Local Government and Communities Committee

Planning (Scotland) Bill

Submission from Jim Johnson

Front-loading through the PAC process has been consistently advocated as a response to the demands for equal right of appeal, and as an argument against it. In my experience the PAC process is not effective in giving a voice to local community views on planning applications.

There are several reasons why it does not work.

1. In Conservation Areas and within designated World Heritage sites, the quality of the architecture and detailed design are crucial if new buildings are to fit within the historical context. Rarely can such judgements be made at the PAC stage, where considerations are more focussed on issues of density, height, broad urban design, transport and such like.

2. From experience I am not convinced that planning departments use feed-back from PAC to assess the application when it is submitted. Planners usually have no direct involvement in the process, and rely on the applicant’s report on the results of the process – there appears to be no checking of the veracity of the applicant’s report, nor whether amendments have been made to the proposals as a result of PAC. In my experience, PAC is seen as a box-ticking exercise by both applicants and planning departments.

3. The plans and other illustrative material for PAC are just a snapshot of the proposals at the very beginning of the process. Although the development proposals may change radically after the initial planning application is submitted, the PAC is not repeated for changes in the scheme; revisions to the application, however major, only provide the normal neighbour notification and 3 week comment period.

Developing a building design is an iterative process. PAC does not recognise this.

As an example I can point to the evolution of redevelopment proposals for a site in King’s Stables Rd. adjacent to Edinburgh’s Grassmarket. This application raised a number of issues regarding the redevelopment of this part of the Old Town, in particular its minimal provision of new housing.

1) In 2009 the City of Edinburgh Council (CEC) produced an exemplary West Port/King’s Stables Road Development Brief for the redundant former cleansing and lighting yard owned by the City Council, together with Argyle House, a very large 1960s office block now unsuitable for modern office accommodation. Following a series of workshops with local residents and stakeholders, a draft development brief was agreed which stressed the need for new housing together with ancillary commercial uses and the possibility of student housing and a small hotel. However the final brief approved by the
Council in May 2010 included a large hotel and student housing, apparently due to pressure from the owners of Argyle House, who had taken no part in the workshops. Despite this, the exercise could be seen as an exemplar of the proposed Local Place Plans.

2) By 2015 it was apparent that the owners of Argyle House did not intend to redevelop it, and the City Council marketed the Kings Stables Rd. yard, and provided supplementary design principles to be read with the earlier agreed Development Brief. These stated that development of this smaller site must not compromise the redevelopment of the entire brief area and must comply with the Development Brief for the larger site. In fact the Development Brief was sliced up, allocating both the hotel and the student housing to the Yard site and leaving no room for much needed housing.

3) In June 2015 a PAC was held based on the redevelopment proposals, which included a hotel, student housing, some small studio flats and some (undefined) arts/studio space. Many locals attended an exhibition on site, though the scheme was clearly at an early stage with inadequate visual material. Many comments were made but the only change to the design was the repositioning of the hotel to avoid blocking the view of the Castle from flats in West Port. Other issues were raised such as the lack of family housing on a site suitable for it, and the apparent current over-provision of hotels and student housing in the city. None of these issues were addressed by the applicant, and were apparently ignored by the planners.

4) Following the PAC process the applicant enlarged the site by acquiring a building to the west. A planning application for the whole enlarged site was submitted in December 2015 and was approved in July 2016 despite 130 objections. The approval omitted the easternmost part of the site for which the planners required a re-design. The provision of the 25% of affordable housing was also unresolved.

5) In April 2017 the City Council rejected a proposal by the applicant to fund off-site affordable housing elsewhere in the city, and required its provision on-site.

6) In August 2017 a revised proposal providing some affordable housing was submitted as a new application, with only the statutory 21 days for responses. This scheme was subsequently completely redesigned and now awaits Committee consideration.

7) At the same time a further application was made, amending the hotel to an apart-hotel incorporating parts of the housing. This also awaits committee consideration. Both the revised applications above were to have been determined by officers, but pressure from residents have ensured they are decided by the Planning Committee.

Thus 20 months after a PAC (which appeared to have minimal effect on the proposals) the local community is faced with a substantially different scheme, with a series of amendments which the community have found hard to keep track of. There
is still no finally agreed scheme which can be judged in its entirety. How can this be claimed to allow or encourage community participation in planning?

“Front loading” though the PAC mechanism has failed on several accounts:

- It has ignored the agreed Development Brief.
- Ignored the responses from the community to the PAC.
- The design proposals have changed radically since the PAC, and in fact are still unable to be judged as a complete scheme.

Jim Johnson

*Personal note: A chartered architect for over 50 years, I have been involved in urban planning and conservation since 1970. I was Director of the Edinburgh Old Town Committee for Conservation and Renewal and its successor the Edinburgh Old Town Renewal Trust from 1985 – 1995. I have lived in the Grassmarket area since 1986.*