

## Minutes of the ordinary meeting of Leith Central Community Council, held in the McDonald Road Library on Monday 18 April 2016 at 7:00pm

Actions and decisions are **RED ITALIC UNDERLINED SMALLCAPS**. **NEM CON** means that no-one spoke or voted against a decision. URLs added by minutes secretary.

### 1 Introduction, attendance and apologies

#### 1.1 Attendance

Jeremy Darot	LCCC	Cllr Lewis Ritchie	Leith Walk ward (SNP)
Stan Eadie	LCCC	Jack Caldwell	resident
Charlotte Encombe	LCCC secretary	Tom McCarney	resident
Anne Finlay	LCCC Treasurer	Michael Traill	resident
Ross McEwan	LCCC	Charlie Westerling	resident
Lorraine Moore	LCCC	Don Giles	Leith Harbour & Newhaven CC
Michael Pisanek	LCCC	Adrian Graham	Leith Links C
Julian Siann	LCCC	Ella Taylor-Smith	Broughton Spurtle
Harald Tobermann	LCCC vice-chair	Niven Bull	Police Scotland
Cllr Marion Donaldson	Leith Walk ward (Labour)	PC Spence	Police Scotland
Cllr Nick Gardner	Leith Walk ward (Labour)	Insp Ian Carson	Police Scotland

#### 1.2 1.2 Apologies

Bruce Ryan	Minutes secretary	John Hein	LCCC chair
Deidre Brock	MP	Ben McPhearson	resident

### 2 Minutes of the meeting of 15 February 2016

These were ratified (proposed R McEwan, seconded S Eadie, *nem con*)

### 3 Matters Arising

Keys for notice board are with the contractor and will be handed over as soon as the board is moved to the correct locations.

Where still relevant and/or in time H Tobermann to respond to Planning items 7.1, 7.2 and 7.3 from the February Minutes. **ACTION: H TOBERMANN TO RESPOND**

Membership of Cockburn Association to be arranged. **ACTION: H TOBERMANN TO RESPOND**

### 4 Community Police Officer's Report

Insp. I Carson is aware of the lack of accurate information on crime statistics in the area. He appreciates the need for 'hard copies' but currently unable to provide any. He is making these concerns known to his division. H Tobermann suggested that it would be more useful to have information of trends and comparisons with other areas from year to year.

S Eadie mentioned that calls to the police stations were not always answered to which I Carson responded that anyone wanting to report a crime should call 101 or the non-emergency number 0131 3113131.

Cllr Ritchie felt that the police area boundaries need to be synchronised with those of the electoral ward areas as providing statistics would be a lot easier. I Carson responded that North East Edinburgh area is to be joined with Portobello and Craigmillar, which he feels is a better fit.

### 5 LCCC Office Bearers' Reports

#### 5.1 Chair, Treasurer

no report

#### 5.2 Secretary

C Encombe has agreed to carry out writing the Minutes until a Minutes Secretary has been found. She will also send Bruce Ryan the Council's best wishes with the hope for a speedy recovery.

### 6 Planning

#### 6.1 16/00194/PAN Proposed Residential Development | 30 South Forth Street | Blake Property Group; James Fraser.

The proposal comprises 1,2 and 3 bedroom flats – no price range yet. Affordable housing element will be mostly rented, but it is hoped that there will be opportunities for shared ownership. S Eadie commented that the last time this project was proposed it was objected to on the grounds that there was no provision for health or education facilities by so many local residents that the police had to intervene. J Siann considered the

price range barely affordable. D Giles felt that the design does not contain enough car parking as families now have up to 3 cars per family. J Fraser responded that the parking facilities are according to planning requirements. D Giles furthermore asserted that healthcare and education facilities, already in short supply, have not been considered in this application. R McEwan was concerned with the design: monotonous, bland, 'same', back to front (the cars are in the sun, the gardens in the shade) no safe greenspace or back greens as currently the design shows greenspace as either private or backing onto the road; not much usable open space. H Tobermann also commented on the height of the buildings as being too high so that they overshadow other buildings. C Encombe was disappointed not to see any proper balconies. J Caldwell wanted to know if the cycle path in the design will be adopted by the council – it will. L Moore thought that the development did not look very exciting and would like to see a drying green. A planning application is going forward this coming May.

**6.2 16/01000/FUL Change of use from Class 1 (Shop) to Class 1 and Class 3 (Shop and Food and Drink) and alterations to the rear elevation. Includes entrance lobby to accommodate level change with pavement.**

Starbucks are proposing to build a lift to accommodate difference in levels (an anomaly with the design that LCCC has commented on in the past). It was agreed to object to this application on the grounds of overprovision.

**6.3 16/01437/FUL To remove a section of the existing front garden wall and form an access from the street onto the premises for vehicles. | Flat 1/22 Warriston Road Edinburgh EH7 4HN**

It was agreed to object to this application on the grounds of loss of on-street parking and increased water run-off.

**6.3.1 6.4.1 An objection to 16/01420/FUL | New house extension to the garden with external steps and boundary wall/fence | 18 Cambridge Avenue Edinburgh EH6 5AP**

This was ratified on the grounds of overdevelopment in a Conservation Area.

**6.3.2 6.4.2 A request to the councillors to intervene with a Hearing was ratified on 15/05310/FUL | Change of use of existing house for form guesthouse (class 7) | 16 Pilrig Street EH6 5AJ.**

The Community Council had requested that Councillors seek a hearing on this application. Mr H Tobermann had provided a comprehensive report setting out the Community Council's objections.

Mr Tobermann expressed his regret that the request for a hearing had not been taken forward and also raised his concerns of not having received the relevant support expected from his local representatives.

He felt that this could be a case for maladministration and that councillors should have pushed harder.

Councillor Lewis Ritchie explained that he had opposed the application at Committee and had 1) argued that the policy interpretation, that residential property can be used as a guesthouse while the owner lives in it, was not correct; and 2) had obtained the Convener's agreement that consideration be given to overprovision of guesthouses being a valid planning consideration and this may now become a precedent to change Council policy on this issue.

Councillor Nick Gardner agreed that there were issues of guesthouse overprovision elsewhere in Leith.

Councillor Marion Donaldson explained that she had followed all relevant procedures in attempting to support this application. Advice from officers was that a request for a hearing would not, in this instance, be considered as it did not fall within the required criteria.

Councillor Lewis Ritchie agreed with Councillor Donaldson that they had done all they could to support this application.

H Tobermann responded that, apart from a number of factual errors in the planning report, the planning officer handing the case assumed that the owners of the property were still living in the building. He asserted that in reality they have moved elsewhere and have installed a commercial manager in the building. Insp I Carson shared the concerns of LCCC and added that he would look into the possibility of applying a limit on the number of HMO's as they can split up homogenous family areas as temporary residents are less interested in investing long-term in an area. R McEwan flagged up the possibility to challenge the decision under Section 66.

H Tobermann asserted that there is a tendency in the planning department of Edinburgh Council to push things through especially where big money is concerned and as vice chair and planning convenor he will take this case further to be discussed at the next LCCC meeting.

D Giles cited an example of several large - and very welcome - housing developments in Leith where enforcement of infrastructure planning is lacking. All these new homes need medical/educational facilities which is currently not getting built, putting undue pressure on existing ones. It would be helpful if all three Leith CCs could work together with the councillors to get this addressed. H Tobermann mentioned that Scottish planning guidance has been reformed and eased so that educational/medical/shopping facilities are not forced through as part of a development even if they are embedded in the Local Plan. Individual developments can't provide them (and are usually not large enough to warrant their own) but it is up to the Council to make sure

that these facilities are built. D Giles reiterated that it is the responsibility of the Council to provide these facilities and his proposal that the CCs get together to get these infrastructure shortages addressed, especially with the number of housing developments in the pipeline. Cllr N Gardner agreed that, no matter how small, proceeds from 'Section 75' (Developer's Contribution toward infrastructure) must be reserved for this purpose. To be discussed at the next meeting. **AGREED NEM CON**

## **7 Transport an Environment**

### **7.1 Leith Programme Layout 1**

The design of the cycle path shared with pedestrians has been adjusted – similar to other walk/cycle areas in Edinburgh. It has been put out to tender and work will start after the Summer and continue until Spring.

### **7.2 Response agreed to 2015 Edinburgh People Survey Headline Results**

A Graham and C Encombe: In places Leith Walk is too dangerous to cycle because of pot holes, especially between Gayfield Square and Pilrig Street. D Giles asserted that the responsibility for the bad roads lies not just with the Council, but with contractors who have built below standard roads.

### **7.3 To endorse [email](#) re 'settled' streets: Some streets have been left out in our area but there are also some streets where the setts are starting to show below the tarmac which should also be monitored.**

### **7.4 To endorse [email](#) regarding Planning Performance Statistics**

Many more planning applications are being processed, but it is important to monitor the quality of the decisions as options for appeal are currently very limited. J Darot mentioned that the Edinburgh Planning Portal is to be scrapped and replaced by better and more comprehensive [data](#), making it possible to look at applications in much more detail, without the need to wait for responses from officers and/or the Council.

## **8 Friends of Parks' Report**

There will be a Family Event on the 18th of June

## **9 Councillors' reports, MSPs' reports, MPs' reports**

### **9.1 Cllr M Donaldson**

Transport Edinburgh to hold a petition 26/5: Because of fraudulent use Lothian Busses want to withdraw pre-paid tickets (which are used by charities) that have already issued and paid for. Instead they are proposing to use scratch cards at a cost of £3 per ticket. This will double the cost of each ticket to the charities.

### **9.2 Cllr Nick Gardner**

Drummond School, recent school closures because of safety concerns. The gym is closed. It appears that the issues are not with how the contracts were put together but how the actual building work was carried out. This school and others are still being investigated while trying to minimise disruption to pupils.

### **9.3 Cllr R Lewis**

Royal high School has re-opened again with extra capacity although after-school provision has been affected by the school closures.

Re 16 Pilrig Street (see item 6.4.2) although he unsuccessfully objected, there is now a commitment from the Planning Convenor to look at overprovision of B&Bs and HMOs in general. Tinto Place, a development for 14 flats, which will have a cumulative effect on infrastructure, and the planning department will ask developers to pay for the upkeep of Pilrig Park (annual budget for the upkeep of Leith Parks is now £20k)

Lead theft issues in MacDonald Road – nr 20 police investigations ongoing.

Edina Place – homeless families living in cars. While residents are understanding the situation is not acceptable. Police and Streetwork are currently working with these families.

Bronze Pigeons and Clock on Leith Walk – is trying to get them reinstalled.

has been made Vice Chair of the Communities and Neighbourhood Committee as well as Gallic Champion.

## **10 OpenForum/AOCB**

D Giles: Custom House acquired by the Council last year and now leased to the Scottish Heritage Building Trust (SHBT) is now working on a development plan that requires the building to be open to the public. However discussions with CEC suggested that to enable the building to be opened up to the public, an application for change was required. SHBT disagreed with this maintaining that as the Custom House for Leith docks the public always had access. SHBT felt that the CEC interpretation that restricted public access to 60 days per annum would not fit the vision that SHBT had for the building once the present limited upgrading was complete. This has now been resolved and the building can be opened to the public for events, meetings, weddings etc as required.

S Eadie: noted an advertisement in a local paper offering a –presumably – jointly owned back green for sale. It was assumed this was a hoax. ACTION: CLLR GARDNER TO INVESTIGATE WITH THE COUNCIL'S ESTATE DEPARTMENT

L Moore: Leith Primary School has been covered in a large advertising panel advertising scaffolding for the past year and would like it removed. CC agreed to support if necessary. ACTION: CLLR GARDNER TO ENQUIRE ABOUT REMOVAL

C Westerling: What can be done about the state of building works next to his home in Bothwell Street? Too many cars, scaffolding, double parking, litter etd. Bin lorries can't get down the road. He has tried twice by contacting the Council but no success so far. ACTION: ALL COUNCILLORS TO ENQUIRE

## **11 Dates of future meetings**

Mostly 3<sup>rd</sup> Monday of the month in 2016: 16 May, AGM 20 June, 15 Aug, 19 September, 17 October, 21 November, 19 December, 16 January 2017.

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Final