

Full Planning Application
at
31 Liberton Road
Edinburgh
EH16 6AH

Development Quality Sub-Committee
of the Planning Committee

Proposal: Residential Development
Applicant: Eastern Properties (Scotland) Ltd.
Reference No: 04/01207/FUL

1 Purpose of report

To recommend that the application be **GRANTED** subject to;

Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning and Strategy, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning and Strategy.

- ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning and Strategy.
3. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR20 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.
4. All living apartments facing Liberton Road shall be fitted with acoustic double glazing to the satisfaction of the Head of Planning & Strategy.
5. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Head of Planning & Strategy before work is commenced on site; Note: samples of the materials may be required.
6. 100% secure cycle parking provision to be provided to the satisfaction of the Head of Planning prior to occupation.
7. Prior to issue of consent the developer shall enter into a suitably worded legal agreement with the Council to ensure a financial contribution of £20000 towards upgrading the signalisation of the Liberton Road/Kirk Brae junction.
8. A "ball-stop" fence shall be erected along the boundary of the development adjoining the playing fields. Details to be submitted for the written approval of the Head of Planning and Strategy, and the agreed fence to be erected prior to occupation of the development.
9. Prior to the commencement of works on site, a fully detailed waste management plan, with details of access to recycling facilities, shall be submitted to and approved in writing by the Head of Planning and Strategy and the Director of Environmental and Consumer services. Thereafter, the requirements agreed shall be implemented to the satisfaction of the Head of Planning and Strategy and the Director of Environmental and Consumer Services, prior to the occupation of the development hereby approved.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
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 protect the amenity of the occupiers of the development.
4. In order to protect the amenity of the occupiers of the development.
5. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
6. To ensure adequate cycle parking provision
7. To ensure that no financial burden is placed on the Council due to necessary improvements
8. In the interests of providing a suitable boundary adjacent to the playing fields.
9. In the interests of sustainability.

2 Main report

Site description

The site, extending to 3640sqm, currently holds a modern petrol filling station with shop facilities, with a triangular area of rough scrubland in a deep hollow beyond. Beyond the site boundary lies an extensive area of playing fields. To the south is an informal access to the park (a beaten track between a low roadside wall and the park), and beyond this is a small sub-station at the extreme south end of the site.

Further to the south there is a small group of single storey buildings, then a grouping of larger buildings around the Liberton Dam junction, at the foot of Liberton Brae. These buildings are of greater age than most of the area, creating a small urban area. Beyond this, late nineteenth and early twentieth century buildings climb the hill to Liberton. These are mainly one or two storeys in height.

To the north a modern brick housing estate lies in a slight hollow, partly screened from view from the main road.

The road itself is a busy arterial route and public transport corridor. A bus stop lies around 30m to the north.

On the opposite side of the road a heavily planted crescent screens the traditional Victorian villa area beyond.

Site history

25.2.2004 - application for 32 units (amended to 30) refused by Committee (contrary to recommendation). This followed continuation from 7.1.2004. The reason for refusal was that the design, height and density of the proposal are out of character with the surrounding area and represent over-development of the site contrary to policies H4 and DQ7 of the local plan.

10.5.2004 - appeal lodged by applicant against refusal of above. This is for a larger scheme of different design and does not preclude the determination of the current application.

Development

The application proposes demolition of a petrol filling station and redevelopment as 5 houses (to the rear) and 23 flats (to the front), i.e. a total of 28 units.

The flats are three storeys and attic in form (two storeys and attic as seen from the main road, the lower floor being at basement level).

The terrace of houses rise from a single storey to three storeys at their southern end.

A centrally positioned access road slopes down to basement level within the site. This serves 21 open parking spaces (including 2 disabled spaces) plus 7 garage spaces under the westmost block.

Materials are proposed as a mixture of buff brick and reconstituted stone. Roofs are in natural slate.

The principle differences between this proposal and the previous refusal are

1. Reversion to a more traditional design
2. Reduction in units to 28
3. Repositioning of rear block (C) to pull back from Mid Liberton houses
4. Dropping of flats from rear (block C) and substitution of a short terrace of houses
5. Removal of parking from the sides of the entrance ramp and inclusion of a degree of undercroft parking
6. Top storey now a true attic level in a pitched roof (formerly a square glazed box level)

Consultations

Education

There is spare capacity in the catchment primary, secondary and denominational primary schools to accommodate this development. The development would have a negligible affect on the school roll of the catchment denominational secondary school.

