

November NTBCC meeting

PLANNING UPDATE

1. PLANNING APPEALS

Royal High School Inquiry

The Inquiry which began on 18 September concluded on 24 October with the final day focussing on possible conditions to be applied in the event that the appeal is allowed. Over the 23 days covering issues in Session 1 & 2 (see below for items covered) – a total of 33 witnesses provided evidence through Precognitions (witness statements) and were able to be cross-examined (either by legal representatives of the Appellants or those representing objectors).

This Inquiry was unusual in that as well as Duddingston House Properties / Urbanist Hotels (DHP/UH - the Appellants) and the City of Edinburgh Council (the determining local authority) – there were many other bodies challenging the appellant's case in addition to the Council ; being Historic Environment Scotland (HES) ; the Architectural Heritage Society of Scotland (AHSS) ; the Coalition (being the Cockburn Association / Edinburgh World Heritage & the New Town & Broughton Community Council) and the Royal High School Preservation Trust (RHSPT – representing those that have already secured planning permission for an alternative development as a new home for St Mary's Music School) as well as the local residents' association (RRCTMA).

The Inquiry consisted of 2 main sessions :

Session 1 broadly covered the interest and importance of the listed building and impacts on listed buildings and the wider landscape; its contribution to the Conservation Area & World Heritage site and architectural design quality.

This covered both schemes advanced by the DHP/UH (the "127 room" and "147" room proposals) and also a limited and focussed assessment of the consented RHSPT scheme (in respect as to whether there are other options which would ensure a continuing beneficial use for the building with less impact).

Session 2 covered the assessment of the impacts and net economic benefits (including job creation, contribution to sustainable economic growth; and whether those impacts could be achieved in another way or on another site. Also tested was the question as to the geographic extent of the impacts (local, regional or national) and whether benefits may be reduced elsewhere as well as the duration of such impacts and a consideration of the to these..

The webcasts of all of the days are still available on the DPEA catch-up:

<https://dpea.public-i.tv/core/portal/home> .

We have been encouraged not to provide a commentary or views on specific discussions as to this may be prejudicial to the inquiry outcome.

Richard Price
On behalf of Planning Sub-committee

The next stage is for all participants to make their final submissions on the evidence presented before the end of November (with the Appellants having until mid-December to lodge their final submission. It is expected that the Reporters will finalise their recommendation to Scottish Ministers around March / April 2019. The final recommendation from the Scottish Reporters will not be in the public domain until the final decision has been made by Scottish Ministers – perhaps in mid-2019.

7 – 8 Baxter’s Place

We had previously made a further submission directly to Councillors to the DMC hearing (as we were not permitted to present in person given that NTBCC had not made representation during the period for comments) and with the resident’s making excellent, factual and passionate presentations, resulting in the retrospective application for Short Term Holiday lets being unanimously refused.

As highlighted in October, this has now been appealed to the Scottish Reporter (DPEA) – NTBCC made a further submission to the DPEA and attended the Site Visit by the Reporter – although we (along with other residents) were not permitted access to the property by Cornerstone Properties. However, we did take the opportunity of discussing the extent of residential accommodation surrounding 7 – 8 Baxter’s Place as well as ensuring the Reporter visited neighbouring properties as well as the appeal property.

It’s difficult to assess how this appeal will be seen by the Reporter but a final decision is expected in mid-December.

2. CURRENT PLANNING APPLICATIONS

2 – 3A Blenheim Place 18/02357/FUL

Perhaps an end in sight to this ongoing saga..... ?

Initial application for “Change of use from a Bank (ex-RBS) to a hostel (Class 7)” - was appealed to DPEA (the Scottish Reporter) on the grounds of “Non Determination” – as the council had not determined the application within the statutory 2 month period. NTBCC had objected to the Change of use as well as the subsequent Listed Building application.

Despite initially being accepted as a valid appeal by DPEA, it was then stated by the Council that it should go to the Council’s Local Review Body instead – with no further submissions required from NTBCC. Following this, the /FUL application was then withdrawn by the applicant.

However, in October, a further application for “Change of use” (18/07713/FUL) – identical to the original – was lodged. NTBCC submitted a further objection and worked with local residents to ensure that as many as possible resubmitted their original objections. This new application also attracted objections from HES and Spokes. This application was AGAIN withdrawn at the end of October.

