

## Development Management Sub-Committee of the Planning Committee

10.00 am Wednesday 18 November 2015

### Present:

Councillors Perry (Convener), Dixon (Vice-Convener), Bagshaw, Balfour, Barrie (substituting for Councillor McVey), Cairns, Child, Heslop, Howat, Keil, Milligan, Mowat, Ritchie and Robson.

### 1. General Applications and Miscellaneous Business

The Sub-Committee considered the reports on planning applications and pre-applications, listed in Sections 4, 6, 7 and 9 of the agenda for the meeting.

A request to consider agenda items 7.2 (17 Frogston Road (Land 296 Metres South Of, Edinburgh) and 7.7 (65 West Harbour Road, Edinburgh) by holding hearing sessions had been received from Councillors Robson and Cardownie, respectively and presentations were given.

### 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)

### 2. 10 Suffolk Road, Edinburgh (Land 70 Metres North East Of)

The Sub-Committee had agreed to hold a hearing for consideration of the following application at 10 Suffolk Road, Edinburgh (Land 70 metres north east of) – erection of 10 dwellinghouses, creation of public park, new vehicular and pedestrian access, relocation of existing pavilion, alteration to existing boundary wall on East Suffolk Road and associated landscaping, drainage and engineering works on land at East Suffolk Road. - Application no. 14/003632/FUL.

#### (a) Report by the Acting Head of Planning and Building Standards

The Acting Head of Planning and Building Standards gave details of the proposals which subject to appropriate conditions and a legal agreement, complied with the provisions of the development plan and non-statutory guidelines. The impact on the special architectural and historic character of the listed building and its setting and the character and appearance of the conservation area were acceptable. Landscape, natural heritage, road safety and neighbouring amenity would not be detrimentally affected. The loss of

part of this existing private open space, formerly used for playing field purposes, was acceptable because of the benefit of providing new public open space and a financial contribution towards improving playing field provision elsewhere.

There were no other material considerations which outweighed this conclusion.

The Acting Head of Planning and Building Standards recommended that the Sub-Committee grant the application.

The presentation can be viewed via the link below:

[http://www.edinburgh.public-i.tv/core/portal/webcast\\_interactive/198484](http://www.edinburgh.public-i.tv/core/portal/webcast_interactive/198484)

**(b) Grange/Prestonfield Community Council**

Tony Harris of the Grange/Prestonfield Community Council outlined the concerns of the Community Council to the proposals. He indicated that these two applications were for 10 high end semi-detached modern villas on a field designated on the existing and emerging Local Development Plans as Open Space. The housing would make no useful contribution to Edinburgh's housing needs, as that was no affordable housing obligation. These applications should not be granted planning consent as it would entail the loss of open space in an urban area and a local recreational amenity. In representations on the emerging Local Plan Policy LDP2, the Community Council strongly supported the City Council's decision to maintain the long-standing Open Space designation of this field. This was the core of the Community Council's objections to these applications.

There were concerns regarding the relocation of the Pavilion and the proposed construction of 10 villas on the former playing field, which had been designated as open space. In 2002 the Reporter had stated that there was a well founded objection in principal to residential development on the playing field. This issue was not addressed in the planning officer's report. The offer by Millar Homes to invest in Kirkbrae Playing Fields was not satisfactory. However, the entire former playing field could have a great future if used for year round junior sports. In conclusion he requested that the applications should not be granted planning consent

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**(c) East Suffolk Park Proprietors Association and Craigmillar Park Association**

Tim McKay indicated that he represented the residents of East Suffolk Park Association and he would outline the key aspect of their objection. The major objection was that this site was open space and contained a playing field. Open space policies OS1 and OS2 were relevant to this application. According to policy, development of open space was permitted if it was a small part of larger area, of limited leisure or amenity value and there was overprovision of open space. In this case the development took up about 50%

of the area and had considerable impact on potential leisure and amenity. Policy OS2C stated that the replacement facility should be at a no less convenient location, but the proposed replacement, Double Hedges was 1.5 km away.