Environmental and Consumer Services

No objections subject to the following conditions being attached to the consent:

Prior to commencement of work on site;

a) a site survey (including bore hole testing where necessary) shall be carried out to establish, to the satisfaction of the Head of Planning, either that the level of contamination of any land within the site is acceptable, or that remedial and/or protective measures could be undertaken to bring the contamination to an acceptable level in relation to the development, and

b) a detailed schedule of any required remedial and/or protective measures, including their programming, shall be submitted to and approved in writing by the head of Planning.

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule to the satisfaction of the Head of Planning.

The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR20 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

All living apartments facing west shall be fitted with acoustic double glazing to the satisfaction of the Head of Planning.

sportscotland*

The application site does not encroach onto Liberton Playing Fields (Double Hedges Road). Provided the playing fields are protected and the construction works do not undermine the playing fields or adversely affect the drainage of the playing fields, sportscotland has no objections to the application.

I would suggest that a ball-stop fence is erected along the edge of the playing fields at the applicant's expense. Design features of the proposed residential development should recognise the established use of the adjoining land for sport and the associated amenity problems that may result.

National Playing Fields Association*

Our Architect Mr Tom Ridley FRIAS, RIBA, B Arch has consulted the copy plans at great length and is delighted with the Developer's report. After further discussion with our Chairman he would like to support the comments from Sportscotland regarding the provision of a new fence by the Development and any further recommendation are not required - he feels the area has been well provided for in actioning the fence.

Once again we appreciate being consulted in our capacity as consultees and wish you well with the future development.

Transport

No objections to the application subject to the following conditions being applied.

1) 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.

2) 100% cycle parking provision to be provided. There is insufficient space shown within the stairwells to accommodate the required cycle provision. Cycle parking provision is also to be made to the 5 townhouses. Cycle parking is to be provided within secure lockers or a secure cycle store(s).

3) The developer shall enter into a suitable legal agreement to contribute the sum of £20,000 towards the upgrading of the signalised Liberton Road/Kirk Brae junction.

Note - consultations which are presumed as per 03/00146/ful due to unchanged nature of application are marked thus *

Representations

The application was advertised on 30th April 2004.

35 representations were received, including letters from Spokes, the Liberton Association and the Craigmillar Park association. Many make reference to "supporting the objections from Nigel Griffiths". However, no letter of objection was received direct from Nigel Griffiths MP, although he did forward constituent's objections. Cllr Mackintosh wrote in comment, stating his main objective to be ensuring that application 03/00146/FUL is not built (currently under appeal). This was therefore partially supportive over the current scheme, but wished further reduction in height.

Other reasons for objection were:

1. Overdevelopment
2. Out of character with area
3. Loss of private and public views
4. Precedent set by Nether Liberton development of flats is not relevant
5. Loss of access to open space
6. Design not truly traditional
7. Too high
8. Contrary to policies and guidelines
9. Insufficient parking
10. Loss of sunlight
11. Potential flood problems
12. Adverse effect on Craigmillar Park

Policy

The site lies in a Mainly Residential area as shown in the South East Edinburgh Local Plan. The draft revision of the local plan shows the site as Urban Area, but with the rear triangle of ground now identified as Open Space (linking to the large area of playing fields to the south).

Relevant Policies:

Policy H4 sets out quality objectives for new development, especially with special regard to Conservation Areas.

Policy H2 supports the development of potential housing sites identified on the Proposals Map and encourages further infill proposals, subject to other local plan considerations.

Policy H3 requires all new housing development to make provision for landscaping and open space.

Policy T5 requires adequate car parking provision in all new development in conformity with Council adopted standards.

Policy E4 sets quality objectives for new development.

Policy E5 sets out objectives for open space provision and access to the countryside and specifies five areas for the provision of public open space.

Policy E6 establishes a presumption against the development of public and private open space defined on the Proposals Map and other areas of public and private open space of recreational or amenity value.

