

## Committee Minutes

---

# Development Quality Sub-Committee of the Planning Committee

Edinburgh, 26 July 2006

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

**Also Present:-** Councillor Grubb.

## 1 Applications

The Sub-Committee considered the applications contained on the agenda.

Councillor Grubb was heard as local ward member in respect of agenda item 4 (1 and 3 Scotstoun Grove, South Queensferry).

### Decision

To agree as detailed in Appendix 1 to this minute.

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

## 2 2A (1F) Albany Street – Breach of Control

Details were given of the unauthorised removal of the flat entrance door, the removal of original internal doors and the blocking up of fanlights and their replacement throughout with timber fire doors at 2A Albany Street.

The Director of City Development considered that the alterations would affect the character of the listed building and were contrary to Policy CD2 of the Central Edinburgh Local Plan and the Council's Non-Statutory Guidelines on alterations to listed buildings.

Development Quality Sub-Committee  
of the Planning Committee  
26 July 2006

**Decision**

To authorise enforcement action to i) secure the removal of the unauthorised fire doors; ii) unblock the fanlights; iii) reinstate the previous internal doors located in the common stair; and iv) reinstate or replace the flat entrance door.

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

**3 95 Baird Road, Ratho – Breach of Control**

The Sub-Committee had previously considered the use of land at 95 Baird Road, Ratho for recycling of construction and demolition materials and had continued consideration of the matter to allow examination of issues raised by the Council Solicitor.

The Director of City Development and the Council Solicitor addressed the Sub-Committee on the use of the land and requested that the issue be further continued until additional investigations and monitoring, including further contact with the site occupiers, could be carried out.

**Decision**

To indicate intention to initiate enforcement action and to continue consideration of the matter for two weeks to allow the Council Solicitor to report further on the issues of abandonment and a material change in use.

(References – Development Quality Sub-Committee 7 June 2006 (item 3) and 5 July 2006 (item 3); report by the Director of City Development, submitted.)

**4 Kaimes Quarry, Kirknewton – Breach of Control**

The Sub-Committee had previously agreed to report the Waste Recycling Group (Scotland) Ltd to the Procurator Fiscal for failing to comply with enforcement notices requiring rehabilitation works to be carried out at Kaimes Quarry, Kirknewton.

The Director of City Development updated the Sub-Committee on the current position and advised that the Waste Recycling Group (Scotland) Ltd and Kirknewton Community Council had reached a draft agreement which was conditional upon the Enforcement Notices being withdrawn and deleted from the Enforcement Register.

Development Quality Sub-Committee  
of the Planning Committee  
26 July 2006

**Decision**

- 1) To note the Director of City Development's report.
- 2) To authorise the withdrawal and removal from the Enforcement Register of the two Enforcement Notices served on 29 December 1999 in terms of Section 7(2) of the Enforcement of Control (No 2) (Scotland) Regulations, upon written receipt of confirmation of the conclusion of an agreement between the Waste Recycling Group (Scotland) Limited and Kirknewton Community Council.

(References – Development Quality Sub-Committee 21 January 2004 (item 2) and 3 March 2004 (item 2); report by the Director of City Development, submitted.)

**5 11-18 Millerfield Place – Breach of Control**

Details were given of the unauthorised removal of stone balustrades from the roof of 11-18 Millerfield Place.

The Director of City Development considered that the balustrades formed an important feature of the buildings, on a prominent elevation, and that their removal had adversely affected the character of the Terrace.

**Decision**

To authorise enforcement action to require the reinstatement of the stone balustrades.

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

**6 1 Ransfield Farm, Newbridge – Breach of Control**

Details were given of the unauthorised change of use of part of Ransfield Farm to commercial use for cleaning, grading and stacking setts.

The Director of City Development considered that the change of use was not appropriate to a rural setting and failed to comply with Structure Plan Policies ENV 2B and ENV 3 and Rural West Local Plan Policy E5.

Development Quality Sub-Committee  
of the Planning Committee  
26 July 2006

**Decision**

To authorise that an Enforcement Notice be served to secure the cessation of the unauthorised commercial use and the restoration of the land to agricultural use.

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

**7 21 (4F1) Warrender Park Terrace – Breach of Control**

Details were given of the unauthorised removal of two original panel doors and their replacement with two flush doors at 21 (4F1) Warrender Park Terrace.

The Director of City Development considered that the alterations had adversely affected the character of the statutory listed building.

**Decision**

To authorise enforcement action to ensure the replacement of the two unauthorised doors with examples to match the original doors in terms of design and materials.

