

**Planning Obligation 12/02454/OBL  
at  
21 - 22 Balcarres Street  
Edinburgh  
EH10 5JD**

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

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**1 Purpose of report**

To consider application 12/02454/OBL, submitted by Eastern Properties (Scotland) Ltd. The application is for: **Application for the Modification of Planning Obligations for planning consent 05/02001/FUL.**

It is recommended that this application be **Granted** by Committee.

**2 The Site and the Proposal**

**Site description**

The site is 0.22 hectares and is located on the North side of Balcarres Street, backing onto the south suburban railway line. It is an L-shaped site with frontages onto Balcarres Street and Bruce Street. There are two blocks of flats on the site, the larger of the two is located between the tenements at 19 and 23 Balcarres Street. The second smaller block sits between the tenement at 2 Bruce Street and the railway line.

## **Site History**

September 2005 - planning permission granted for the demolition of an existing car showroom and erection of 39 apartments with associated parking and amenities, (REF: 05/02001/FUL).

## **Description Of The Proposal**

The application seeks to modify an existing legal agreement under section 75 of the Town and Country Planning (Scotland) Act 1997, in relation to planning permission granted for the demolition of an existing car showroom and the erection of 39 apartments with associated parking and amenities.

The legal agreement concluded in respect of this development requires the developer to make a contribution toward the provision of transport infrastructure.

The existing legal agreement requires the developer to pay the council £36,000 toward transport infrastructure costs, which is split between the Council's safer routes to schools scheme and the City Car Club scheme. The applicant is seeking to delay the agreed contribution from being paid "prior to the commencement of development" as stated in the existing agreement, and defer instead until "the completion of the first apartment".

The remaining clauses in the agreement are to remain unchanged.

## **3. Officer's Assessment and Recommendation**

### **Determining Issues**

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) There have been any material changes in circumstances since the original agreement was concluded; and

(b) The modification of the agreement as proposed by the applicant is acceptable;

(a) Since the legal agreement was concluded in respect of the development the Council has adopted the Economic Resilience Action Plan in response to changing economic conditions that have affected development, and in particular new house building. The applicant has stated that the requirement for a contribution prior to the commencement of the development would be a hindrance to the delivery of the project by increasing the financial burden at the initial stages of the development. This is accepted.

(b) The applicant's proposal meets the requirements of current planning policy and guidance, and the modification is acceptable. The fact that the contribution will be made at a later date does not prevent the successful delivery of the agreed infrastructure improvements, and it is not expected that there will be any unacceptable additional pressure on existing infrastructure due to the delayed payment.

It is recommended that the council approves this application.

## REASON FOR DECISION

The application seeks to modify the agreement to ensure the economic viability of the development in line with wider council policy, while still achieving the planning objectives of the original agreement.

**John Bury**  
Head of Planning & Building Standards

<b>Contact/tel</b>	Iain Weston on 0131 529 6475
<b>Ward affected</b>	A10 - Meadows/Morningside
<b>Local Plan</b>	Edinburgh City Local Plan
<b>Statutory Development Plan Provision</b>	
<b>Date registered</b>	12 July 2012
<b>Drawing numbers/ Scheme</b>	

### **Advice to Committee Members and Ward Councillors**

The full details of the application are available for viewing on the Planning and Building Standards Portal: [www.edinburgh.gov.uk/planning](http://www.edinburgh.gov.uk/planning).

If you require further information about this application you should contact the following Principal Planner, David Cooper, [david.cooper@edinburgh.gov.uk](mailto:david.cooper@edinburgh.gov.uk), 0131529 6233

If this application is not identified on the agenda for presentation and you wish to request one at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting. Contact details can be found in the Committee agenda papers.

## Appendix A



**Application Type** Planning Obligation  
**Application Address:** 21 - 22 Balcarres Street  
Edinburgh  
EH10 5JD

**Proposal:** Application for the Modification of Planning Obligations for  
planning consent 05/02001/FUL.

**Reference No:** 12/02454/OBL

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### **Consultations, Representations and Planning Policy**

#### **Consultations**

#### **Transport Planning**

*I would be willing to accept this change.*

#### **Representations**

No representations have been received in relation to this application.

***Full copies of the representations made in respect of this application are available in Group Rooms or can be requested for viewing at the Main Reception, City Chambers, High Street.***

#### **Planning Policy**

Policy Tra 2 (Planning agreements) sets out the requirements for the provision of transport contributions where a major housing development is likely to give rise to additional journeys.

## Appendix B



**Application Type** Planning Obligation  
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### **Conditions/Reasons associated with the Recommendation**

It is recommended that this application be Granted by Committee, subject to the conditions, reasons and informatives stated below.

### **Informatives**

It should be noted that:

1. Please submit an engrossed Discharge or Minute of Variation (as appropriate) in accordance with the terms of this Decision Notice for execution and registration by the City of Edinburgh Council along with the required registration forms and registration fee. Submissions should be sent to The City of Edinburgh Council, Legal Services, 4 East Market Street, Edinburgh, EH8 8BG.

**End**

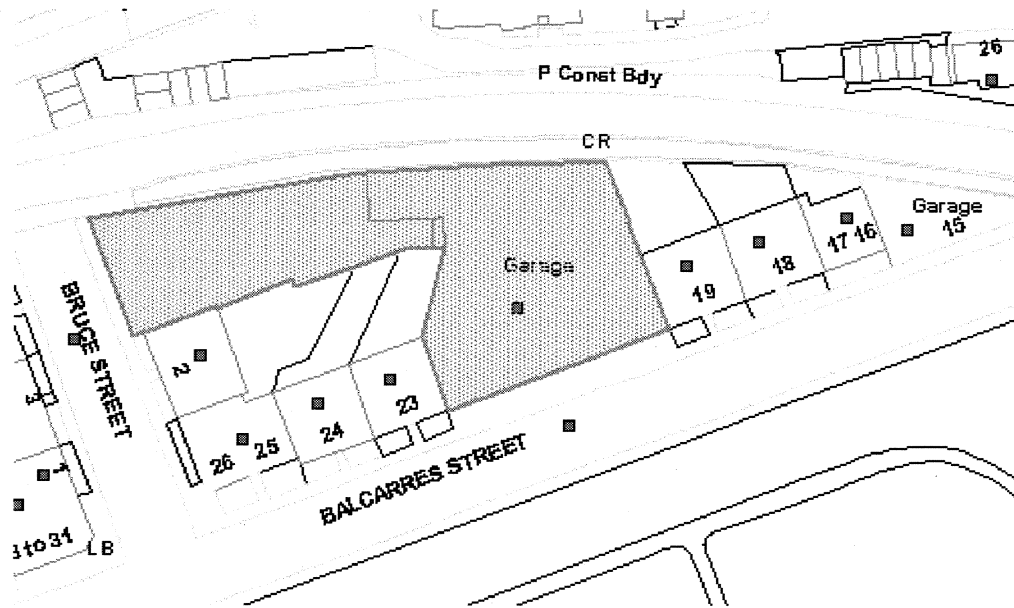
## Appendix C



**Application Type** Planning Obligation

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### Location Plan

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