Non-statutory guidelines 'DAYLIGHTING, PRIVACY AND SUNLIGHT' set criteria for assessing proposals in relation to these issues.

3 Conclusions and Recommendations

DETERMINING ISSUES

The determining issues are:

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

ASSESSMENT

The issues to be considered by the Committee in determining this application are a) the principle of residential development b) the effect of the scale, form and design on the character of the area c) parking and access d) effect on neighbouring amenity e) open space provision/effect on adjacent open space.

a) In terms of principle, the local plan policy context is unchanged from the time the previous application was considered. Residential development accords with the current local plan. However, the area to the rear is identified as Open Space in the finalised local plan and it must be demonstrated that there is no loss of functional open space.

The area is a hollow in the ground, and although overgrown, is generally used for dumping rubbish. Unlike the parkland to the south, it serves no public function. Since the ground is very low lying it also serves no purpose in terms of visual amenity, being generally unseen from either the park or adjacent gardens. Neither Sportscotland nor the National Playing Field Association has any objection to the proposal, and both feel this development to be beneficial to the playing fields beyond. The Education Department, who have ownership of the land, has no objections subject to the erection of a suitable boundary for security purposes and to prevent ball-loss.

The development falls below the size limit where Affordable Housing would be required.

b) The architectural idiom reverts broadly to that within the original submitted scheme of 2003 (i.e. prior to amendments). This in turn, is derivative of the Victorian buildings at Liberton Dams.

There is no building line on this street. The existing building on site sits only around 2m back from the pavement edge, as do other small buildings to the south, with canopy and signage sitting fully on the heel of the pavement. Older buildings to the west, at the foot of Mayfield Road, sit directly on the pavement. However, the general character of the road is that of a heavily landscaped avenue, which masks most of the development along it. As such, it provides welcome relief from the built up area around it. Although this development will not be concealed by trees, the position of the proposed front blocks is further back than the existing garage canopy and creates a 6m setback (excluding projecting bays), which is to be landscaped.

The density of the development is similar to that in the older terraced properties at the foot of Kirk Brae/Liberton Brae, although it is greater than the surrounding suburban housing estates. The closest modern flatted development lies 200m to the north, on Gilmerton Road. This too was a former petrol filling station. It has a density of 78 units per hectare. This application has a density of 56 units per hectare.

The site is not within a conservation area but does face towards the southernmost tip of Craigmillar Park Conservation Area (across both the road and an area of open space opposite). Effect on the conservation area is marginal but must be seen as an improvement in relation to the status quo.

c) Traffic movement will reduce in relation to the former filling station use, thereby improving road safety in relation to the status quo. The access road has adequate sight lines and meets adoptable standards.

Parking provision is 100%. Some objections to lack of parking quote numbers which excluded garage spaces. Parking is considered adequate for the needs of the development, subject to provision being communal. The site also benefits from its location on a public transport corridor, with bus stops very close by.

d) No breach of privacy or overshadowing policy arises from the proposal in relation to neighbouring residential property, and amenity levels within all neighbouring houses will comply with Council policy.

The westmost rear window of the southmost flats is only 6.5m from the rear boundary, but this faces a designated Open Space, and is therefore not considered prejudicial.

The southmost gable of the terrace of houses has some effect on daylight to the adjacent section of playing field. However, this is limited to a very small area, and since the proposal lies to its north, there is no effect on sunlight and Skylight Factor remains 40 out of 40.

e) Open space totals 42% of the site area, and is complemented by the juxtaposition to the playing fields.

The houses in particular have generous private gardens, increasing as they go south, to a maximum length of 28m.

The western flatted block derives some of its amenity from the playing fields. However, neither the Education Department (as owner), sportscotland nor the National Playing Fields Association object to the effect on the adjacent open space. The boundary to the playing field is currently unmarked and unbounded, and a condition requiring an appropriate fence on the playing field side is suggested. This is at the request of Education to improve site security, and discourage unauthorised access from Liberton Road. It is noted that this runs counter to the desires of several objectors.

