

Notice of meeting and agenda

Development Management Sub-Committee of the Planning Committee

10.00 am Wednesday 8 March 2017

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend.

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1. Order of business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.

2. Declaration of interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Minutes

- 3.1 Development Management Sub-Committee of 22 February 2017 (circulated) - submitted for approval as a correct record

4. General applications and miscellaneous business

The recommendations by the Chief Planning Officer or other Chief Officers detailed in their reports will be approved without debate unless the Clerk to the meeting indicates otherwise during “Order of Business” at item 1 above.

- 4.1 1 Moredunvale Place, Edinburgh (At Former) – Discharge the Section 75 Agreement tied to the 08/01611/FUL planning permission – application no 17/05403/OBL - report by the Chief Planning Officer (circulated)

It is recommended that the planning obligation to which this application refers is **DISCHARGED**.

- 4.2 2, 4-5 Trinity Crescent, Edinburgh EH5 3ED – Change of use from shop units to create 4 one bedroom flatted dwellinghouses and alterations to front elevation (as amended) - application no 16/06279/ FUL - report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

- 4.3 Windmill House, 21 Coltbridge Gardens, Edinburgh EH12 6AQ – Change of use from Class 9 (houses) to Sui Generis (flatted development) through the subdivision of an existing detached residential property into 3 apartments - application no 16/06310/FUL - report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

5. Returning Applications

These applications have been discussed previously by the Sub- Committee and continued for further information. The Chief Planning Officer will give presentation to the Sub-Committee on the additional material requested.

- 5.1 None.

6. Applications for Hearing

The Chief Planning Officer has identified the following applications as meeting the criteria for Hearings. The protocol note by the Interim Head of Strategy and Insight sets out the procedure for the hearing.

6.1 None.

7. Application for Detailed Presentation

The Chief Planning Officer has identified the following applications for detailed presentation to the Sub-Committee. A decision to grant, refuse or continue consideration will be made following the presentation and discussion on each item.

7.1 1-2, 3-6 Canonmills Bridge, Edinburgh EH3 5LF – Variation of existing planning permission 09/00830/FUL to relocate the entrance doors, access stairs and ramp, and remove the ground floor internal wall to form a single commercial unit - application no 16/03406/FUL – report by the Chief Planning Officer (circulated)

It is recommended that this application be **GRANTED**.

8. Returning Applications Following Site Visit

These applications have been discussed at a previous meeting of the Sub-Committee and were continued to allow members to visit the sites. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

8.1 36 Craiglockhart Terrace, Edinburgh EH14 1AJ – Erect two storey pitched roof extension, demolish existing garage and erect boundary fence – application no 16/05649/FUL

It is recommended that this application be **GRANTED**.

9. Pre-Application Reports

No decisions will be taken on these applications at this meeting. Following a presentation by the Chief Planning Officer, members will have the opportunity to ask questions and indicate key issues they would like the applicants to consider in their eventual application/s. Members will not express a view on the merits of the proposal/s.

9.1 None.

Laurence Rockey

Head of Strategy and Insight

Committee Members

Councillors Perry (Convener), Lunn (Vice-Convener), Bagshaw, Balfour, Blacklock, Cairns, Cardownie, Child, Gardner, Heslop, Keil, McVey, Milligan, Mowat and Ritchie.

Information about the Development Management Sub-Committee

The Development Management Sub-Committee consists of 15 Councillors and usually meets twice a month. The Sub-Committee usually meets in the Dean of Guild Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

A summary of the recommendations on each planning application is shown on the agenda. Please refer to the circulated reports by the Chief Planning Officer or other Chief Officers for full details. Online Services - planning applications can be viewed online by going to www.edinburgh.gov.uk/planning - this includes letters of comments received.

The items shown in part 6 on this agenda are to be considered as a hearing. The list of organisations invited to speak at this meeting are detailed in the relevant Protocol Note. The Development Management Sub-Committee does not hear deputations.

The Sub-Committee will only make recommendations to the full Council on these applications as they are major applications which are significantly contrary to the Development Plan.

If you have any questions about the agenda or meeting arrangements, please contact Committee Services, City of Edinburgh Council, Business Centre 2:1, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG, 0131 529 4210 email

committee.services@edinburgh.gov.uk

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to www.edinburgh.gov.uk/meetings .

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Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 22 February 2017

Present:

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

1. Minutes

Decision

To approve the minutes of the meeting of the Development Management Sub-Committee of 1 February 2017 as a correct record.

2. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications and pre-applications listed in Sections 4, 5, 7, 8 and 9 of the agenda for the meeting.

Requests for Presentations

The Chief Planning Officer gave presentations on agenda item 4.1 – 34 Belgrave Road, Edinburgh as requested by Councillor Balfour, item 4.3 – 103 Curriehill Road, Edinburgh as requested by Councillor Bagshaw and item 4.9 – 5 Warriston Road, Edinburgh as requested by Councillor Gardner.

Requests for Hearings

A request to consider agenda item 4.1 – 34 Belgrave, Edinburgh by holding a hearing session, which had been received by Councillor Edie, as local ward member, was considered.

Decision

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

(Reference – reports by the Chief Planning Officer, submitted.)

Declaration of Interests

Councillor Ross declared a non financial interest in item 4.1 – 34 Belgrave Road, Edinburgh

as he had made on-line comments on this application, left the room and took no part in the consideration of this item.

3. Ravelston Dykes Road Edinburgh (Ravelston Dykes Quarry)

Details were provided of proposals for the Erection of 3 dwellinghouses, associated landscaping and infrastructure works at Ravelston Dykes Road, Edinburgh (Ravelson Dykes Quarry) – application no 16/05074/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be refused.

Motion

To refuse planning permission for the reasons that the proposal was contrary to policies Env 10, Env 11, Env 18 and Des 4 of the adopted Edinburgh Local Development Plan.

- moved by Councillor Bagshaw, seconded by Councillor Gardner.

Amendment

To grant planning permission subject to the conditions, reasons, informatives and legal agreement set out in appendix 2 to this minute.

- moved by Councillor Perry, seconded by Councillor Lunn.

Voting

For the motion: 4 votes

For the amendment: 9 votes

Decision

To grant planning permission subject to the conditions, reasons, informatives and legal agreement set out in appendix 2 to this minute.

(Reference – report by the Chief Planning Officer, submitted)

4. 103 Curriehill Road, Edinburgh

Details were provided of proposals for the erection of residential development with associated access, landscaping and open space (as amended) at 103 Curriehill Road, Edinburgh - application no 16/01515/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be granted.

Motion

To grant planning permission subject to conditions, reasons, informatives and a legal agreement detailed in section 3 of the report by the Chief Planning Officer.

- moved by Councillor Perry, seconded by Councillor Lunn.

Amendment

To refuse planning permission for the reason that the proposals were contrary to planning policies Des 1, Des 7, Hou 4 and HSG 36 of the Edinburgh Local Development Plan.

- moved by Councillor Bagshaw, seconded by Councillor Gardner.

Voting

For the motion: 5 votes

For the amendment: 3 votes

Decision

To grant planning permission subject to conditions, reasons, informatives and a legal agreement detailed in section 3 of the report by the Chief Planning Officer

(Reference – report by the Chief Planning Officer, submitted)

Appendix 1

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>Item 4.1 - 34 Belgrave Road Edinburgh</p>	<p>Demolish the existing public buildings on site and regrade the solum areas of these along with the immediate surrounding land. Protect the existing trees on the land from building operations. Build four town houses in two similar blocks to a height and general form as to match the development pattern of the area. Form private gardens at the rear of the blocks and a communal garden at the front of the blocks with seven parking spaces. Renew the outer boundary wall in stone (as amended) – application no 16/05403/FUL</p>	<ol style="list-style-type: none"> 1. To refuse the request for a hearing. 2. To continue consideration of the application for a site visit and 3. Clarification of the heights of the buildings. 4. Further information on the materials to be used and how the design and the materials related to the Edinburgh Design Guidance.
<p>Item 4.2 - 130 Constitution Street Edinburgh</p>	<p>Alteration and change of use of existing office and warehouse to form 25 room boutique hotel and flatted development - application no 16/00682/ FUL</p>	<p>To grant planning permission subject to conditions, reasons, informatives and a legal agreement detailed in section 3 of the report by the Chief Planning Officer.</p>
<p>Item 4.3 - 103 Curriehill Road Currie (At land 138 metres west of)</p>	<p>Erection of residential development with associated access, landscaping and open space (as amended) - application no 16/01515/FUL</p>	<p>To grant planning permission subject to conditions, reasons, informatives and a legal agreement detailed in section 3 of the report by the Chief Planning Officer.</p> <p>(On a division)</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Item 4.4 - 229 Gilmerton Road Edinburgh (Liberton Primary School)	Erection of a two storey education building - application no 16/05385/FUL	To grant planning permission subject to conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer.
Item 4.5 - 88 Grassmarket Edinburgh	Change of use from shop (Class 1) to restaurant (Class 3) - application no 16/04552/FUL	To grant planning permission subject to conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer.
Item 4.6 - 98 Ocean Drive Edinburgh (At car park 137 metres northeast of)	Erection of hotel development (Class 7), associated facilities and ancillary works, including boardwalk (as amended) - application no 16/02815/PPP	To grant planning permission in principle subject to conditions, reasons, informatives and a legal agreement detailed in section 3 of the report by the Chief Planning Officer.
Item 4.7 - Seafield Avenue Edinburgh	Tree Preservation Order TPO 184	To confirm Tree Preservation Order No. 184 (Seafield Avenue, Edinburgh).
Item 4.8 - 22 The Wisp Edinburgh (Land 213 metres southwest of)	Remix of residential development approval 13/02660/FUL, construction of 80 residential units and associated works (as amended) - application no 16/04373/FUL	To grant planning permission in principle subject to conditions, reasons, informatives and a legal agreement detailed in section 3 of the report by the Chief Planning Officer.
Item 4.9 - 5 Warriston Road Edinburgh	Vary planning permission with revised building design - application no 16/04263/FUL	To grant the application subject to conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Item 5.1 - 59 - 60 Belford Road Edinburgh	Demolition of Belford House + redevelopment of site for residential development + class 1 (retail), class 2 (financial, professional + other services) and/or class 4 (business) use (inc. change of use, conversion + extension to Douglas House) + other associated works (as amended July 2015) – application no 14/04512/FUL	To agree to extend the period to conclude the legal agreement by two months (to 22 April 2017).
Item 7.1 - 1 Lauriston Place Edinburgh	Enabling works in advance of the scheme for restoration and re-use of the building as an education facility by the University of Edinburgh, comprising: - External down-takings including front & rear extensions, balconies, roof walkways, gatehouse, forecourt walls & railings - Internal down-takings & strip out including non-load bearing partitions, ceilings, floor finishes, NHS equipment and asbestos - Temporary structural works, temporary weatherproofing & roof repairs – application no 16/05400/LBC	To continue consideration of the matter for information on the significant economic and public benefits of the demolition of the gatehouse and piers and why demolition was essential to achieve the benefits.
Item 7.2 - 9 Park Crescent Edinburgh	Demolition of existing single storey extension and change of use of an office (class 2) into a pair of semi-detached dwelling houses, including alterations to form two dwellings of one and a half storey height (one with part basement) with garages, car parking and gardens – application no 16/04284/FUL	To grant planning permission subject to conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Item 7.3(a) - 64 Princes Street Edinburgh	Application for planning permission proposing the refurbishment and redevelopment of existing premises to form retail (Class 1) and restaurants (Class 3) at Princes Street and Rose Street levels and at basement levels below, with hotel (Class 7) / restaurants (Class 3) above (within underused upper floors of premises and at new rooftop levels) together with associated works. (as amended) – application no 16/05292/FUL	To grant planning permission subject to conditions, reasons, informatives and a legal agreement detailed in section 3 of the report by the Chief Planning Officer.
Item 7.3(b) - 64 Princes Street Edinburgh	Internal and external alterations to existing listed building and partial demolition at 64 Princes Street, and relocation of existing police box on Rose Street – application no 16/05293/LBC	To grant listed building consent subject to conditions, reasons and informatives detailed in section 3 of the report by the Chief Planning Officer.
Item 7.4 - Ravelston Dykes Road Edinburgh (Ravelston Dykes Quarry)	Erection of 3 dwellinghouses, associated landscaping and infrastructure works – application no 16/05074/FUL	To grant planning permission subject to the conditions, reasons, informatives and legal agreement set out in appendix 2 to the minute. (On a division)
Item 9.1 - 1 Craigpark Ratho Newbridge (Craigpark Quarry)	Forthcoming application by Tartan Leisure & Alex Brewster & Sons for the erection of an outdoor leisure complex including water sport and training facilities with ancillary (Class One) Retail and (Class Three) Food and Drink uses. Tourism accommodation facilities e.g. self-catering lodges and campsite, infrastructure, access (pedestrian and vehicular), landscaping and ancillary works – application no 16/06366/PAN	To note the key issues at this stage and request that land contamination issues be addressed.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
Item 9.2 - 1 Craigpark Ratho Newbridge (Craigpark Quarry)	Forthcoming application by Tartan Leisure & Alex Brewster & Sons for infrastructure provision (including operational works), landscaping and access (pedestrian and vehicular) associated with the development of the site for an outdoor leisure complex, including tourism accommodation facilities, ancillary (class one) retail and (class three) food and drink uses and associated works – application no 16/06371/PAN	To note the key issues at this stage and request that land contamination issues be addressed.

Appendix 2

Conditions:-

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. No development shall take place prior to implementation of remedial and protective measures in accordance with Section 6 of the 'Geo-environmental Risk Assessment and Remediation Strategy': LK Consult: Reference LKC 15 1018: April 2015; and documentary evidence to certify those works have been implemented shall be provided to and approved in writing by the Council as planning authority.
3. A fully detailed landscape plan, including the location of the public path, details of all hard and soft surfaces, and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site and to be implemented within six months of the date of first occupation.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order, 1992, as amended, gates, fences walls and other means of enclosure shall be constructed with 225mm gaps at their base so as to allow badgers to traverse the site. Such gaps shall be 1 metre wide and constructed at centres of not more than 10 metres along the boundary.
5. Prior to the commencement of work on site, a further badger camera trapping survey shall be undertaken to establish whether works are on or within 30m of a Badger Sett and therefore require a licence from Scottish Natural Heritage; the survey shall be submitted to the Planning Authority. Should any evidence of badger setts be found within this relevant survey area, a mitigation strategy must be submitted to and approved in writing by the Planning Authority and implemented, in accordance with the agreed mitigation strategy.

Reasons:-

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
4. In the interest of protected species.
5. In the interest of protected species.

Reasons:-

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2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
4. In the interest of protected species.
5. In the interest of protected species.

Informatives

It should be noted that:

1. The applicant shall enter into a suitable legal agreement to ensure public access and woodland management in perpetuity on the part of the site outwith plots 1, 2 and 3 as specified on the proposed site plan.
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. Any orchids found within the development area are to be translocated to a suitable location within site which will not be affected by the development.
6. Clearance of vegetation/trees from the proposed construction areas has the potential to disturb nesting birds; therefore clearance should be carried out outside the bird nesting season March – August (inclusive). Should it be necessary to clear ground during the bird nesting season the land should be surveyed by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.
7. All trees to be checked for bats before felling.
8. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent, i.e. the road leading to the properties will be built to an adoptable standard. The main access will be required to be brought up to an adoptable standard.
9. The internal layout of the development should be designed in accordance with Designing Streets and Quality Audits will be required. Note that Designing Streets states that a Stage 2 Quality Audit should be provided as part of the detailed planning application.
10. The access road and associated car parking must be sufficiently large, and of a shape, to accommodate a turning area suitable for any vehicles which are likely to use it so that vehicles can enter and exit the site in a forward gear.
11. Any proposed on-street car parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be

available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents.

12. Refuse storage facilities should be within 30 metres of an area which can be accessed by a refuse removal vehicle.

13. Any works affecting the existing carriageway/footway on Ravelston Dykes Road must be carried out in accordance with "Development Roads - Guidelines and Specification". See pages 5, 15 & 16 of http://www.edinburgh.gov.uk/download/downloads/id/704/guidance_for_householders.

14. The programme of removal of Japanese Knotweed is to be continued.

Development Management Sub Committee

10.00am, Wednesday 8 March 2017

**Application for Planning Obligation 17/00118/OBL
At Former, 1 Moredunvale Place, Edinburgh
Discharge the section 75 agreement tied to the 08/01611/FUL
planning permission.**

Item number	4.1
Report number	
Wards	A16 - Liberton/Gilmerton

Summary

The obligation to make payment of the financial contribution to the city car club is no longer appropriate. There are no other obligations to be met by the proprietors in the agreement. Accordingly, the discharge request is considered acceptable and is compliant with the provisions of the development plan, the relevant non-statutory guidance and the provisions of the planning circular.

Links

Policies and guidance for this application	LDEL01, LTRA02, NSDCAH,
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Report

Application for Planning Obligation 17/00118/OBL At Former, 1 Moredunvale Place, Edinburgh Discharge the section 75 agreement tied to the 08/01611/FUL planning permission.

Recommendations

- 1.1 It is recommended that the planning obligation to which this application refers is discharged.

Background

2.1 Site description

The site is situated to the west side of Moredunvale Place and to the north of Moredun Park Road. The existing on-site car parking is found to the rear of the completed block of flats and accessed from Moredunvale Place.

2.2 Site History

The relevant site history is:

9 June 2009 - planning permission granted for the erection of six residential flats and the demolition of a single storey dwelling house, (application number 08/01611/FUL). A legal agreement was attached to this permission, which required the payment of a contribution towards the city car club. The development has been completed and is occupied.

Main report

3.1 Description Of The Proposal

The applicant has requested the discharge of the legal agreement regarding the requirement to pay a £6,500 city car club contribution. This contribution is the only obligation required of the proprietors in the agreement.

Supporting Statement

The applicant has provided a supporting statement to justify the reasoning behind the application for the requested discharge. This is available to view on the Planning and Building Standards Online Services.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the discharge of the obligation is acceptable
- b) there are any equalities and human rights impacts; and
- c) there are any representations.

a) The Discharge of the Obligation is Acceptable

The original proprietors who concluded the agreement with the Council were private developers. Under the parking standards they were required to provide six parking spaces but only four could be provided on-site. The city car club contribution was therefore required to remedy this shortfall and to make the planning application acceptable.

The tests set out in Circular 3/2012 (Planning Agreements and Good Neighbour Agreements) have to be considered. If just one of the tests is not met, then in terms of the circular the planning obligation should not be applied.

The first test which is particularly relevant is the 'necessity test'; whether the contribution is necessary to make the proposed development acceptable in planning terms. The financial contribution was considered necessary because the new development was for general open market housing and there was insufficient on-site parking to meet the required parking standards for this type of development.

The six completed flats have been let by Castle Rock Edinvar Housing Association at social rents and are expected to continue to be affordable units in the long term. The parking standards for this type of housing are met by the four existing on-site parking spaces. There is consequently no need to require a financial contribution to make the development acceptable in planning terms. This test is therefore not met.

The second relevant test is the 'reasonableness test'; whether it is reasonable in all respects to require this financial obligation to be paid. As the justification for the obligation, in terms of the parking standards, is no longer considered necessary, it cannot be thought reasonable to still require the contribution to be paid. This test has also not been met. It is noted that there is additional parking capacity on the adjoining streets.

As both of these tests are not met, the obligation to make payment of the financial contribution to the city car club is no longer appropriate. There are no other obligations to be met by the proprietors in the agreement.

Accordingly, the discharge request is considered acceptable and is compliant with the provisions of the development plan, the relevant non-statutory guidance and the provisions of the planning circular.

b) Equalities and Human Rights Impacts

This application has no impact in terms of equalities or human rights.

c) Public Comments

No representations were received concerning this proposal.

Conclusion

In conclusion, the applicants' discharge request is considered acceptable. A discharge agreement will need to be concluded and sent for registration. The contribution sum has not been received by the Council and no refund is therefore applicable.

It is recommended that the planning obligation to which this application refers is discharged.

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. Please submit an engrossed Discharge or Minute of Variation (as appropriate) in accordance with the terms of this Decision Notice for execution and registration by the City of Edinburgh Council along with the required registration forms and registration fee. Submissions should be sent to The City of Edinburgh Council, Legal Services, 4 East Market Street, Edinburgh, EH8 8BG.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications for the Council. The financial contribution is no longer required.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Discussions and correspondence was exchanged with the previous owners and the applicants about making this application. Confirmation was sought from colleagues as to the current need for the contribution following the sale of the land and the new development to a Registered Social Landlord prior to the application being made.

8.2 Publicity summary of representations and Community Council comments

No representations have been received.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

**Edinburgh Local Development Plan / LDP - Within
the defined urban area.**

Date registered

13 January 2017

Drawing numbers/Scheme

David R. Leslie

Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Ian Williams, Senior Planning Officer
E-mail:ian.williams@edinburgh.gov.uk Tel:0131 529 3752

Links - Policies

Relevant Policies:

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

Non-statutory guidelines on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

Appendix 1

Application for Planning Obligation 17/00118/OBL At Former, 1 Moredunvale Place, Edinburgh Discharge the section 75 agreement tied to the 08/01611/FUL planning permission.

Consultations

Affordable Housing

I can confirm that the 6 units at Moredunvale Place have been provided as affordable housing - 6 units for social rent. Castle Rock Edinvar own and manage these homes. They were awarded grant funding in 2014 for the homes, which means that these must remain as social rent for a period of at least 30 years. Should the applicant wish to sell the properties or change their tenure, consent from both the Scottish Housing Regulator and the Council (as grant provider) would be required.

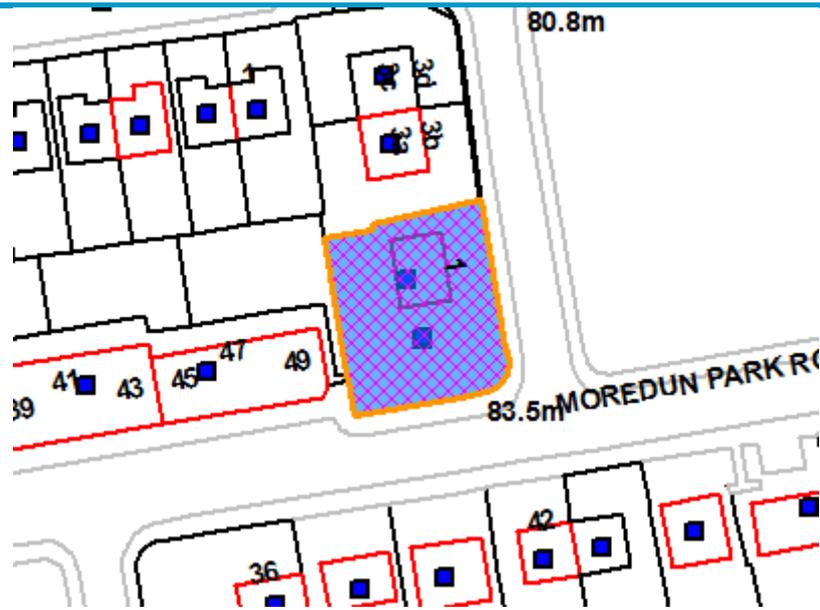
Transportation

For a development of six two bedroom flats in this locality, which have been provided for social rent by a Registered Social Landlord, the on-site parking provision necessary would be 3 spaces. This necessary provision has been made available within the development site.

Previously the 6 units were to be built and sold on the open market. The number of spaces to be made available under the planning application was insufficient to meet the parking standard for open market units. To remedy this lack of provision the city car club contribution was required to make the planning application acceptable.

As there is now no deficiency in the number of parking spaces with the new flats being affordable units, the previous requirement for a city car club contribution is no longer necessary.

Location Plan



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END

Development Management Sub Committee

10,00am, Wednesday 8 March 2017

**Application for Planning Permission 16/06279/FUL
At 2, 4- 5 Trinity Crescent, Edinburgh, EH5 3ED
Change of use from shop units to create 4 one bedroom
flatted dwellinghouses and alterations to front elevation (as
amended)**

Item number	4.2
Report number	
Wards	A04 - Forth

Summary

Loss of the existing retail function is acceptable in this location and residential use is acceptable in principle. Whilst one minor infringement of guidelines arises in relation to the floor-size of one unit this is acceptable given the overall mix of flat sizes and amenity and the constraints of the existing building. No other considerations outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LRET10, LHOU05, LEN04, LEN06, NSG, NSLBCA, NSGD02,
---	--

Report

Application for Planning Permission 16/06279/FUL At 2, 4- 5 Trinity Crescent, Edinburgh, EH5 3ED Change of use from shop units to create 4 one bedroom flatted dwellinghouses and alterations to front elevation (as amended)

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The property occupies the ground floor and basement levels of a four storey curved tenement at the west end of Trinity Crescent, adjacent to a traffic light controlled junction, managing traffic flow around a sharp S-bend to the immediate west, leading to Lower Granton Road. The tenement was listed category B on 14 December 1970 (reference: 29831).

One of the main sewage pump stations stands diagonally opposite.

This application site is located within the Trinity Conservation Area.

2.2 Site History

26 January 2017 - parallel application for listed building consent received (application number: 17/00282/LBC).

Main report

3.1 Description Of The Proposal

The application proposes change of use and subdivision of an existing amalgamated retail unit (originally three or four separate shops) to create four residential properties over ground floor and basement. Due to high ceiling levels some units will have a further mezzanine level at ground floor.

Units created are:

- Flat 1 - one bedroom flat at ground floor of 47 square metres.
- Flat 2 - one bedroom flat at ground and basement floors of 90 square metres.
- Flat 3 - one bedroom flat at ground and basement floors of 77 square metres.
- Flat 4 - one bedroom basement flat of 57 square metres.

The scheme was amended to retain horizontal elements within the fenestration which are part of the original design.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) loss of retail use is acceptable in principle;
- b) residential use is acceptable in principle;
- c) alterations impact on the character or appearance of the conservation area;
- d) alterations impact on the character of the listed building;
- e) the amenity of the units will be adequate;
- f) parking is considered;
- g) public comments have been addressed; and
- h) equality and human rights issues are considered.

a) Loss of Retail

Policy Ret10 of the adopted Edinburgh Local Development Plan (LDP) looks at loss of retail use outwith defined centres and has five criteria:

Criteria a) and b) are not applicable;

Criteria c) relates to units suitable for small business use - this is effectively applicable to every retail unit in the city. There is not a strong demand for commercial use in this area;

Criteria d) considers whether the retail use is essential to local need - the unit is vacant and does not serve any local need; and

Criteria e) relates to external appearance. This is considered in section c) below.

In summary, the loss of the retail unit is not critical in this location and is acceptable.

b) Principle of Residential Use

Local development plan policy Hou 5 considers residential conversions.

The property lies within a predominantly residential area and residential use is acceptable in principle subject to other policy requirements being met.

The number of units is proportionate to the existing property size as a whole and is acceptable.

The provision of a variety of flatted properties complements the existing area.

c) Alterations are Acceptable in their Impact on the Conservation Area

Local Development Plan policy Env 6 considers impact upon the conservation area.

The existing shopfront has been extensively remodelled and fails to blend with the upper part of the building.

The use of acoustic double glazing will not have any major impact upon appearance. The majority of windows are already blanked out and the net impact on glazing is one of creating a more open appearance. This is more in keeping with the original building appearance.

This proposal will partially restore the original appearance of the ground floor (removing fascias etc.) to the benefit of the wider area, and is therefore acceptable.

d) Impact on the Listed Building

Local Development Plan policy Env 4 considers impact on the character of the listed building.

The internal alterations and reworking of the facade have an acceptable impact on the character of the listed building.

A separate application for listed building consent has been requested.

e) Amenity of Proposed Units

Local Development Plan policy Hou 5 read in conjunction with the Edinburgh Design Guidance consider amenity of the proposed units.

All units are dual aspect except for unit 4 which is single aspect but south-facing into the rear common ground.

Units to the front benefit from a panoramic view across the Firth of Forth.

Units 2, 3 and 4 accord with the Council's guidance on space standards. Unit 1 lies below the standard for a one bedroom flat by just under 5 square metres. This unit was originally a narrow, separate shop. Reconfiguration to increase this unit in size would be complex and of little material benefit given the physical separation between original shop units. The proposed flat could equally be made compliant by creating a studio flat rather than a one bedroom flat. This would then exceed the guideline in size by 11 square metres. However, removal of the separating wall to the bedroom to achieve this would serve little practical purpose in this instance. The minor infringement of policy is acceptable in this context.

The supporting statement states that all units will have access via the common stair to the existing shared rear green. Rights to access the rear green are disputed, and this is a legal matter between owners. It is noted that shop conversions rarely have access to open space, and should it happen that access to the rear green is not possible, this would not be a reason to refuse the application.

All units will have adequate amenity.

f) Parking

Lack of off-street parking is a feature common to all properties within the block and in the wider area. The existing retail property equally has no existing parking provision and absence of parking is not a reason to resist the proposal.

g) Public Comments

Reasons for objection were:

Material Comments

- overdevelopment - addressed in section 3.3 b) of the assessment.
- lack of parking - addressed in section 3.3 f) of the assessment.
- alterations are not appropriate - addressed in sections 3.3 c) and d) of the assessment.

Non-material Comments

- Rights of access to and from the common stair and potential use of the common green. These are legal issues and are not planning concerns.
- Impact on bin collections. This is not a planning concern.

- Internal layout impacts on daylight. As long as all apartments have adequate daylight (which they do) the layout is not a planning concern.

Community Council

No comments received.

h) Equalities and Human Rights

The proposal does not raise any equalities or human rights issues.

Conclusion

Loss of the existing retail function is acceptable in this location and residential use is acceptable in principle. Whilst one minor infringement of guidelines arises in relation to the floor-size of one unit this is acceptable given the overall mix of flat sizes and amenity and the constraints of the existing building. No other considerations outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. Details of the removals of existing shop frontage and works to the exterior shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Reasons:-

1. In order to enable the Head of Planning to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

4. This application relates to a flatted building. This planning permission does not affect the legal rights of any other parties with an interest in the building. In that respect, the permission does not confer the right to carry out the works without appropriate authority.
5. This consent is for planning permission only. Work must not begin until other necessary consents, eg listed building consent, have been obtained.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 13 January 2017.

Nine representations were received: one in support, eight in objection. A full assessment of the representations can be found in section 3.3 g) of the Assessment.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)

- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The property lies in the Trinity Conservation Area as shown in the Local Development Plan (LDP).

Date registered

20 December 2016

Drawing numbers/Scheme

1,2,3,4a,

Scheme 2

David R. Leslie

Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Stephen Dickson, Senior Planning Officer
E-mail:stephen.dickson@edinburgh.gov.uk Tel:0131 529 3529

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Ret 10 (Alternative Use of Shop Units in Other Locations) sets out the criteria for assessing the change of use of a shop unit outwith defined centres.

LDP Policy Hou 5 (Conversion to Housing) sets out the criteria for change of use of existing buildings to housing.

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

Appendix 1

**Application for Planning Permission 16/06279/FUL
At 2, 4- 5 Trinity Crescent, Edinburgh, EH5 3ED
Change of use from shop units to create 4 one bedroom
flatted dwellinghouses and alterations to front elevation (as
amended)**

Consultations

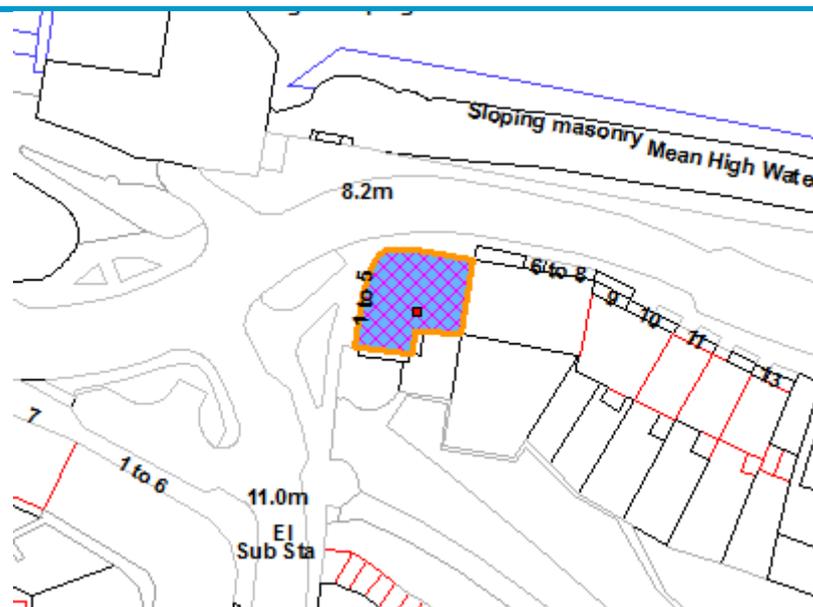
Environmental Protection

No objections.

Roads Authority

No objections.

Location Plan



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END

Development Management Sub Committee

10.00am, Wednesday 8 March 2017

**Application for Planning Permission 16/06310/FUL
At Windmill House, 21 Coltbridge Gardens, Edinburgh
Change of use from Class 9 (houses) to Sui Generis (flatted
development) through the subdivision of an existing
detached residential property into 3 apartments.**

Item number	4.3
Report number	
Wards	A05 - Inverleith

Summary

The proposed subdivision is acceptable in principle and has no impact on the character or appearance of the conservation area. The parking level is adequate and the two access routes are considered adequate in terms of road safety. No other considerations outweigh this conclusion.

Links

Policies and guidance for this application	LDPP, LHOU02, LHOU03, LHOU04, LTRA02, NSG, NSGD02,
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Report

Application for Planning Permission 16/06310/FUL At Windmill House, 21 Coltbridge Gardens, Edinburgh Change of use from Class 9 (houses) to Sui Generis (flatted development) through the subdivision of an existing detached residential property into 3 apartments.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The property is a very substantial modern house built to echo Georgian aesthetics in the 1990s. The existing house has a floor area of around 800 square metres and stands on a site of 3600 square metres.

The house is heavily screened from public view. The closest potential public viewpoint to the house is from the Gallery of Modern Art, to its north-east. However, the building is wholly unseen from that site due to heavy tree coverage. Equally, it is unseen from the Water of Leith Walkway to its south-east for the same reason.

Vehicular access is from Coltbridge Avenue, which leads into Coltbridge Gardens, which combine to create a long and twisting cul-de-sac, which becomes more and more rural in character along its length until eventually changing to a private lane. This lane leads to the house in question, some 100 metres beyond the end of the adopted road. The lane is surfaced in tarmac but lacks kerbs. The lane also serves one further property to the north-east of the site, generally referred to as the "coach-house".

The house is only visible in one view beyond its ownership boundaries: a private view from the playing fields of St George's School to the north-west.

This application site is located within the Coltbridge and Wester Coates Conservation Area.

2.2 Site History

4 June 1993 - permission granted to erect current house (application number: 93/00929/FUL).

26 October 2006 - permission granted to erect garage (application number: 06/03176/FUL).

19 February 2008 - permission granted for new access (application number: 08/00118/FUL) - this is the lower access referred to in the report.

20 December 2011 - permission refused for new house on garden ground (application number: 11/03470/FUL) Reason: scale and location would adversely impact on conservation area; impact upon trees.

20 November 2013 - permission refused for new house on garden ground (application number: 13/02926/PPP) Reason: failure to demonstrate impact on conservation area; impact upon trees.

11 May 2015 - permission granted to split garden into two plots (application number: 15/00260/FUL).

Main report

3.1 Description Of The Proposal

The application proposes subdivision of the existing property into three flats. Each unit has multiple bedrooms. The proposed flat sizes are 260, 200 and 330 square metres respectively.

Surrounding land will largely be allocated on a communal basis but each unit will have its own area of private land.

Car parking areas are largely unaltered but are allocated to specific properties: five spaces at the upper area; two in the lower area.

Access is unaltered, and comprises an upper and lower lane, each approaching from the south-west.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposed development is acceptable;
- b) the proposed external alterations impact on the character or appearance of the conservation area;
- c) parking and access are adequate;
- d) amenity of all units is adequate;
- e) drainage of parking is adequate;
- f) comments are addressed; and
- g) equality and human rights issues are considered.

a) Principle of Development

No physical alterations are proposed requiring planning permission and the only issue to be assessed is the subdivision of the house into three units.

Policy Hou 2 of the Local Development Plan considers Housing Mix. The existing premises is a 19 apartment house, greatly exceeding the average size of local houses. Whilst this diversification does better meet the objective of housing mix, there is no demand for units of this size. The subdivision creates two three-bedroom units and one five-bedroom unit. This better reflects local demand, and the creation of flats rather than houses addresses the diversification of unit type. Policy Hou 2 is therefore met.

Policy Hou 4 of the LDP considers housing density. The existing density equates to under 3 houses per hectare, amongst the lowest of densities in the city. The revised density would total just over 8 houses per hectare, remaining in the very lowest of densities within the urban area.

The increase in density is acceptable.

b) Impact on the Conservation Area

Coltbridge and West Coates Conservation Area Character Appraisal

The enclosure of steeply sloping banks... create a sense of "being in the country" almost right at the city centre".

None of the physical alterations to the building exterior are of a nature which would require planning permission if considered independently.

There is no impact upon the conservation area's character or appearance.

c) Parking and Access

Policy Tra 2 of the LDP considers parking standards.

Parking largely utilises existing parking areas (and is unaltered), but is to be allocated to the three specific properties. Parking standards are fully met.

The site has two existing vehicular access points which will continue to serve the development. The lower access will access one unit (two parking spaces), the upper access will access two units (five parking spaces). The lower access is level, wide and in good condition. The upper access is steep in its western section and the surface is disturbed by tree routes. Although there is a central "beaten track" in the upper access, its total width exceeds 5m and there is sufficient room for vehicles to pass.

It is noted that Coltbridge Gardens (which leads to the private lane) contains two right angled bends (one with poor visibility) plus a pinchpoint where it attaches Coltbridge Avenue. These sections form part of the adopted road network and are not the responsibility of the applicant. The increase in traffic is not considered significant in relation to the total road usage.

The alterations may cause an increase in vehicular and pedestrian use of the existing lanes. However, the increased use would not trigger any requirement to bring the lane up to adoptable standards, nor are numbers so significant as to give rise to any clear safety concern. The Roads Authority does not object but highlights that further development of the site may trigger a requirement to bring the lane up to adoptable standards.

Right of access from the existing lanes is solely a legal issue, but appears broadly unchanged in relation to the existing status quo. This is highlighted within an Informative.

d) Amenity of the Proposed Units

The Edinburgh Design Guidance contains guidance on minimum floor areas for residential properties.

All units greatly exceed the guidelines. Each unit views has in all four directions and each has ample garden ground.

The amenity of each unit is acceptable.

e) Drainage of Parking Areas

The majority of parking already exists on site and there is little alteration to physical hard-standing.

The net impact of additional hard standing is not significant in relation to the existing soft landscaping which remains extensive.

The rainfall retention capacity of the site should not alter in any significant way.

f) Public Comments

Supporters stressed the lack of suitability of the existing large house to modern needs and the benefits of creating three large units.

Reasons for objection were:

Material Comments

- The existing access road is unsuitable/ road safety concerns - addressed in section 3.3 c) of the Assessment.
- A SUDS assessment is not included - addressed in section 3.3 e) of the Assessment.

Non-material Comments

- The road is unsuitable for construction vehicles - this is not a planning consideration, but it is noted that physical works are minimal.
- The proposal ignores historic planning refusals appeals - the application is judged against the current local development plan - it is noted that previous applications were refused due to impact on the conservation area.
- The coach-house to north is now a separate dwelling - this lies outwith the site boundary and is not part of the current assessment.
- Increased traffic will impact upon wildlife - the increase in traffic is not so significant as to have this effect.
- The proposal should require Road Construction Consent (RCC) - this is not a planning consideration.
- Rights of access - this is a legal issue.

g) Equalities and Human Rights

The proposal does not raise any equalities or human rights concerns.

Conclusion

The proposed subdivision is acceptable in principle and has no impact on the character or appearance of the conservation area. The parking level is adequate and the two access routes are considered adequate in terms of road safety. No other considerations outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The permission relates to planning permission only. Independent issues, such as rights of access from the lanes concerned, must be independently ascertained.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 13 January 2017.

Forty-one representations were received: 28 in support and 13 in objection. A full assessment of representations can be found in section 3.3 f) of the Assessment.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The property lies in the Coltbridge and Wester Coates Conservation Area as shown in the Local Development Plan (LDP).

Date registered

21 December 2016

Drawing numbers/Scheme

1-5,

Scheme 1

David R. Leslie

Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Stephen Dickson, Senior Planning Officer
E-mail: stephen.dickson@edinburgh.gov.uk Tel: 0131 529 3529

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

Development Management Sub Committee

10.00am, Wednesday 8 March 2017

**Application for Planning Permission 16/03406/FUL
At 1-2, 3-6 Canonmills Bridge, Edinburgh, EH3 5LF
Variation of existing planning permission 09/00830/FUL to
relocate the entrance doors, access stairs and ramp, and
remove the ground floor internal wall to form a single
commercial unit.**

Item number	7.1
Report number	
Wards	A12 - Leith Walk

Summary

The proposed use is suitable for this location and complies with relevant policies of the development plan and the Council's non-statutory guidance. The proposals to the ground floor will have no detrimental impact on the character or appearance of the conservation area. The setting of the neighbouring listed buildings will not be affected by the proposed alternative use of these units. The proposal will not adversely affect neighbouring amenity. There are no material considerations which outweigh this conclusion.

Links

<u>Policies and guidance for this application</u>	LDPP, LDES01, LDES04, LEN03, LEN06, LRET06, LTRA09, NSG, NSGD02, NSLBCA, OTH, CRPINV,
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Report

Application for Planning Permission 16/03406/FUL At 1-2, 3-6 Canonmills Bridge, Edinburgh, EH3 5LF Variation of existing planning permission 09/00830/FUL to relocate the entrance doors, access stairs and ramp, and remove the ground floor internal wall to form a single commercial unit.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site is 189 square metres. It comprises a rectangular piece of land currently occupied by a two storey building with a pitched roof. At ground floor level this is used for restaurant purposes and at lower level for storage and ancillary space for the commercial unit. There is a change in the level of approximately two metres as ground falls from Brandon Terrace along Warriston Road. This results in only one storey being visible from the front elevation. To the rear of the building there is car parking and services.

This application site is located within the Inverleith Conservation Area.

2.2 Site History

4 September 2015 - Conservation Area Consent was refused for the demolition of the two storey building on the site (application number 15/01786/CON) as the replacement building by reason of its scale, form and design would be detrimental to the character and appearance of the Inverleith Conservation Area. An appeal was lodged against this refusal and the Reporter granted Conservation Area Consent on 28 January 2016 on the grounds that acceptable proposals for the replacement of the building have been approved (CAC-230-2001).

6 May 2015 - Planning permission was granted for a non-material variation to 09/00830/FUL. The amendments were changes to the window pattern on the north and south elevations and changes to the position of the internal staircase and room layout on the upper floors (application number 09/00830/VARY).

4 February 2015 - Planning permission was refused for a change of use from class 3 to retail, erection of six flats and three town houses and minor alterations to elevations as the proposed development by reason of its scale, form and design was detrimental to the character and appearance of the Inverleith Conservation Area (application number 14/02786/FUL).

11 November 2010 - Committee granted planning permission for a mixed use development of two restaurants, six flats and three townhouses. Planning permission was issued on 5 May 2013 following the completion of a legal agreement relating to transport requirements (application number 09/00830/FUL).

Details have been submitted confirming the initiation of development which has been verified by independent legal advice. This is an extant permission and details have been submitted to purify conditions.

Main report

3.1 Description Of The Proposal

The proposal is for an amendment to planning permission number 09/00830/FUL to relocate the entrance doors and access stairs, a new ramp and to remove the ground floor internal wall to form a single commercial unit.

The proposed facing materials on the submitted plans which include a glazed shop front with automatic entrance doors on the building front elevation are unchanged from the approved plans for application number 09/00830/FUL. The external ramp and stair would be finished in stone with stainless steel balustrade with toughened safety glass infill panels.

Supporting Documents

- Planning Statement; and
- Design and Access Statement.

These are available to view on Planning and Building Standards Online Services.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the proposal is acceptable in principle;
- b) the proposals preserve or enhance the character and appearance of the conservation area or the setting of the neighbouring listed building;
- c) the proposals are detrimental to the amenity of neighbours;
- d) the proposal provided sufficient amenity for the occupiers of the development;
- e) the proposals affect road safety;
- f) the proposals has any equalities and human rights issues impacts; and
- g) representations raise issues to be addressed.

a) Principle

The application site is located in the urban area of the adopted Edinburgh Local Development Plan (LDP) where the principle of retail development is acceptable subject to the compliance with other policies of the development plan.

The principle of the land uses was agreed previously. The creation of one large unit from two smaller units is acceptable in principle.

The site lies in an out-of-centre location where Policy Ret 6 Out-of-Centre Development of the LDP applies.

The proposal does not increase the overall retail floor space and the gross floor area does not exceed 250 square metres so the effect on the vitality and viability of the existing retail centre will be limited.

The nearby defined local shopping centres of Rodney Street and Dundas Street contain a similar mix of uses and could not be considered to be adversely affected by the scale of current nature of the proposals.

The site is well served by public transport.

The principle of the proposal is acceptable and the proposal complies with Policy Ret 6 of the adopted Edinburgh Local Development Plan.

b) Character and Appearance of the Conservation Area and Setting of Neighbouring Listed Buildings

The current proposals, which relate to the ground floor of the building only, and the changes in the glazing pattern, will not adversely affect the external appearance of the proposed development approved under planning application number 09/00830/FUL. There will be no resulting impact on the neighbouring listed buildings. The character of the New Town Conservation Area will also be unaffected by the alternative use type proposed.

The new access stairs and ramp are of a simple form which are in keeping with the overall character and design of the building. In the context of this regeneration this addition to the streetscene is considered appropriate.

The proposals would have a neutral impact on the character and appearance of the conservation area and the setting of the neighbouring listed building.

c) Neighbouring Amenity

The application site is located at a busy city centre location, characterised by a range of existing commercial use types. The proposals raise no material concerns in terms of potential for noise disturbance at this location.

The proposal will not adversely affect the amenity of neighbours.

d) Amenity of the Occupiers

The access to the residential flats on the upper flats has changed to the rear of the building from the car park. The changes to the units on the ground floor will not adversely affect the amenity of the future occupier.

The proposal is satisfactory to the amenity of occupiers.

e) Road Safety

The new access ramp and stairs for the proposed retail use are to the front of the building. The width of the remaining footway is acceptable for pedestrians. There is an adopted footway leading to the rear of the building for access to the flats. There are no changes to the approved car parking and vehicle access to the site.

There are no road safety issues.

f) Equalities and Human Rights Issues

This application was assessed in terms of equalities and human rights. No impact was identified. An Equalities and Human Rights Impact Assessment Summary is available to view on Planning and Building Standards Online Services.

g) Public Comments

Material Representations

- Replacement of two units to one on ground floor may mean supermarket - this was assessed under section 3.3a).
- Damage to local retail - this was assessed under section 3.3a).
- Width of the access stairs and ramp unsafe for those with sight problems - this was assessed under section 3.3e).
- Ramp to front of building reduces width of pavement - this was assessed under section 3.3e).

Non-Material Representations

- New building out of character - this was assessed under previous application 09/00830/FUL.
- Demolition of building - this was assessed under previous application 15/01786/CON.
- Sewerage provision - not relevant to planning process.
- Entrance to flats at rear over no footway - this was assessed under previous application.

Community Council

Stockbridge and Inverleith Community Council objected to the application on the following grounds:

- relocation of entrances, access stairs and ramp - assessed in section 3.3b), 3.3c) and 3.3e).
- change to a large commercial unit - assessed in section 3.3a).
- present application has similar features to previous refusals - assessed in section 3.3a).

Conclusion

The proposal complies with the development plan and the relevant non-statutory guidance. The proposals will have no impact on the character or appearance of the conservation area. The setting of the neighbouring listed buildings will not be affected by the proposed alternative use of these units. The proposal will not result in an unreasonable loss of neighbouring amenity. There are no other material considerations which outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Conditions:-

1. Notwithstanding the approved plans, this planning permission relates to an amendment to planning permission 09/00830/FUL only and may only be implemented in conjunction with the construction of the buildings and associated works, approved under planning application 09/00830/FUL.

Reasons:-

1. In order to define the terms of this planning permission.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 23 October 2016 and 104 representations were received, objecting to the proposals. These included comments from Water of Leith Conservation Trust, Cockburn Association, Inverleith Society and Stockbridge and Inverleith Community Council.

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

The site is located in the urban area of the adopted Edinburgh Local Development Plan where it is designated as within Inverleith Conservation Area.

Date registered

7 July 2016

Drawing numbers/Scheme

1-12,

Scheme 1

David R. Leslie

Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jennifer Zochowska, Senior Planning Officer
E-mail: jennifer.zochowska@edinburgh.gov.uk Tel: 0131 529 3793

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Ret 6 (Out-of-Centre Development) identifies the circumstances in which out-of-centre retail development will be permitted.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

Relevant Non-Statutory Guidelines

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

Non-statutory guidelines 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

Other Relevant policy guidance

The Inverleith Conservation Area Character Appraisal emphasises the predominance of Georgian, Victorian and Edwardian villas and terraces which form boundaries to extensive blocks of public and private open space. The villa streets are complemented by a profusion of mature trees, extensive garden settings, stone boundary walls and spacious roads. The villas are in a considerable variety of architectural styles, unified by the use of local building materials.

Appendix 1

**Application for Planning Permission 16/03406/FUL
At 1-2, 3-6 Canonmills Bridge, Edinburgh, EH3 5LF
Variation of existing planning permission 09/00830/FUL to
relocate the entrance doors, access stairs and ramp, and
remove the ground floor internal wall to form a single
commercial unit.**

Consultations

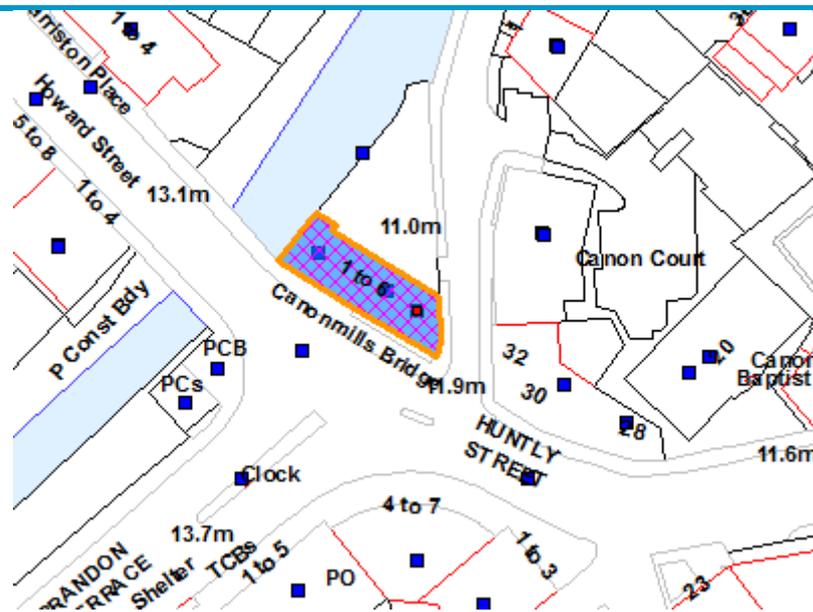
Road Authority Issues

No objections to the application.

Note:

Drawing (Ref.07-215 (PL)01 Rev.B of 29/03/2016) is acceptable.

Location Plan



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END

Development Management Sub Committee

10.00am, Wednesday 8 March 2017

**Application for Planning Permission 16/05649/FUL
At 36 Craiglockhart Terrace, Edinburgh, EH14 1AJ
Erect two storey pitched roof extension, demolish existing
garage and erect boundary fence.**

Item number	8.1
Report number	
Wards	A09 - Fountainbridge/Craiglockhart

Summary

The proposal complies with the development plan and broadly accords with the relevant non-statutory guidelines. The proposal would not adversely affect the character and appearance of the house or surrounding area or neighbouring residential amenity.

Outcome of previous Committee

This application was previously considered by Committee on 01.02.2017.

Links

Policies and guidance for this application	LDPP, LDES12, NSG, NSHOU,
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Report

Application for Planning Permission 16/05649/FUL At 36 Craiglockhart Terrace, Edinburgh, EH14 1AJ Erect two storey pitched roof extension, demolish existing garage and erect boundary fence.

Recommendations

1.1 It is recommended that this application be Granted subject to the details below.

Background

2.1 Site description

The application site is a two storey semi-detached dwelling house with garden ground to the front side and rear, located within a small cul-de-sac on the north-west side of Craiglockhart Terrace.

The property has a detached single garage on its north-east side located adjacent to a row of terraced houses. In terms of levels, the house is set down from the road on its south-east side.

The house has a rendered finish to the walls and a tiled roof. It is characteristic of the properties within the cul-de-sac.

2.2 Site History

11 October 1999 - planning permission granted for the erection of a porch (application number 99/01603/FUL).

Main report

3.1 Description Of The Proposal

It is proposed to erect a two storey pitched roof extension on the south-east side of the house which will have a single storey mono-pitched roof element that will partly wrap round the front of the house.

The extension will be 3.50m wide by 8.51m deep at ground floor level. The depth includes a 1.50m protrusion at the front of the house.

The two storey element of the proposal will be set back from the front and rear of the house and set down from the roof ridge of the house by approximately 150mm.

The proposed materials include render for the walls and tiles for the roof to match the existing house.

An existing off-street parking area will be removed from the south-east side of the house to facilitate the proposed development. It is also proposed to remove the existing garage and extend the existing driveway which previously led to the garage.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- (a) the proposed scale, design and materials are acceptable;
- (b) the proposal is detrimental to the amenity of neighbours;
- (c) impacts on road safety are acceptable;
- (d) representations raise issues to be addressed; and
- (e) equalities or human rights impacts.

(a) Scale, Design and Materials

Policy Des 12 of the adopted Edinburgh Local Development Plan (LDP) and the non-statutory 'Guidance for Householders' sets out the criteria against which a house extension will be assessed. In particular, the policy and guidance seeks to ensure that a proposal in its design and form, choice of materials and positioning is compatible with the character of the existing building, will not result in an unreasonable loss of privacy or natural light to neighbouring properties and will not be detrimental to neighbourhood amenity and character.

In this instance, the proposal is for a two storey extension to the side of the house. It is set back from the front and rear of the house and set down from the roof ridge in accordance with non-statutory guidance for side extensions. The roof form of the extension and the proposed materials match those of the house. The proposal is therefore compatible with the house in terms of scale, design, form and materials.

In terms of its impact on the surrounding area, the extension is subservient in scale in relation to the house. The house will retain the character and appearance of a semi-detached property within the cul-de-sac. Moreover, it will not have an adverse impact on the building line of the terrace on the north-east side of the property.

The proposal does not affect the private amenity space of the application property as the area to the side of the house subject of the proposal is currently built over.

Whilst the proposal includes a low wall with metal railings on the south-east side of the property, this fence does not extend round to the front of the property and therefore retains the open character of the front garden areas of the properties in the cul-de-sac. Further, the wall and fence provide an adequate barrier to ensure pedestrian safety given the proximity of the public footpath to the lower ground level of the application site.

The extension to the front of the house is a modest extension in-keeping with the character and appearance of the house.

Overall, the proposal is acceptable in terms of scale, design and materials.

(b) Amenity

The proposal complies with the tests set out in non-statutory guidance in relation to daylighting and sunlight. The overshadowing created by the proposed development will fall within the application site and not on any neighbouring property. As such there will be no adverse impact on daylighting or sunlight to the neighbouring properties.

In terms of privacy, the windows of the proposed extension are front (south-west) and rear (north-east) facing. The rear facing windows are no nearer to the boundary than the existing windows of the house and therefore do not raise any additional privacy issues. The front facing windows are within the nine metres recommended in non-statutory guidance. However, they overlook the street and maintain a window to window distance in excess of the recommended 18m. No privacy concerns therefore arise.

The window to the north-west side of the front extension provides daylight to a non-habitable room and therefore no privacy concerns arise.

The proposal will not have a detrimental impact on neighbouring residential amenity.

(c) Road Safety

The proposal includes the widening and lengthening of an existing driveway. Its position remains the same and therefore no road safety concerns arise.

(d) Public Comments

Material Issues:

- daylight and sunlight - assessed in section 3.3 (b) and found to comply with non-statutory guidance;

- visual impact on surrounding area - assessed in section 3.3 (a);
- overbearing and out of scale - assessed in section 3.3 (a);
- greatly reduce the garden ground - assessed in section 3.3 (a);
- introduction of fence out of keeping with character of area - assessed in section 3.3 (a); and
- issues of road safety resulting from driveway - assessed in section 3.3 (c).

Non-material Issues:

- loss of private view;
- precedent;
- title deeds/burdens; and
- parking of construction vehicles and road safety resulting from this.

No community council comments have been received.

(e) Equalities and Human Rights Impacts

The application has been assessed and has no impact in terms of equalities or human rights.

Conclusion

In conclusion, the proposal complies with the development plan and broadly accords with the relevant non-statutory guidelines. The proposal would not adversely affect the character and appearance of the house, the surrounding area or neighbouring residential amenity. There are no material considerations which outweigh this conclusion.

It is recommended that this application be Granted subject to the details below.

3.4 Conditions/reasons/informatives

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

The application has been assessed and has no impact in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Neighbours were notified on 23 November 2016 and 10 letters of representation were received: 10 objecting.

A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)

- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The property is an unlisted building in an Urban Area in the adopted Edinburgh Local Development Plan.

Date registered

17 November 2016

Drawing numbers/Scheme

01 - 03,

Scheme 1

David R. Leslie

Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Brian Fleming, Senior Planning Officer
E-mail:brian.fleming@edinburgh.gov.uk Tel:0131 529 3518

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'GUIDANCE FOR HOUSEHOLDERS' provides guidance for proposals to alter or extend houses or flats.

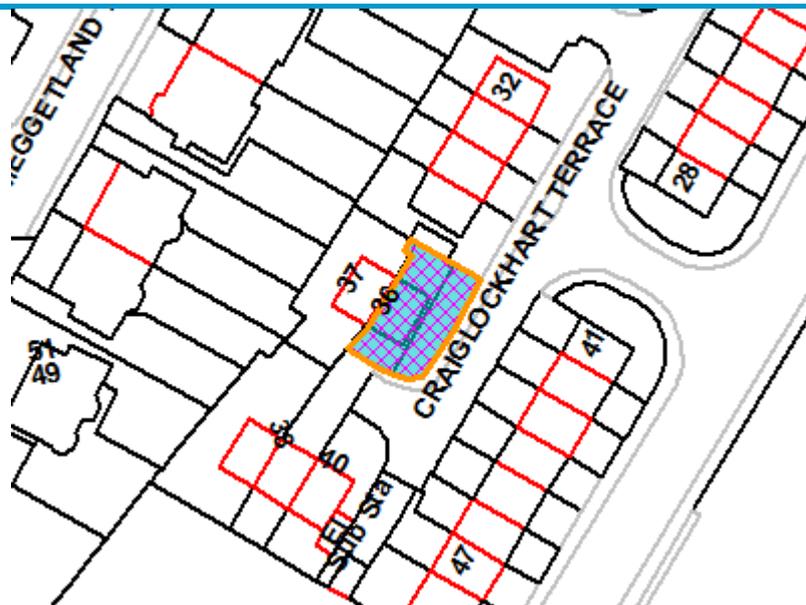
Appendix 1

**Application for Planning Permission 16/05649/FUL
At 36 Craiglockhart Terrace, Edinburgh, EH14 1AJ
Erect two storey pitched roof extension, demolish existing
garage and erect boundary fence.**

Consultations

No consultations undertaken.

Location Plan



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END