The Listed Building Application (18/02903/LBC “*Alterations to form a new Fire Escape and add in toilet and shower accommodation, including alterations to drainage and extract fans*”) –

Richard Price
On behalf of Planning Sub-committee

accompanying the original /FUL application remains to be determined (& is well past its statutory determination date).

However, we now understand that the current owner of the property has terminated its draft lease with Cornerstone Properties and is pursuing other uses for the building. Whilst we cannot comment on the specific details being considered, it is likely that the new intended use will not require a “change of use” application & as far as we are aware, the intended use is likely to have much less impact on residential amenity.

Update to the Canon Mill Development

As previously reported, the initial application for extensive demolition to the building (whilst retaining an element of the façade) was withdrawn by the developer. NTBCC accepted an invitation to discuss amended plans with the developer. The revised proposal retains the hipped, pan-tiled roof albeit not original, does add to the visual charm of the building but inserts zinc-encased dormers (x4) in the roof as well as some other changes to the ground floor of the building. NTBCC submitted a further representation suggesting some further improvements (e.g. rooflights replacing some or all of the proposed dormers). We also acknowledged the efforts by the developer to liaise with the CC.

Given comments / opinions generated following coverage in the Spurtle, NTBCC took a neutral stance (as did the Cockburn Association). The application attracted only 2 objections with 2 comments in support.

IMPACT Scotland Concert Hall

Following several public consultations and a presentation at a recent NTBCC meeting, the applications for the proposed new concert venue behind Dundas House on St Andrew square was lodged in September. The overall brief consists of a 1000 seat concert hall, studio cum rehearsal space and ground floor foyer / café space.

Whilst NTBCC did not submit a representation during the period for public comments, our views were requested by the planning officer as a statutory consultee. WE therefore submitted our response in late October (which was circulated to NTBCC & has been posted on the website).

In summary : we stated that :

“NTBCC are clear in stating their full support for the principle to develop a world-class purpose-built concert hall / performance venue in this part of the city centre. The facility as envisaged will be a welcome addition to performance spaces across Edinburgh, offering a mix of classical & other performances in an acoustically-excellent building.

Collectively, we are in full agreement that this new performance venue will add immeasurably to the amenity offered in central Edinburgh & specifically at the east end of the New Town. This would add to and complement the mix of resident / visitor offerings in this part of the city centre in addition to the already well-provided for retail, accommodation & food / beverage offerings.

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On behalf of Planning Sub-committee

We take the view that this project will make a significant and positive contribution to overall residential amenity and act as a transformative catalyst for the revitalisation of the streets, lanes and businesses that surround it."

And concluded :

"In summary, whilst we are fully supportive in principle with much of the application as stated above, given the concerns on the potential impact of the proposed development on the local residents that live directly adjacent, we would maintain a "neutral" stance on this application. "

The application attracted 37 supporting comments and 10 objections (split approx. 50:50 between impacted residents on James Craig Walk and those associated with the Edinburgh St James Development.

It's clear that the Edinburgh St James developers are far from happy with the proposal and some may have seen the comments made by Martin Perry on the use of concrete for the building facades but their real issue may be that IMPACT effectively hides the new St James development.

From discussions with the IMPACT project team, they are expecting a final determination in March / April 2019.

Garage at Rear of 8 Bellevue Crescent

NTBCC objection submitted to this application (now for" Change of Use from domestic Lock Up/Garage to Class 4 Business.").

7 objections received in total (including NTBCC) – new Planning portal showing this as "Awaiting Decision" with DMC date flagged for 21 November.

No concerns raised by CEC Transport or Environmental.

Although it still remains unclear to NTBCC why this application, essentially similar to previous applications, should have been considered at all.

Waverley Mall Rooftop Extension

We had considered the latest proposal for significant alterations to the current roof space (18/02748/FUL) <https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?>

Whilst we did not submit a representation to the application – I accepted an invitation for further discussion with the agent to better understand the concerns expressed by other statutory and non-statutory consultees (The Cockburn & AHSS have objected to the application). I stated our broad views on the proposal (which were perhaps not as "pure" as the views from AHSS & the Cockburn.

The Edinburgh Urban Design Panel (EUDP) report is now lodged for the application. The EUDP includes the Cockburn, HES & EWH amongst others.