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

**8 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**

- 1) To note the report.
- 2) To instruct that a legal agreement is concluded in respect of a flatted residential development at 94 Ocean Drive.
- 3) To note that the Head of Planning and Strategy and the Council Solicitor would consider the implications of the Inquiry Reporters decision on 94 Ocean Drive.

(Reference – report no DQ/007/06-07/CS by the Director of Corporate Services, submitted.)

Development Quality Sub-Committee  
of the Planning Committee  
26 July 2006

## APPENDIX 1

### Applications (As referred to in item 1 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               | 84-86 East Claremont Street<br>(04/03812/FUL) | Residential development | Grant conditional planning permission subject to: <ol style="list-style-type: none"> <li>1) Legal agreements.</li> <li>2) Condition 9 being adjusted to read as follows:-               <ol style="list-style-type: none"> <li>i) Prior to the commencement of construction works on site:                   <ol style="list-style-type: none"> <li>a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning and Strategy, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable,</li> </ol> </li> </ol> </li> </ol> |

Development Quality Sub-Committee  
of the Planning Committee  
26 July 2006

| Agenda Item No. | Address/ Reference No | Details of Proposals | Decision  |
|-----------------|-----------------------|----------------------|---|
|                 |                       |                      | <p>or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and</p> <p>b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning and Strategy.</p> <p>(ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning and Strategy.</p> <p>3) The following additional condition:</p> |

Development Quality Sub-Committee  
of the Planning Committee  
26 July 2006

| Agenda Item No. | Address/ Reference No                                     | Details of Proposals                                | Decision   |
|-----------------|---|---|--|
|                 |   |   | <p>“Before the development commences, detailed drawings specifying all external finishes, fixtures and construction details shall be submitted to and approved in writing by the Head of Planning and Strategy.”</p>   |
| 4               | 1 and 3 Scotstoun Grove, South Queensferry (06/01251/FUL) | Change of use to pool hall from existing shop units | <p>Grant planning permission subject to the following conditions;</p> <ol style="list-style-type: none"> <li>1) The development hereby permitted shall be commenced no later than five years from the date of this consent.</li> <li>2) The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.</li> </ol> |

Development Quality Sub-Committee  
of the Planning Committee  
26 July 2006

| Agenda Item No. | Address/ Reference No                | Details of Proposals                              | Decision   |
|-----------------|--------------------------------------|---|--|
|                 |                                      |   | <p>3) All music and vocals, amplified or otherwise, shall be so controlled as to be inaudible within any neighbouring premises.</p> <p>4) The premises shall be used as a pool hall only and shall not be used for any other purpose within Class 11 of The Town and Country Planning (Use Classes) (Scotland) Order 1997.</p> <p>5) The hours of operation shall be limited to 2 pm to 11 pm daily.</p> |
| 5               | 25 Argyle Crescent<br>(05/04163/FUL) | Erect a pair of semi-detached houses (as amended) | Grant conditional planning permission.   |



Development Quality Sub-Committee  
of the Planning Committee  
26 July 2006

| Agenda Item No. | Address/ Reference No                         | Details of Proposals  | Decision   |
|-----------------|---|---|--|
| 6               | 22 Coates Crescent<br>(06/01934/FUL)          | Proposed restaurant on ground floor and basement, with external alteration to form door and window at basement level and use of cellars for ancillary storage | <p>Grant conditional planning permission subject to:</p> <p>1) Condition 7 being adjusted to read as follows:-</p> <p>“Details of access provision for disabled customers shall be submitted and approved by the Head of Planning and Strategy and thereafter implemented, all prior to the opening of the restaurant.”</p> <p>2) The following additional condition:</p> <p>“Details of external alterations including alterations to windows shall be submitted to and approved in writing by the Head of Planning and Strategy before work is commenced on site.”</p> |
| 7               | 8A Ellersly Road<br>(04/03996/FUL)            | New dwelling house and construction of driveway   | Continue for a site visit.   |
| 8               | 23 Leith Walk (Crown Place)<br>(06/01023/FUL) | Installation of automatic public convenience  | Grant planning permission.   |

