

**Full Planning Application
at
4 Magdalene Drive
Edinburgh
EH15 3DB**

**Development Quality Sub-Committee
of the Planning Committee**

Proposal: Erection of 8 two bedroom flat units + the provision of 8 car parking spaces
Applicant: Citygate Ltd.
Reference No: 04/01789/FUL

1 Purpose of report

To recommend that the application be **REFUSED** for the following reasons;

Reasons

1. The proposal is contrary to South East Edinburgh Local Plan Policy E4 in respect of new development quality, as the proposal does not make a positive contribution to the overall quality of the environment.
2. The proposal is contrary to Finalised South East Edinburgh Local Plan Policies DQ6 and H4, as it does not make a positive contribution to the character or appearance of the environment, and is poorly laid out in terms of amenities.
3. The proposed access road is not to an adoptable standard, and will consequently adversely affect road safety.

2 Main report

Site description

The application site comprises part of the grounds of St Martin's Church, accessed from Magdalene Drive. The surrounding area is residential in nature, characterised by a variety of housing styles.

The site extends to 0.11 hectares, and is currently open space associated with the church building. There is an area of public amenity open space to the east, which links to Magdalene Gardens.

Site history

12 September 2003 - Planning permission refused under delegated powers for the erection of eight flats for the following reasons:

1. The proposal was contrary to South East Edinburgh Local Plan Policy E4 in respect of new development quality, as the proposal did not make a positive contribution to the overall quality of the environment.
2. The proposal was contrary to Non Statutory Guidelines in respect of Daylighting, Privacy and Sunlight, as the distance from the rear wall to the boundary, at 6 metres would result in loss of privacy.
3. The proposal was contrary to Finalised South East Edinburgh Local Plan Policies DQ6 and H4, as it did not make a positive contribution to the character or appearance of the environment, and was poorly laid out in terms of amenities.
4. The proposed road layout did not meet adoptable standards, as the road and junction were of insufficient width, there was no turning provision, and the footpath was of insufficient width.

Development

The application is for a development of eight flatted units contained within a single two-storey block, accessed from Magdalene Drive. Eight parking spaces are provided.

Rear gardens are provided for the lower flats; the remainder of the open space comprises a grassed area of approximately 100 square metres adjacent to the church building.

Proposed materials are artificial stone, white roughcast and dark red roof tiles.

Applicant's Supporting Statement

The applicant has provided a supporting statement, a copy of which is available in the Party Group Rooms, which outlines the context of the proposed development.

The proposal differs from the previous refusal primarily due to the improved privacy distance and garden ground to the rear of the properties.

Consultations

Education

School Capacities

This site is located within the catchment areas of Brunstane Primary School, St John's Roman Catholic Primary School, Portobello High School, and Holy Rood Roman Catholic High School.

Brunstane Primary School should have sufficient spare capacity to accommodate this development.

St John's Roman Catholic Primary School, Portobello High School and Holy Rood Roman Catholic High School are all operating above capacity at present and are expected to remain in this position for the forecast period. However, the effect of this development on the above school rolls would be negligible.

The forecasts are based on 2002 Start of Session School Rolls and housing completions identified in the Housing Land Audit 2001. Revised child to house ratios have been applied.

Summary

There is spare capacity in the catchment primary non-denominational school to accommodate this development. The development would have a negligible effect on the school rolls of the catchment primary and secondary denominational schools and the non-denominational high school. The Education Department would have no objection to this development.

Environmental Services

This Department has no objections to the above application, subject to the following condition:

1. 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, 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 remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.

2. 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.

Transport

Refusal is recommended, as the layout of the proposed access is not to an adoptable standard, nor can it be.

Representations

It has been certified that neighbours were notified, and the application was advertised on 4 June 2004.

One petition with 13 signatures has been received, expressing support for the proposal.

The Church of Scotland also supports the proposal.

A letter has also been received, stating that the police support the proposal in principle, but are unable to comment officially.

Policy

Finalised South East Edinburgh Local Plan - Urban Area

Relevant Policies:

DQ6 - seeks to control the design of new development

DQ9 - seeks to provide satisfactory landscaping

H2 - promotes housing development in appropriate sites

H4 - seeks to promote good design in new housing development

H5 - seeks to provide adequate open space

T9 - sets standards for private parking

South East Edinburgh Local Plan - The area is allocated as Mainly Residential, where existing residential character and amenities are to be safeguarded.

Relevant Policies:

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

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.

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 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?

ASSESSMENT

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

- a) the principle of developing the site is acceptable
- b) the design and layout, including road access, is satisfactory
- c) the proposal will adversely affect the character of the surrounding area
- d) neighbouring amenity will be adversely affected.

a) The adjacent church building will dominate the proposed housing, and its own setting will be adversely affected. The principle of developing this area of open space is not therefore acceptable in terms of visual amenity.

b) The design and layout of the proposed development does not provide a sufficiently high degree of amenity for future residents, with little usable open space, particularly at the front of the proposed development, and with parking provision adjacent to living apartments. The proposal does not have a street frontage, and can be considered as "backland" development.

The proposed access road is not at an adoptable standard, and will consequently have an adverse impact on road safety.

