03444/FUL</p>	<ol style="list-style-type: none"> 1. To indicate that the Sub-Committee was minded to REFUSE planning permission for the reason that the proposed development would have a detrimental effect on the visual amenity and character of the area. 2. To continue consideration of the application for the Acting Head of Planning and Building Standards to report further on the reasons for refusal.
Item 4.4 43 West Court, Ravelston House Park, Edinburgh (Land 10 metres northwest of)	<p>Creation of new timber bin enclosure for recycling facilities serving flat nos. 43 to 56, to sit adjacent to existing car port gable wall at north eastern side of West Court.</p> <p>Application no. 13/05020/FUL</p>	<p>To GRANT planning permission subject to informatives as detailed in the report by the Acting Head of Planning and Building Standards.</p>
Item 4.5 - 65 West Harbour Road, Edinburgh	<p>Approval of matters specified in condition 2 of outline application 01/00802/OUT covering siting and height of development, design and configuration of public and open spaces, access, road layouts, footpaths and cycle routes.</p> <p>Application no. 13/04320/AMC</p>	<p>To APPROVE the application subject to conditions, reasons and informatives as detailed in the report by the Acting Head of Planning and Building Standards.</p> <p>Note: Ratio figures relating to population density and availability of green space to be circulated to members.</p>

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Item 5.1 Broughton Street Lane, Edinburgh (Land at)	<p>Application under section 42 of the Town and Country Planning (Scotland) Act 1997 to vary the terms of condition 1 of planning permission 07/01631/FUL to extend period of time.</p> <p>Application no. 13/01217/FUL</p>	<p>To GRANT an extension of a further three months to allow for conclusion of legal agreement.</p> <p>(On a division)</p>
Item 6.1 Caltongate Development	<p>Protocol note on hearing procedure.</p>	<p>Noted.</p>
Item 6.2(a) New Street, Edinburgh (Land adjacent to)	<p>Redevelopment/erection of buildings for mixed use development including offices (class 4), commercial (class 1, 2 and 3), non-residential institutions (class 10), leisure (class 11) and other associated uses, landscaping/public realm and other associated works.</p> <p>Application no. 13/03406/FUL</p>	<p>To GRANT planning permission subject to conditions, reasons, informatives and a legal agreement as detailed in the report by the Acting Head of Planning and Building Standards.</p> <p>(On a division)</p>
Item 6.2(b) New Street (Land Adjacent to), 2, 4, 5 New Street, 221, 223, 227 and 231 Canongate, Edinburgh.	<p>Redevelopment/ demolition/erection of buildings for mixed use development comprising class 7 hotels, class 1, 2 and 3 commercial, class 4 business, community uses (class 8 and 10), leisure (class 11), other associated uses, landscaping/public realm and other associated works.</p> <p>Application no. 13/03407/FUL</p>	<p>To GRANT planning permission subject to conditions, reasons, informatives and a legal agreement as detailed in the report by the Acting Head of Planning and Building Standards.</p> <p>(On a division)</p>

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Item 6.3 5 New Street, Edinburgh	Alterations to building, boundary walls and gatepiers including removal of existing plinth and new additions to building. Application no. 13/03399/LBC	To GRANT listed building consent subject to conditions, reasons, and informatives as detailed in the report by the Acting Head of Planning and Building Standards. (On a division)
Item 6.4 2, 4 New Street and 231 Canongate, Edinburgh	Part demolition/part retention of building with part retained Canongate and New Street façade. Application no. 13/03400/LBC	To GRANT listed building consent subject to the application being notified to Scottish Ministers prior to determination and other conditions, reasons and informatives as detailed in the report by the Acting Head of Planning and Building Standards. (On a division)
Item 6.5 East Market Street (Land at), 1-15 East Market Street and 16-24A Cranston Street, Edinburgh	Internal and external alterations to arches and erection of new building to west of Cranston Street abutting arches. Application no. 13/03405/LBC	To GRANT listed building consent subject to conditions, reasons and informatives as detailed in the report by the Acting Head of Planning and Building Standards. (On a division)
Item 6.6 East Market Street (CEC Depot), Edinburgh	East Market Street (CEC Depot), Edinburgh – demolition of building and boundary wall. Application no. 13/03402/CON.	To GRANT conservation area consent subject to the application being notified to Scottish Ministers prior to determination and other conditions, reasons and informatives as detailed in the report by the Acting Head of Planning and Building Standards. (On a division)

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Item 6.7 221, 223, 227 and 229 Canongate, Edinburgh	Part demolition of buildings with part retained facade Application no. 13/03403/CON	To GRANT conservation area consent subject to the application being notified to Scottish Ministers prior to determination and other conditions, reasons and informatives as detailed in the report by the Acting Head of Planning and Building Standards. (On a division)
Item 7.1 137 Drum Street, Candlemaker' s Park, Edinburgh (Land 126 metres north of)	Report on forthcoming application by South East Edinburgh Development Company Ltd (SEED CO) for residential development and ancillary uses	<ol style="list-style-type: none"> 1. To note the key issues at this stage. 2. Further information on the capacity of and impact on surrounding schools and health centres. 3. Further information concerning Drum Street Junction upgrade.
Item 7.2 200 Mansfield Road, Balerno (Land 300 metres west of)	Report on forthcoming application by Barratt/David Wilson Homes for a residential development with associated landscaping and footpaths.	To note the key issues at this stage.
Item 9.1(a) 10-11 Riddle's Court, 322 Lawnmarket, Edinburgh	External alterations and the insertion of a lift shaft and creation of a plant room through roof extensions (as amended) Application no. 13/03993/FUL.	To GRANT planning permission subject to conditions, reasons, and informatives as detailed in the report by the Acting Head of Planning and Building Standards.

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Item 9.1(b) 10-11 Riddle's Court, 322 Lawnmarket, Edinburgh	Internal and external alterations with the insertion of a lift shaft and creation of a plant room through roof extensions (as amended) Application no. 13/03994/LBC	To GRANT listed building consent subject to conditions, reasons, and informatives as detailed in the report by the Acting Head of Planning and Building Standards.