In summary states :

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“The Panel recognised the challenges of the site. It acknowledged that there is scope and a need for improvement and change. However, it was unconvinced by the proposals and the additional storey primarily due to the impact on key views, the change in character of the south side of Princes Street, the effect on the public realm and the use/purpose of the new open space. The Panel did not support the principle of an additional storey.

In developing the proposals, the Panel suggests the following matters should be investigated:

- *The re-modelling of the roof with more design ambition;*
- *Development of new entrance on the corner of Princes Street and Waverley Bridge as a stand-alone feature;*
- *Improving the open space at street level rather than on top of an additional storey;*
- *Integration of the public realm with Princes Street;*
- *Ways of re-planning, managing and using open space to prevent anti-social behaviour. “*

It is likely therefore that this application as presented will be either withdrawn or refused.

Tesco Broughton Road Sunday Opening Hours Extension

18/07477/FUL: Section 42 application for non-compliance with condition 1 of planning permission ref. 09/00039/FUL to allow extension of store deliveries between the hours of 1000 to 1800 on Sundays. Currently limited to 12:00 – 18:00hrs.

Still “Awaiting assessment” – 5 objections from those adjacent in Logie Green / Broughton Road / Beaverbank Place.

Interestingly, the application is accompanied by a detailed Noise Impact Assessment which is very technical in nature, but would appear to argue (in accordance with BS / WHO guidance) that time-averaged noise levels are the best indicator but during monitoring of loading / unloading operations – level up to 70 dBA were recorded. Whilst not being an expert on noise monitoring – it would seem to me that the impact on residential amenity may be caused by peak noise levels rather than average noise levels.

3. PENDING APPLICATIONS / DEVELOPMENTS

Powderhall Consultation

Following on from the attendance of Collective Architecture / CEC at August’s NTBCC meeting, several NTBCC members attended the August 28/29 consultations and the further consultation. Although as yet, no concrete proposals have yet been tabled, we support the engagement with the local community.

We have also been contacted regarding discussions on how best to use the existing stable block – with CEC requesting community input from interested parties as part of CEC’s submission for grant funding for the stable block.

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On the wider proposal, the Powderhall consultation website <https://consultationhub.edinburgh.gov.uk/sfc/powderhall/> now states :

“Thanks to those who have already been involved in the consultations that have been taking place at Powderhall. We have received lots of constructive feedback which will be used to inform the Place brief that is due to go to Planning Committee on the 12th December. If this is approved by Committee then the next step is to start developing plans for the wider site and there will be further opportunities to consult in the application process which will likely commence in 2019.”

The latest exhibition boards are also available on their website.

4. OTHER PLANNING NEWS

Scottish Government Planning Bill (Stage 2)

The Scottish Parliament’s Local Government & Communities Committee (LGCC) is close to concluding their consideration of the many amendments lodged to the Planning (Scotland) Bill.

As well as the previously discussed amendments on clearer definition for “change of use” regarding Short Term lets, there have been many amendments proposed regarding “Third Party” or “Equal Rights of Appeal” which NTBCC supported in their initial submission in 2016/7 to the original consultation in certain situations (e.g. if planning decision approved by the Scottish Reporter on appeal despite the application being assessed as contrary to the Local Development Plan).

However, it does seem that the Scottish Minister (Kevin Stewart) remains implacably opposed to this amendment, stating that *“a third-party right of appeal “adds confusion”, could “damage” the planning system, cause more conflict and block development.”*

The LGCC has also rejected an amendment to Bill that would have seen third parties get the right to appeal decisions that go against the development plan.

Whilst not being an expert on Scottish Parliament protocol, I think that spells the end of this debate (for now).

Edinburgh Council Planning Portal Upgrade

The Planning portal was unavailable between 1 & 8 November. No Weekly List was produced during this period and the period for submitting comments on all live applications was adjusted to reflect the unavailability of the portal.

It is now back up and running & from first impressions, it’s not immediately obvious what is different from the new system vs. the previous one.....

George Street & First New Town Consultation

The latest consultation / stakeholder group had a significant presence from NTBCC members.

Although this proposal covers planning, transport and environmental matters, NTBCC need to determine how best to respond to the current consultation (open until late January 2019).

Richard Price

On behalf of Planning Sub-committee