The design and layout are not considered to be satisfactory.

c) Although the site is enclosed, and is not readily visible from a public viewpoint, the style and design of the proposed houses is uninspired, and does not generally reflect the character of the area. The proposed development will detract from the setting of the church.

The proposed development has an adverse impact on the character of the surrounding area.

d)) There are no issues that would result in significant loss of neighbouring residential amenity through daylight or privacy loss. The reasons for the refusal of the previous application relating to this issue have been addressed.

In conclusion, while this scheme addresses the previous concerns about privacy, it still does not comply with local plan policy in terms of impact on the local environment and the access remains substandard.

There are no material considerations which outweigh this conclusion.

It is recommended that the Committee refuses this application, for the reasons stated.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/Tel Michael Paton on 0131 529 3902 (FAX 529 3706)

Ward affected 40 -Milton

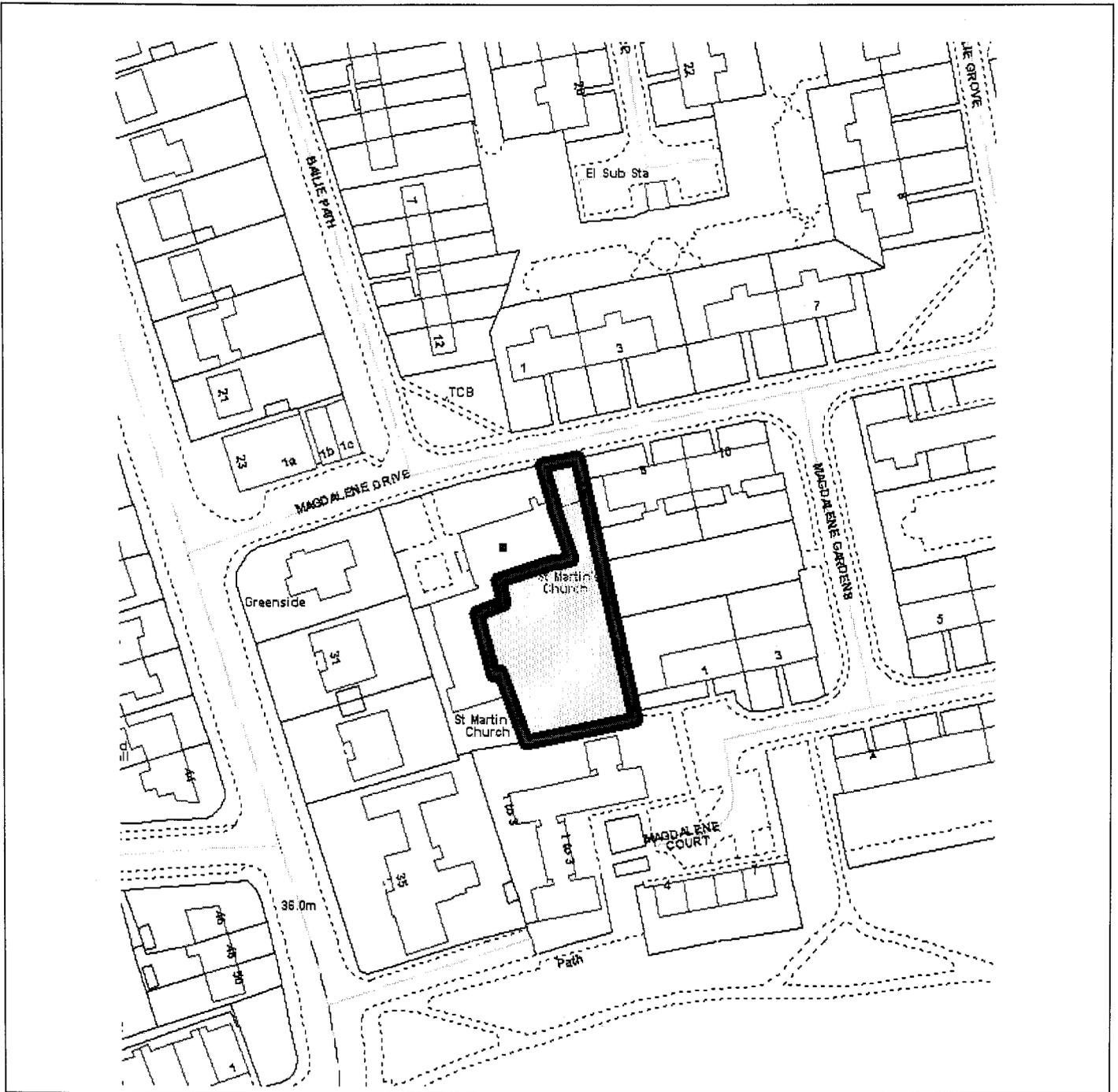
Local Plan South East Edinburgh

**Statutory Development
Plan Provision** Mainly Residential Area

File

Date registered 14 May 2004

**Drawing numbers/
Scheme** 01
Scheme 1



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PLANNING APPLICATION

Address	4 Magdalene Drive, Edinburgh, EH15 3DB		
Proposal	Erection of 8 two bedroom flat units + the provision of 8 car parking spaces		
Application number:	04/01789/FUL	WARD	40- Milton
THE CITY OF EDINBURGH COUNCIL			
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY			