

Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am Wednesday 25 May 2016

Present:

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

1. Minutes

Decision

To approve the minutes of meeting of the Development Management Sub-Committee of 11 May 2016 as a correct record.

2. General Applications and Miscellaneous Business

The Sub-Committee considered the reports on planning applications and pre-applications, listed in Sections 4, 5, and 9 of the agenda for the meeting.

Decision

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

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

Declaration of Interest

Councillor Lunn declared a non-financial interest in item 9.5 (1 Tynecastle Terrace and 13 McLeod Street, Edinburgh (Tynecastle Stadium)) as a member of the Foundation of Hearts.

3. 20 Cowgate, 1 India Buildings, 1-15 Victoria Street and 18-20 Cowgate, Edinburgh

The Head of Planning and Transport had identified applications for planning permission, listed building consent and conservation area consent for a mixed use development comprising a hotel, bar, restaurant, café, retail and commercial uses and alterations at 20 Cowgate, 1 India Buildings, 1-15 Victoria Street and 18-20 Cowgate, Edinburgh to be dealt with by means of a hearing (application nos. 15/04438/LBC, 15/04437/LBC, 15/04445/FUL, 15/04555/CON and 15/04439/CON).

(a) Report by the Head of Planning and Transport

The Head of Planning and Transport presented details of the proposed development. The application sought planning permission, listed building consent and conservation area consent for a mixed use development comprising a hotel, bar, restaurant, café, retail and commercial uses and alterations at 20 Cowgate, 1 India Buildings, 1-15 Victoria Street and 18-20 Cowgate, Edinburgh.

The site was located within the World Heritage Site and the Old Town Conservation Area.

The new, interconnecting buildings consisted of six storeys on the Cowgate stepping up towards Victoria Street and India Buildings, reaching a maximum height of nine storeys in the centre of the site. The new build was a mix of contemporary and traditional design and materials. The most contemporary element was located on the Cowgate where a double skinned glazed design was proposed. As the building stepped back and up, the form became more traditional in design and materials, reacting to the historic context and Old Town roof-scapes with a more solid stone and slate roof design approach.

The proposal also re-introduced two closes from the Cowgate linking them to a new courtyard space in the centre of the site.

The proposed development was in accordance with local plan policies and introduced uses were considered appropriate to the site's central location. The design of the new building reflected the historic context and grain of this part of the city as well as the varying characteristics of the site. There would be no adverse impact on the character or appearance of the conservation area or the setting of adjacent listed buildings. It would not significantly impact on the amenity of neighbouring residents and would not introduce any implications in terms of road or pedestrian safety. The proposals were acceptable in terms of sustainability.

The Head of Planning and Transport considered there were no material considerations which outweighed this conclusion and recommended that the Sub-Committee grant planning permission, listed building consent and conservation area consent.

The presentation can be viewed via the link below:

http://www.edinburgh.public-i.tv/core/portal/webcast_interactive/183122

(b) Old Town Community Council

The community had discussed the proposed development at great length and looked at the plans carefully. They felt that the benefits of the development could be gained equally if it was located outwith the Old Town and in areas of the city needing re-development, for example, Meadowbank, Gorgie. There was already over provision of hotel development of this type within the Old Town and in recent years 10 large hotels had started operating within the area. They felt that if the architectural values of the Old Town were protected it would be more valuable as an Old Town and more visitors would come and the benefits would be greater. They asked if the anticipated benefits of the development had been measured against alternative uses of the site. A longer term view should be taken on developments such as this.

The community council urged the Sub-Committee to refuse the application.

The presentation can be viewed via the link below:

http://www.edinburgh.public-i.tv/core/portal/webcast_interactive/183122

(c) Edinburgh Old Town Development Trust

The Trust highlighted specific parts of the report by the Head of Planning and Transport which they felt were not correct. They felt the proposals did not comply with the Edinburgh Local Plan nor did the report present a balanced consideration of the many objections. Crucially the report failed to consider the full impact of the proposed hotel on the Central Library. The Trust considered that the proposed hotel was contrary to Policy EMP5 (Hotel Development and Mixed Uses). They did not believe the planners had interpreted the local plan correctly on the issues of mixed use.

The Development Trust urged the Sub-Committee to refuse the application.

The presentation can be viewed via the link below:

http://www.edinburgh.public-i.tv/core/portal/webcast_interactive/183122

(d) Grassmarket Residents' Association

The Residents' Association did not support the proposed development. They did not believe that the planners had addressed all the relevant issues and impact of the development on residents within the Old Town. They felt that the many and wide ranging objections had not been taken into consideration. They also believed that the development was in breach of many of the Council's Policies and that the impact on the amenity of neighbouring residents had not been appropriately recognized.

The Residents' Association urged the Sub-Committee to refuse the application.

The presentation can be viewed via the link below:

http://www.edinburgh.public-i.tv/core/portal/webcast_interactive/183122

(e) Councillor Alastair Rankin, Local Ward Member

Councillor Rankin supported the views expressed by the community council, Edinburgh Old Town Development Trust and the Grassmarket Residents' Association. He felt that the proposals constituted over development in the Old Town and that there was already over-provision of hotels within the area. He felt the scale and height of the development would be detrimental to residential amenity in the Grassmarket and Old Town together with increased noise from deliveries and traffic. There would also be a detrimental effect on the Central Library in terms of decrease natural daylight into the reading room.

Councillor Rankin recommended that the Sub-Committee refuse the application.

The presentation can be viewed via the link below:

http://www.edinburgh.public-i.tv/core/portal/webcast_interactive/183122

(g) Applicants

Andy Jansens, Dreamvale, Colin Smith, Turley, Katy Lightbody, Turley Heritage and Susannah Macneill, ICA Architects were heard in support of their application. The applicants set out the key determining issues for the proposed development. They gave a brief overview of the site's history, the proposals for the site and why the application had been submitted for consideration at this time. They drew the Sub-Committee's

attention to a number of positive aspects that had been confirmed in the report by the Head of Planning and Transport.

The applicants asked the Sub-Committee to grant planning permission, listed building consent and conservation area consent to allow the development to proceed.

The presentation can be viewed via the link below:

http://www.edinburgh.public-i.tv/core/portal/webcast_interactive/183122

Motion

- 1) To grant listed building consent in relation to application no 15/04438/LBC for the removal of all internal and external walls, floors and roofs forming the 1960s extension, removal of internal concrete structure and rear stairs and partial removal of walls enclosing the rear car park at 20 Cowgate, Edinburgh, subject to informatives detailed in section 3 of the report by the Head of Planning and Transport.
 - 2) To grant listed building consent in relation to application no 15/04437/LBC for internal and minor external alterations at 1 India Buildings, Victoria Street, Edinburgh, subject to notification to Scottish Ministers prior to determination, reasons and informatives as detailed in section 3 of the report by the Head of Planning and Transport.
 - 3) To grant planning permission in relation to application no 15/04445/FUL for a mixed use development comprising hotel, bar, restaurant, café, retail and commercial uses and alterations at 1-15 Victoria Street and 18-20 Cowgate, Edinburgh subject to conditions, reasons and informatives and a legal agreement in respect of transport infrastructure as detailed in section 3 of the report by the Head of Planning and Transport.
 - 4) To grant conservation area consent in relation to application no 15/04555/CON for the demolition of existing portacabins and structures on land to the rear of 11-15 Victoria Street, Edinburgh and India Buildings subject to conditions, reasons and informatives detailed in section 3 of the report by the Head of Planning and Transport.
 - 5) To grant conservation area consent in relation to application no 15/04439/CON for the removal of all internal walls above ground level, staircase and rear brick extension at levels 1, 2 and 3 at 11-15 Victoria Street, Edinburgh subject to informatives as detailed in section 3 of the report by the Head of Planning and Transport.
- moved by Councillor Perry, seconded by Councillor Rose

Amendment

To refuse planning permission, listed building consent and conservation area consent for the reasons that the proposals constituted over development in terms of design, massing, lack of open space, access and disabled parking provision and were contrary to Policy DES1 (Design Quality and Context, Paragraphs A, C, D, E and J), Policy DES3 (Design Incorporating and Enhancing Existing and Potential Features), Policy EMP5 (Hotel Development), Policy ENV18 (Air, Water and Soil Quality) and HOU8 (Inappropriate Uses in Residential Areas).

moved by Councillor Mowat, seconded by Councillor Howat

Voting

For the motion	8 votes
For the amendment	6 votes

Decision

- 1) To grant listed building consent in relation to application no 15/04438/LBC for the removal of all internal and external walls, floors and roofs forming the 1960s extension, removal of internal concrete structure and rear stairs and partial removal of walls enclosing the rear car park at 20 Cowgate, Edinburgh, subject to informatives detailed in section 3 of the report by the Head of Planning and Transport.
- 2) To grant listed building consent in relation to application no 15/04437/LBC for internal and minor external alterations at 1 India Buildings, Victoria Street, Edinburgh, subject to notification to Scottish Ministers prior to determination, reasons and informatives as detailed in section 3 of the report by the Head of Planning and Transport.
- 3) To grant planning permission in relation to application no 15/04445/FUL for a mixed use development comprising hotel, bar, restaurant, café, retail and commercial uses and alterations at 1-15 Victoria Street and 18-20 Cowgate, Edinburgh subject to conditions, reasons and informatives and a legal agreement in respect of transport infrastructure as detailed in section 3 of the report by the Head of Planning and Transport.
- 4) To grant conservation area consent in relation to application no 15/04555/CON for the demolition of existing portacabins and structures on land to the rear of 11-15 Victoria Street, Edinburgh and India Buildings subject to conditions, reasons and informatives detailed in section 3 of the report by the Head of Planning and Transport.
- 5) To grant conservation area consent in relation to application no 15/04439/CON for the removal of all internal walls above ground level, staircase and rear brick extension at levels 1, 2 and 3 at 11-15 Victoria Street, Edinburgh subject to informatives as detailed in section 3 of the report by the Head of Planning and Transport.

(Reference – report by the Head of Planning and Transport, submitted)

4. 15-19 South St Andrew Street and 28-50 West Register Street, Edinburgh and 15-17 & 19 South St Andrew Street and 28-48 & 50 West Register Street, Edinburgh

Details were provided of an application for planning permission for proposed changes to the replacement roof form at the Venetian Gothic listed building at 15-19 South St Andrew Street and 28-50 West Register Street, Edinburgh and the reduction in the level of tram contribution to be provided under the proposed section 75 legal agreement. (application no. 15/02788/FUL).

Details were also provided of an application for listed building consent for the retention and refurbishment of the façade of the Venetian Gothic warehouse at 28 West Register Street, demolition of remaining building at 28-38 West Register Street and alterations at roof level to create additional office accommodation at 28 West Register Street to accommodate mixed use development comprising Grade A offices, class 1, 2 and 3 uses (amendment to application 15/0284/LBC). (application no. 16/01525/LBC).

The Head of Planning and Transport gave details of the proposals and the planning considerations involved and recommended approval of both applications.

Motion

- 1) To approve the proposed changes to the replacement roof form at the Venetian Gothic listed building and the reduction in the level of tram contribution to be provided under the proposed section 75 legal agreement as detailed in the report by the Head of Planning and Transport.
- 2) To grant listed building consent subject to notification to Scottish Ministers prior to determination, reasons and informatives detailed in section 3 of the report by the Head of Planning and Transport.

- moved by Councillor Perry, seconded by Councillor Lunn

Amendment

To continue consideration of the application to the meeting of the Development Management Sub-Committee on 22 June 2016:

- i) to allow the Head of Planning and Transport to discuss the level of tram contribution further with the applicant; and
- ii) to allow sufficient time for Edinburgh World Heritage to consider the proposed amendments to the scheme and to determine the age and architectural origins of the building.

- moved by Councillor Bagshaw, seconded by Councillor Mowat

Voting

For the motion: 9 votes

For the amendment: 6 votes

Decision

- 1) To approve the proposed changes to the replacement roof form at the Venetian Gothic listed building and the reduction in the level of tram contribution to be provided under the proposed section 75 legal agreement as detailed in the report by the Head of Planning and Transport.
- 2) To grant listed building consent subject to notification to Scottish Ministers prior to determination, reasons and informatives detailed in section 3 of the report by the Head of Planning and Transport.

(Reference – report by the Head of Planning and Transport, submitted)

5. 27, 35, 37-39 Lanark Road, Edinburgh

Details were provided of an application for planning permission for a proposed change of use to purpose built student accommodation and erection of two high quality managed student residences at 27, 35, 37-39 Lanark Road, Edinburgh (both blocks to have office/reception and communal area with associated facilities at ground floor level, landscaping, amenity space and cycle storage (as amended) (application no. 15/05401/FUL).

The Head of Planning and Transport gave details of the proposals and the planning considerations involved and recommended approval of the application.

Motion

To continue the application for a site visit and that the application be re-submitted to the next meeting of the Development Management Sub-Committee on 8 June 2016.

- moved by Councillor Heslop, seconded by Milligan

Amendment

Not to continue the application for a site visit and to proceed to consider the application at this meeting.

- moved by Councillor Bagshaw, seconded by Councillor Keil

Voting

For the motion	7 votes
For the amendment	6 votes

Decision

To continue the application for a site visit and that the application be re-submitted to the next meeting of the Development Management Sub-Committee on 8 June 2016.

(Reference – report by the Head of Planning and Transport, submitted)

Appendix

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>		
<p><u>Item 4.1 – Ferryhill Primary School, 7 Wester Drylaw Avenue, Edinburgh</u></p>	<p>New build stand alone nursery school building within the grounds of Ferryhill Primary School Application no 16/01460/FUL</p>	<p>To GRANT planning permission subject to informatives detailed in section 3 of the report by the Head of Planning and Transport.</p>
<p><u>Item 4.2 – 41 Howden Hall Road, Edinburgh</u></p>	<p>Confirmation of Tree Preservation Order No. 179</p>	<p>To CONFIRM the Order with modifications detailed in the report by the Head of Planning and Transport.</p>
<p><u>Item 4.3 – 6 Lady Road, Edinburgh (land 125 metres north east of)</u></p>	<p>Erect internally illuminated digital LED 48 sheet advertisement Application no 16/01293/ADV</p>	<p>To REFUSE advert consent for the reasons detailed in section 3 of the report by the Head of Planning and Transport.</p>
<p><u>Item 4.4 – 3 Panmure Place, Edinburgh</u></p>	<p>Change the existing pavement into a garden and erect boundary wall and fence Application no 15/05110/FUL</p>	<p>To GRANT planning permission subject to conditions, reasons, informatives and a legal agreement in respect of stopping up a section of the footway detailed in section 3 of the report by the Head of Planning and Transport.</p>
<p><u>Item 4.5 – Royal Victoria Hospital, Craigleith Road, Edinburgh</u></p>	<p>Confirmation of Tree Preservation Order No. 180</p>	<p>To CONFIRM the Order as detailed in the report by the Head of Planning and Transport.</p>
<p><u>Item 4.6 – St James Centre, Edinburgh</u></p>	<p>Section 42 application to vary condition 1 of planning permission 08/03361/OUT to extend the time permitted for reserved matters applications to be submitted Application no 16/01694/FUL</p>	<p>To GRANT the application subject to conditions, reasons and informatives detailed in section 3 of the report by the Head of Planning and Transport with the proviso that Informative 1(a) be amended to read “Application for the approval of matters specified in conditions shall be made before the expiration of 4 years from the date of the grant of planning permission in principle “.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 5.1 – 41-42 St Andrew Square, Edinburgh</u>	<p>Mixed use development comprising change of use of former bank building to Class 1, 2, 3, 11, public house and hot food take away uses at ground and basement levels and flats at first floor level and above. Alterations to windows to form doors on south and east elevations and alterations at roof level to include additional flatted accommodation</p> <p>Application no 15/02786/FUL</p>	<p>To APPROVE the changes to the provisions of the legal agreement previously agreed by the Sub-Committee on 2 December 2015 as detailed in the report by the Head of Planning and Transport.</p> <p>Note: To agree that consideration be given to a review of the Council's guidance on Developer Contributions and Affordable Housing.</p>
<u>Item 5.2(a) – 15-19 South St Andrew Street & 28-50 West Register Street, Edinburgh</u>	<p>Mixed use development comprising demolition of office and retail buildings, erection of mixed use development comprising Class 1 (retail) and Class 2 (business) uses at ground floor with Grade A offices (Class 4) above. Retention of façade of Venetian building and alterations at roof level, five car parking spaces, associated cycle parking and public realm upgrade (amended scheme)</p> <p>Application no 15/02788/FUL</p>	<p>To APPROVE the proposed changes to the replacement roof form at the Venetian Gothic listed building and the reduction in the level of tram contribution to be provided under the proposed section 75 legal agreement as detailed in the report by the Head of Planning and Transport.</p> <p>(On a division)</p>
<u>Item 5.2(b) – 15-17 & 19 South St Andrew Street and 28-48 & 50 West Register Street, Edinburgh</u>	<p>Retention and refurbishment of façade of Venetian Gothic warehouse at 28 West Register Street, demolition of remaining building at 28-38 West Register Street and alterations at roof level to create additional office accommodation at 28 West Register Street to accommodate mixed use development comprising Grade A offices, class 1, 2 and 3 uses (amendment to application 15/0284/LBC)</p> <p>Application no 16/01525/LBC</p>	<p>To GRANT listed building consent subject to notification to Scottish Ministers prior to determination, reasons and informatives detailed in section 3 of the report by the Head of Planning and Transport.</p> <p>(On a division)</p>
<u>Item 6.1(b) – 20 Cowgate, Edinburgh</u>	<p>Removal of all internal and external walls, floors and roofs forming the 1960s extension. Removal of internal concrete structure and rear stairs. Partial removal of walls enclosing rear car park</p> <p>Application no 15/04438/LBC</p>	<p>To GRANT listed building consent subject to informatives detailed in section 3 of the report by the Head of Planning and Transport.</p> <p>(On a division)</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 6.1(c) – 1 India Buildings, Victoria Street, Edinburgh</u>	Internal and minor external alterations Application no 15/04437/LBC	To GRANT listed building consent subject to notification to Scottish Ministers prior to determination, reasons and informatives detailed in section 3 of the report by the Head of Planning and Transport. (On a division)
<u>Item 6.1(d) – 1-15 Victoria Street and 18-20 Cowgate, Edinburgh</u>	Mixed use development comprising hotel, bar, restaurant, café, retail and commercial uses and alterations to India Buildings, 11-15 Victoria Street and Cowgatehead Church Application no 15/04445/FUL	To GRANT planning permission subject to conditions, reasons, informatives and a legal agreement in respect of transport infrastructure detailed at section 3 of the report by the Head of Planning and Transport. (On a division)
<u>Item 6.1(e) – 11-15 Victoria Street, Edinburgh</u>	Demolition of existing portacabins and structures on land to the rear of 11-15 Victoria Street and India Buildings Application no 15/04555/CON	To GRANT conservation area consent subject to conditions, reasons and informatives detailed in section 3 of the report by the Head of Planning and Transport. (On a division)
<u>Item 6.1(f) – 11-15 Victoria Street, Edinburgh</u>	Removal of all internal walls above ground level, staircase and rear brick extension at levels 1, 2 and 3 Application no 15/04439/CON	To GRANT conservation area consent subject to informatives detailed in section 3 of the report by the Head of Planning and Transport. (On a division)
<u>Item 7.1 – 27, 35, 37-39 Lanark Road, Edinburgh</u>	Change of use to purpose built student accommodation and erection of two new high quality managed student residences. Both blocks to have office/reception and communal area with associated facilities at ground floor level, landscaping, amenity space and cycle storage (as amended) Application no 15/05401/FUL	To CONTINUE the application for a site visit and to agree that the application be re-submitted for consideration to the next meeting of the Development Management Sub-Committee scheduled to be held on 8 June 2016. (On a division)

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<u>Item 7.2(a) – 43, 47 Upper Gray Street & 10-11 Duncan Street, Edinburgh</u>	Demolition and removal of existing workshops, lockups' boundary walls including gates and fences on south and west sides only to erect three dwellinghouses with new boundary walls, metal railings and gates (as amended) Application no 15/03052/FUL	To GRANT planning permission subject to conditions, reasons, informatives and a legal agreement in respect of the costs of relocating the traffic sign and the lighting column in the event they require to be moved as detailed in section 3 of the report by the Head of Planning and Transport.
<u>Item 7.2(b) – 43, 47 Upper Gray Street & 10-11 Duncan Street, Edinburgh</u>	Demolition and removal of existing workshops, lockups, boundary walls including gates and fences on south and west sides only (as amended) Application no 15/03053/CON	To GRANT conservation area consent subject to conditions and reasons as detailed in section 3 of the report by the Head of Planning and Transport.
<u>Item 9.1 – 29 Freeland's Road, Ratho (land 222 metres northwest of Ashley Cottage)</u>	Forthcoming application by Park Lane (Scotland) Ltd for a sustainable urban extension to Ratho of approximately 150-200 houses Application no 16/01688/PAN	To note the key issues at this stage.
<u>Item 9.2 – 2 Dewar Place, Edinburgh</u>	Forthcoming application by Scottish Power Energy Networks and C220 for a proposed mixed use development including office (class 4), hotel (class 7), retail (class 1), food and beverage (class 3), education (class 10), flats and student accommodation and enabling development including deck construction and access from Dewar Place, Canning Street and Western Approach Road Application no 16/01929/PAN	To note the key issues at this stage. Additional issues to be addressed: <ul style="list-style-type: none"> • Height of development to be clarified • Connectivity with the surrounding area, Festival Square, Conference Square, Exchange Crescent and the wider city
<u>Item 9.3 – 25 Milton Link, Edinburgh (land 187 metres south of)</u>	Forthcoming application by Redefine Range Edinburgh Ltd for the proposed erection of a class 3 drive-thru and associated works to include landscaping, car parking and alterations to access road Application no 16/01633/PAN	To note the key issues at this stage. Additional issues to be addressed: <ul style="list-style-type: none"> • transport connections with railway at Brunstane • clarify any proposed longer term use of the site with the applicant

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p><u>Item 9.4 – 1 Riccarton Mains Cottages, Riccarton Mains Road, Currie (land 320 metres southeast of)</u></p>	<p>Forthcoming application by H&H Group plc for proposed Riccarton Mains Village comprising residential development class 9, flats (sui generis) including affordable housing provision, university halls of residence, neighbourhood centre including retail (class 1), services (class 2), food and drink (class 3), non-residential (class 10) and assembly and leisure (class 11) together with associated access, parking, open space, public realm and infrastructure works (including the demolition of overhead and re-laying of power lines)</p> <p>Application no 16/01691/PAN</p>	<p>To note the key issues at this stage.</p>
<p><u>Item 9.5 – 1 Tynecastle Terrace & 13 McLeod Street, Edinburgh (Tynecastle Stadium)</u></p>	<p>Forthcoming application by Heart of Midlothian plc for proposed development of main grandstand at stadium to increase capacity in total by circa 3000 and replace out of date facilities incorporating a new Tynecastle nursery</p> <p>Application no 16/01610/PAN</p>	<p>To note the key issues at this stage.</p> <p>Additional issues to be addressed:</p> <ul style="list-style-type: none"> • cycle parking provision