Development Quality Sub-Committee  
of the Planning Committee  
26 July 2006

| <b>Agenda Item No.</b> | <b>Address/ Reference No</b>   | <b>Details of Proposals</b>   | <b>Decision</b>  |
|------------------------|--|---|--|
| 9                      | Mansfield Road<br>(Threipmuir Spillway,<br>Threipmuir Reservoir),<br>Balerno<br>(06/01702/CEC) | Construction of low level in spillway, new fencing and gates and refurbishment of spillway channel surfacing  | Approve submission of Notice of Intention to develop to the Scottish Ministers subject to requirements.  |
| 10                     | Newkirkgate<br>(Newkirkgate Shopping Centre)<br>(06/01240/FUL)                                 | Partial demolition of shopping centre, erection of foodstore plus associated works including formation of new service access arrangements (as amended)                | Grant conditional planning permission subject to the following additional condition:<br><br>"Details of the location and type of cycle parking shall be submitted to and approved in writing by the Head of Planning and Strategy before work is commenced on site." |
| 11                     | 87 Pennywell Gardens<br>(06/01521/FUL)   | Install nine additional Vodafone dish antennas (2 x 600 mm and 7 x 300 mm) and three Vodafone radio equipment housings on an existing telecommunications rooftop site | Grant conditional planning permission.   |
| 12                     | Stenhouse Mill Wynd<br>(Water of Leith)<br>(06/01703/CEC)                                      | Construction of 30 m of flood wall behind 38-52 Chesser Grove, two underground pump stations, and three areas of scour protection                                     | 1. Approve subject to requirements.<br><br>2. To note that planning permission is deemed to be granted by the Scottish Ministers.  |

Development Quality Sub-Committee  
of the Planning Committee  
26 July 2006

| <b>Agenda Item No.</b> | <b>Address/ Reference No</b>   | <b>Details of Proposals</b>   | <b>Decision</b>                                 |
|------------------------|--|---|---|
| 13                     | Turnhouse Road<br>(Development Site At<br>Former RAF<br>Turnhouse)<br>(05/02072/REM) | Approval of reserved matters to erect business development with associated car parking, internal service roads, landscaping and ancillary works | Grant conditional approval of reserved matters. |

Development Quality Sub-Committee  
of the Planning Committee  
26 July 2006

## APPENDIX 2

### Appeal Decisions by Scottish Ministers (As referred to in item 8 of the foregoing minute)

| Development/Appellant   | Decision and Date  | Decision by the Scottish Ministers  |
|---|--|---|
| <p><b>East Mains of Ingliston, Newbridge</b></p> <p>Long term car parking</p> <p>(02/03883/FUL)</p> <p>Regional Car Parking</p>       | <p>Planning permission refused by the Sub-Committee on 30 July 2003.</p>         | <p>Appeal <b><u>dismissed</u></b>.</p>  |
| <p><b>62-66 George Street</b></p> <p>Form decked area in lightwell</p> <p>(05/03365/LBC)</p> <p>J D Weatherspoon PLC</p>              | <p>Listed building consent refused by the Sub-Committee on 21 December 2005.</p> | <p>Appeal <b><u>allowed</u></b>, and listed building consent granted as detailed in the letter from the Scottish Executive.</p> |
| <p><b>7 Harlaw Court, 19 Harlaw Road, Balerno</b></p> <p>Erect conservatory</p> <p>(05/04013/FUL)</p> <p>Mr and Mrs J Oliver</p>      | <p>Planning permission refused under delegated authority on 10 January 2006.</p> | <p>Appeal <b><u>dismissed</u></b>.</p>  |
| <p><b>579 Lanark Road West, Balerno</b></p> <p>Demolish building and construct 2 houses</p> <p>(05/01498/OUT)</p> <p>Messrs Cowan</p> | <p>Outline planning permission refused by the Sub-Committee on 20 July 2005.</p> | <p>Appeal <b><u>dismissed</u></b>.</p>  |

Development Quality Sub-Committee  
of the Planning Committee  
26 July 2006

| Development/Appellant   | Decision and Date  | Decision by the Scottish Ministers  |
|---|--|---|
| <p><b>20/1 Mortonhall Road</b></p> <p>Erect hardwood conservatory</p> <p>(05/02064/FUL and LBC)</p> <p>Ms E Verth</p>           | <p>Planning permission and listed building consent refused under delegated authority on 31 January 2006.</p> | <p>Appeals <b><u>dismissed</u></b>.</p>   |
| <p><b>94 Ocean Drive</b></p> <p>Flatted residential dwellings</p> <p>(05/00922/OUT)</p> <p>Ocean Points Development Limited</p> | <p>Outline planning permission refused by the Sub-Committee on 31 August 2005.</p>                           | <p>Indicate intention to <b><u>allow</u></b> the appeal and grant conditional outline planning permission subject to conclusion of a legal agreement as detailed in the letter from the Scottish Executive.</p> |
| <p><b>39B Watson Crescent</b></p> <p>Redevelopment to form dwellinghouse</p> <p>(05/03044/FUL)</p> <p>Mr N Rowan</p>            | <p>Planning permission refused by the Sub-Committee on 16 November 2005.</p>                                 | <p>Appeal <b><u>allowed</u></b> and planning permission granted as detailed in the letter from the Scottish Executive.</p>  |