Secondly, if the application was granted, the development would encroach on the property of the residents. The developer had confirmed that the wire fence was the current boundary, however, the residents would like formal confirmation of this. There had been concerns about right of access, but these had been addressed. Thirdly, there was the issue of Japanese Knotweed, however, it was understood that this was being treated. Fourthly, if the development went ahead, numerous temporary building huts would be required with a considerable amount of machinery. This should not be deposited on the residents' border and the Committee should ensure that this was not the case.

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Alan Dewar outlined the concerns of the Craigmillar Park Association, who were opposed to the proposals. He agreed with the previous speakers that the application was not appropriate and indicated that the Acting Head of Planning and Building Standards had not presented a convincing argument to support the development. It was plainly not in compliance with the Development Plan. In 2002, the Reporter had concluded this. Since 1985, this playing field had consistently been designated as open space.

The proposals might allow the construction of 10 new houses, if the pavilion could be moved and there might be a contribution from Millar Homes of £130,000 for a grass sports pitch elsewhere. However, the proposed new park at Double Hedges was an excessive distance and there would be a loss of valuable, accessible amenity space for space which might in future be restricted, if this was transferred to the owners of the new homes. The new park might not be developed as Millar Homes had offered no funding for development and maintenance and the Council had no available funding. Additionally, the author of the report had ignored the Reporter's findings and been inconsistent about the over provision of open space. Added to this, there was considerable local opposition to the proposals. The Committee should therefore refuse the application.

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#### **(d) Applicants**

David Morgan of Millar Homes, Mark Hopton of LDN Architecture, Lesley McGrath of Holder Planning and Steve Yeoman of Yeoman McAllister Architects presented the case in support of the application to the Sub-Committee. David Morgan stated that, firstly, the report was an accurate summary of the development proposals. He outlined the

description and suitability of the proposals. The proposed development complied with the development plan, was appropriate to the location and it was entirely different from previous proposals. The 10 houses would provide an extension to Crawford Road, a public park and relocation and restoration of the pavilion. Millar Homes had been building houses in Edinburgh for 80 years, they had a five star rating and were engaged in current projects which demonstrated their credentials to undertake this proposal.

Secondly, the ownership status of the land and the consideration of open space and playing field policy, should be taken in to account. The report clearly outlined Millar Home's ownership of the land, it no longer functioned as a playing field and the proposals would have no adverse impact on the local environment. Millar Homes had offered £130,000 for the proposed site at Double Hedges. They had also met with local groups to discuss their concerns regarding open space. Thirdly, the relocation of the pavilion within the site was important and provided the best opportunity to retain its use. The applicant had undertaken a thorough assessment and relocation would not be detrimental to the building.

To conclude, the proposal was elegant, sensitive, appropriate to the site and complied with regulations. There had been engagement with the local residents and key local interests. The Committee should grant this application.

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**(e) Local Ward Councillor**

Councillor Burgess, local ward councillor for Southside/Newington thanked the Sub-Committee for agreeing to hold the hearing and for their consideration of the matter. The main point was that the proposal was contrary to Council policy on protecting open space. He had attended the site visit. This area was of value to the local people and the playing field could be further developed. He was aware of the acute housing shortage in the city, however, this proposal did not help the situation. There were other concerns, such as the impact on the conservation area and on the pavilion. The Reporter's enquiry in 2002 concluded that building was not acceptable on this site. The proposals downplayed the importance of open space. If the Council permitted building on open space, then it would be gone. He asked the Sub-Committee to refuse the application.

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**(f) Local Ward Councillor**

Councillor Orr, local ward councillor for Southside/Newington supported the local community council and residents association's views in refusing the application, however, he indicated that Miller Homes had been very helpful and communicative to him. There was amenity value to the open space and it would not be beneficial to build

10 houses on this land. There was also amenity value attached to the pavilion, which was listed and it should not be relocated. The possibility of community ownership of this site could be considered. According to forthcoming legislation, it might be possible for the community to buy urban land, such as this. This had long term potential for sports use and he would like to work with the local community for this, when this legislation was passed.

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#### **(g) Local Ward Councillor**

Councillor Rose, local ward councillor for Southside/Newington indicated that there were issues to consider in respect of the proposals not being compliant with the Local Development Plan and the arguments over Open Space Policies OS1 and OS2 had been discussed. The value of open space had been emphasised and the potential for developing the playing field was of significant value to the community. Conversely, there was the need to consider housing policy, the new park which would be supplied and the issue of saving the pavilion and the history of the site. These were the two sides to this issue and he acknowledged the difficulty of making a decision.

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#### **Motion**

To grant planning permission subject to conditions, reasons, informatives and a legal agreement as detailed in section 3 of the report by the Acting Head of Planning and Building Standards.

- Moved by Councillor Balfour, seconded by Councillor Howat.

#### **Amendment**

To refuse planning permission for the reason that:

- 1) The proposal was contrary to Edinburgh City Local Plan Policy Os 1 in respect of Open Space Protection, as interpreted using the Open Space Strategy, as the development of residential dwellings on the site would result in the loss of open space that would have a significant detrimental impact on the quality and character of the local environment and the proposal for new public park space could not be suitably established whereby there would be an appropriate alternative provision sufficient to mitigate the impact of that residential development.
- 2) The proposal was contrary to Edinburgh City Local Plan Policy Os 2 in respect of Playing Fields Protection, as interpreted using the Open Space Strategy, as the last use of the site was as a sports pitch and its subsequent loss, as a result of this development, would lead to a further loss of local sports pitch provision in the area to the detriment of the Council's aims and objectives for the retention and improvement of playing fields and sports pitches from inappropriate forms of development.

- 3) The proposal was contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, and to the non-statutory guidance on Listed Buildings and Conservation Areas, as the proposed residential development on this otherwise open site would represent a significant and uncharacteristic intervention within this part of the Craigmillar Park Conservation Area to the detriment of the defined special character and appearance of that area.

- Moved by Councillor Bagshaw, seconded by Councillor Mowat.

### **Voting**

For the motion – 6 votes

For the amendment - 8 votes

### **Decision**

To refuse planning permission for the reason that:

- 1) The proposal was contrary to Edinburgh City Local Plan Policy Os 1 in respect of Open Space Protection, as interpreted using the Open Space Strategy, as the development of residential dwellings on the site would result in the loss of open space that would have a significant detrimental impact on the quality and character of the local environment and the proposal for new public park space could not be suitably established whereby there would be an appropriate alternative provision sufficient to mitigate the impact of that residential development.
- 2) The proposal was contrary to Edinburgh City Local Plan Policy Os 2 in respect of Playing Fields Protection, as interpreted using the Open Space Strategy, as the last use of the site was as a sports pitch and its subsequent loss, as a result of this development, would lead to a further loss of local sports pitch provision in the area to the detriment of the Council's aims and objectives for the retention and improvement of playing fields and sports pitches from inappropriate forms of development.
- 3) The proposal was contrary to Edinburgh City Local Plan Policy Env 6 in respect of Conservation Areas - Development, and to the non-statutory guidance on Listed Buildings and Conservation Areas, as the proposed residential development on this otherwise open site would represent a significant and uncharacteristic intervention within this part of the Craigmillar Park Conservation Area to the detriment of the defined special character and appearance of that area.

(References – Development Management Sub-Committee of the Planning Committee 7 October 2015 (item 1); report by the Acting Head of Planning and Building Standards, submitted).

### **3. 10 Suffolk Road, Edinburgh (Land 70 Metres North East Of)**

Details were provided of an application for listed building consent for the relocation of existing Category C listed pavilion associated with the erection of 10 dwelling houses, creation of public park, new vehicular and pedestrian access, alteration to existing boundary wall on East Suffolk Road. Application no. 14/03633/LBC.

The Sub-Committee had heard representations on the proposals as detailed in item 2 above.

The Acting Head of Planning and Building Standards gave details of the proposal and the

planning considerations involved and recommended that consent was granted.

### **Motion**

To grant listed building consent subject to conditions and reasons as detailed in section 3 of the report by the Acting Head of Planning and Building.

- Moved by Councillor Howat, seconded by Councillor Dixon.

### **Amendment**

To refuse the application as it was contrary to Local Plan policy Env 4.

- Moved by Councillor Mowat, seconded by Councillor Child.

### **Voting**

For the motion – 7 votes

For the amendment - 7 votes

The number of votes being equal the Convener gave his casting vote for the motion.

### **Decision**

To grant listed building consent subject to conditions and reasons as detailed in section 3 of the report by the Acting Head of Planning and Building.

(References – Development Management Sub-Committee of the Planning Committee 7 October 2015 (item 1); report by the Acting Head of Planning and Building Standards, submitted).

## **4. 157 Craigleith Hill Avenue, Edinburgh**

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The Head of Planning and Building Standards reported on an application for planning permission for a proposed single storey rear extension and raised external patio area (as amended and in retrospect) - Application no. 15/03778/FUL.

The application had been continued from the meeting of 4 November 2015 for the Sub-Committee to receive a presentation on the proposals.

The Acting Head of Planning and Building Standards gave details of the proposal and the planning considerations involved and recommended that permission was granted.

### **(a) Motion**

To continue consideration of the applications for a site visit.

- moved by Councillor Cairns, seconded by Councillor Bagshaw

The Convener ruled in terms of Standing order 8.1(a) that a vote be taken for and against the proposal

### **Voting**

For the motion: 9 votes

Against the motion 3 votes

### **Decision**

Not to continue the applications for a site visit.

**(b) Report by the Acting Head of Planning and Building Standards**

The Acting Head of Planning and Building Standards gave details of the proposal and the planning considerations involved and recommended that planning permission be granted.

**Decision**

- 1) To grant planning permission, subject to the informatives as detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
- 2) The Acting Director of Services for Communities to submit a report to the Planning Committee on retrospective planning applications and enforcement including breaches of control

(References – Development Management Sub-Committee of the Planning Committee 4 November 2015 (item 2); report by the Acting Head of Planning and Building Standards, submitted).

**5. 17 Frogston Road East, Edinburgh (Land 296 Metres South Of)**

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The Acting Head of Planning and Building Standards reported on an application for planning permission for residential development (633 units) (with small scale commercial units) with associated roads, footpaths, parking, landscaping and open space plus site for new Primary School - Application no. 14/04860/FUL.

The Acting Head of Planning and Building Standards gave details of the proposal and the planning considerations involved, and recommended that permission be granted.

**Motion**

- 1) To continue consideration of the application for a hearing on 21 December 2015.
  - 2) The Acting Director of Services for Communities to submit a report to the Planning Committee on the timescale for the processing of major applications where holding hearings may be necessary.
- Moved by Councillor Robson, seconded by Councillor Balfour.

**Amendment**

Not to continue the application for a hearing and to determine the application at this meeting.

- Moved by Councillor Perry, seconded by Councillor Ritchie.

**Voting**

For the motion – 8 votes

For the amendment - 4 votes

**Decision**

- 1) To continue consideration of the application for a hearing on 21 December 2015.

- 2) The Acting Director of Services for Communities to submit a report to the Planning Committee on the timescale for the processing of major applications where holding hearings may be necessary.

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

## **6. 17-21 Portobello High Street (Site 100 Metres West of), Edinburgh**

The Acting Head of Planning and Building Standards reported on an application for the approval of matters specified in condition 3 of planning permission 14/03736/PPP. Erection of 61 Dwellings (Terraced Housing, Townhouses and Colony Dwelling) along with 44 No Flats - Application no. 15/04197/AMC

The Acting Head of Planning and Building Standards gave details of the proposal and the planning considerations involved, and recommended that permission be approved.

### **Motion**

To approve the application subject to the conditions and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.

- Moved by Councillor Perry, seconded by Councillor Helsop.

### **Amendment**

To refuse the application as it was contrary to Local Plan policies Des 1 and Des 3.

- Moved by Councillor Ritchie, seconded by Councillor Dixon.

### **Voting**

For the motion – 6 votes

For the amendment - 3 votes

### **Decision**

To approve the application subject to the conditions and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.

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

## Appendix

Agenda Item No/Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decision are contained in the statutory planning register.</p>		
Item No 4.1 – Almond Avenue Edinburgh	Stopping Up Order Reference no. PO/15/13	To <b>CONFIRM</b> the Stopping Up Order.
Item No 4.2 – Charlotte Lane Edinburgh	Stopping Up Order Reference no. PO/15/14	To <b>CONFIRM</b> the Stopping Up Order.
Item No 4.3 – Longstone Centre Edinburgh	Stopping Up Order Reference no. PO/15/10	To <b>CONFIRM</b> the Stopping Up Order.
Item 4.4 - Shrub Place Lane Edinburgh	Stopping Up Order Reference no. PO/15/12	To <b>CONFIRM</b> the Stopping Up Order.
Item 4.5 - 27 1f2 South Oswald Road Edinburgh	The installation of a new Victorian greenhouse within the rear corner of the garden.  Application no. 15/04159/FUL	To <b>GRANT</b> planning permission subject to conditions, reasons, informatives as detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
Item 6.1(a) - 10 Suffolk Road Edinburgh	Protocol Note by the Head of Legal and Risk	Noted

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Item 6.1(b) - 10 Suffolk Road Edinburgh	<p>Erection of 10 dwellinghouses, creation of public park, new vehicular and pedestrian access, relocation of existing pavilion, alteration to existing boundary wall on East Suffolk Road and associated landscaping, drainage and engineering works on land at East Suffolk Road.</p> <p>Application no. 14/03632/FUL</p>	<p>To <b>REFUSE</b> planning permission for the reason that:</p> <ol style="list-style-type: none"> <li>1. The proposal was contrary to Edinburgh City Local Plan Policy Os 1 in respect of Open Space Protection, as interpreted using the Open Space Strategy, as the development of residential dwellings on the site would result in the loss of open space that would have a significant detrimental impact on the quality and character of the local environment and the proposal for new public park space could not be suitably established whereby there would be an appropriate alternative provision sufficient to mitigate the impact of that residential development.</li> <li>2. The proposal was contrary to Edinburgh City Local Plan Policy Os 2 in respect of Playing Fields Protection, as interpreted using the Open Space Strategy, as the last use of the site was as a sports pitch and its subsequent loss, as a result of this development, would lead to a further loss of local sports pitch provision in the area to the detriment of the Council's aims and objectives for the retention and improvement of playing fields and sports pitches from inappropriate forms of development.</li> <li>3. The proposal was contrary to Edinburgh City Local Plan Policy</li> </ol>

Agenda Item No/Address	Details of Proposal/Reference No	Decision
		<p>Env 6 in respect of Conservation Areas - Development, and to the non-statutory guidance on Listed Buildings and Conservation Areas, as the proposed residential development on this otherwise open site would represent a significant and uncharacteristic intervention within this part of the Craigmillar Park Conservation Area to the detriment of the defined special character and appearance of that area.</p> <p>(On a division)</p>
<p>Item 6.1(c) - 10 Suffolk Road Edinburgh</p>	<p>Application for listed building consent for relocation of existing Category C listed pavilion associated with the erection of 10 dwelling houses, creation of public park, new vehicular and pedestrian access, alteration to existing boundary wall on East Suffolk Road.</p> <p>Application no. 14/03633/LBC</p>	<p>To <b>GRANT</b> listed building consent subject to conditions, reasons, informatives as detailed in section 3 of 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
tem 7.1 - 157 Craigleith Hill Avenue Edinburgh	<p>Proposed single storey rear extension and raised external patio area (as amended and in retrospect).</p> <p>Application no. 15/03778/FUL</p>	<ol style="list-style-type: none"> <li>1 To <b>REFUSE</b> the proposal to have a site visit (On a division)</li> <li>2. To <b>GRANT</b> planning permission subject to informatives as detailed in section 3 of the report by the Acting Head of Planning and Building Standards.</li> <li>3. The Acting Director of Services for Communities to submit a report to the Planning Committee on retrospective planning applications and enforcement including breaches of control.</li> </ol>
Item 7.2 - 17 Frogston Road East	<p>Residential development (633 units)(with small scale commercial units) with associated roads, footpaths, parking, landscaping and open space plus site for new Primary School</p> <p>Application no. 14/04860/FUL</p>	<ol style="list-style-type: none"> <li>1. To <b>CONTINUE</b> consideration of the application for a hearing on 21 December 2015. (Morning start 9.30 am)</li> <li>2. The Acting Director of Services for Communities to submit a report to the Planning Committee on the timescale for the processing of major applications where holding hearings may be necessary</li> </ol>
Item 7.3 - 17-21 Portobello High Street (Site 100 Metres West Of), Edinburgh	<p>Approval of matters specified in condition 3 of planning permission in principle (14/03736/PPP) for proposed development of sheltered housing, comprising a 42 sheltered apartments (20 x 1 bed + 22 x 2 bed) communal facilities, landscaping and car parking (as amended).</p> <p>Application no. 15/02910/AMC</p>	<p>To <b>APPROVE</b> the application subject to the conditions and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.</p>

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Item 7.4 - 17 - 21 Portobello High Street (Site 100 Metres West Of) Edinburgh	Application for approval of matters specified in condition 3 of planning permission 14/03736/PPP. Erection of 61 Dwellings (Terraced Housing, Townhouses & Colony Dwelling) along with 44 No Flats.- Application no. 15/04197/AMC	To <b>APPROVE</b> the application subject to the conditions and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.  (On a division)
Item 7.5 - 17 - 21 Portobello High Street (Site 100 Metres West Of) Edinburgh	Proposal for 52 affordable housing units on a vacant brownfield site on Fishwives Causeway, Portobello. Part of a wider site master plan granted planning permission in principle in June 2015.- Application no. 15/04234/AMC	To <b>APPROVE</b> the application subject to the conditions and informatives detailed in section 3 of the report by the Acting Head of Planning and Building Standards.
Item 7.6 - 1 - 3 St James Centre Edinburgh	Application for approval of matters specified in Condition 23 of Outline Planning Permission 08/03361/OUT relating to design of the central hotel building (Block C) and associated landscaping and external lighting Application no. 15/01858/AMC	To discharge the condition subject on the basis that Granex 6wl full colour was used as the external cladding material for the hotel.
Item 7.7 - 65 West Harbour Road Edinburgh	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.(Scheme 3).  Application no. 14/05305/AMC	To <b>CONTINUE</b> consideration of the application for a hearing on 21 December 2015. (Afternoon start 1.30 pm)

Agenda Item No/Address	Details of Proposal/Reference No	Decision
Item 9.1 - 27, 35, 37, 39 Lanark Road Edinburgh	Forthcoming application by Road Living Limited for Purpose built student residential accommodation of approximately 250 units in cluster and studio flat format with associated reception and social areas, access and landscaping. Application no. 15/03866/PAN	To note the key issues at this stage.
Item 9.2 - 20 The Wisp (Land 90 Metres West Of) Edinburgh	Forthcoming application by Sheratan Ltd for proposed Residential development and associated uses. – Application no. 15/03929/PAN	To note the key issues at this stage.