It is recommended that the Committee approves this application, subject to the conditions stated.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

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Ward affected 49 -Newington

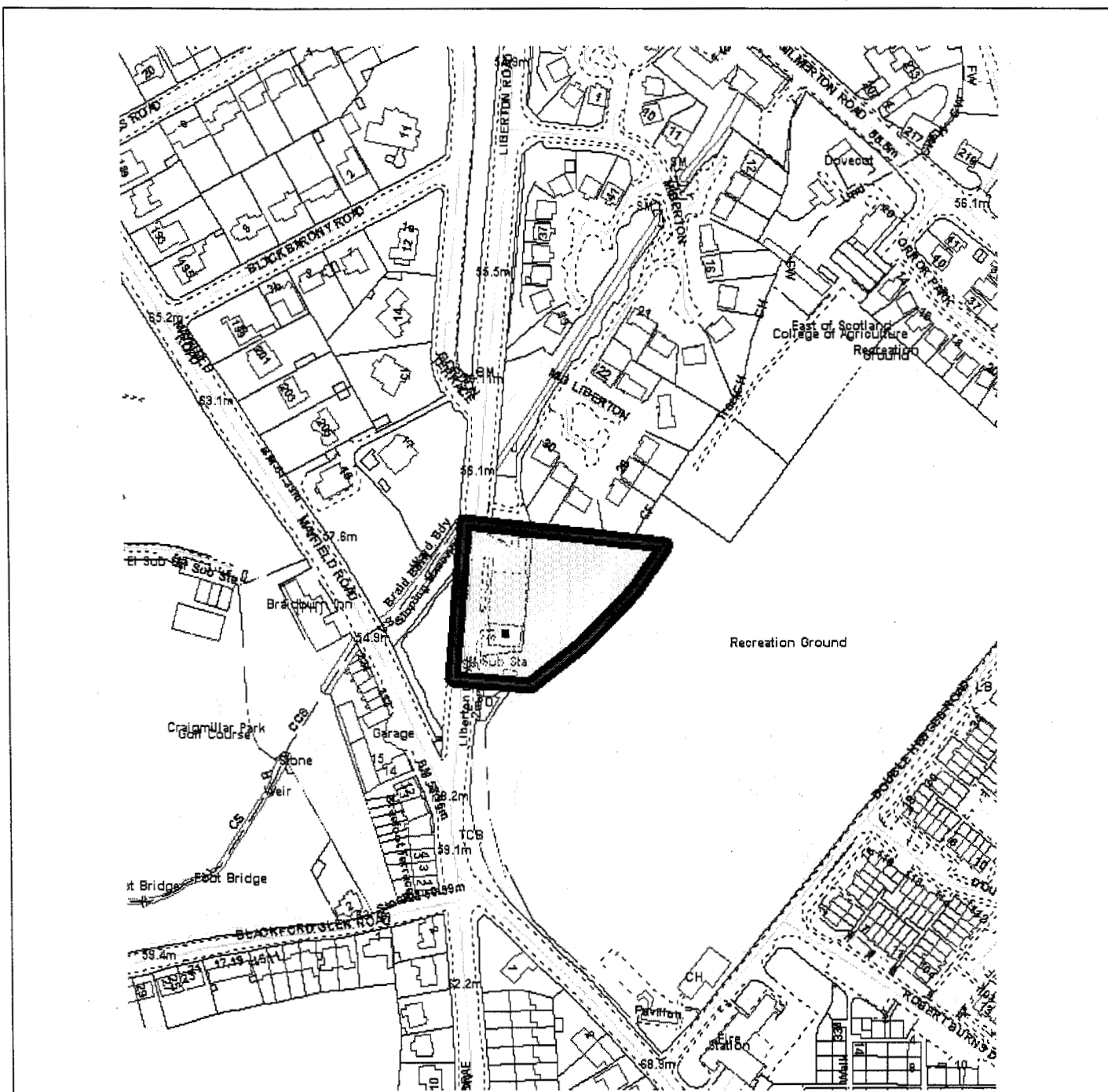
Local Plan South East Edinburgh

**Statutory Development
Plan Provision** Mainly Residential

File AF

Date registered 19 April 2004

**Drawing numbers/
Scheme** 1-15
Scheme 1



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PLANNING APPLICATION

Address	31 Liberton Road, Edinburgh, EH16 6AH		
Proposal	Residential Development		
Application number:	04/01207/FUL	WARD	49- Newington

**THE CITY OF EDINBURGH COUNCIL
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY**