

**Planning Obligation 12/02278/OBL
at
120A Crewe Road North
Edinburgh**

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

1 Purpose of report

To consider application 12/02278/OBL, submitted by Miller Homes Ltd. The application is for: **Modification and Discharge of Planning Obligations.**

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

2 The Site and the Proposal

Site description

The scheme contains 329 flats in total which are spread across converted old college buildings and newly erected residential buildings. There is a mix of 1, 2, and 3 bedroom flats within the development. Open space is evenly distributed across the site with buildings sitting across a broad landscape setting. Access to the site is gained primarily from Crewe Road North, but access from Pilton Avenue has also been retained.

Site History

January 2005: Listed Building Consent granted for the conversion of the listed building into flats (reference 04/03004/LBC).

August 2005: application for 486 flats on larger site (including playing fields to the east) withdrawn by the applicant, reference (04/03004/FUL).

June 2007: conversion of "B" listed building to residential use and construction of new extension and new build residential accommodation (as amended) (Reference 05/02676/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 conversion of a "B" listed building to residential use and construction of new extension and new build residential accommodation.

The applicant is applying to vary clause 8 of the legal agreement concluded in respect of this development, which requires the developer to pay an indexed tram contribution, as the development site no longer has any proximity to the proposed route of the tram line. The required tram contribution was £360,000.

Miller Homes Limited are instead proposing that a contribution be paid toward the expected design costs relating to the council's public transport initiative which could provide a priority bus route from Pennywell Road to Crewe Road South. The developer has proposed that the total contribution is split into three payments made at one year intervals from the date of signing a new legal agreement, with the first payment being made within one month of the date of signing a new agreement. The total proposed contribution is £150,814, two of £50,000, and a final payment of £50,814. Transport Planning has no objections to this.

The remaining clauses in the existing agreement, which are unrelated to the tram, 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) The proposed route of the tram no longer services the development. A contribution toward the Council's public transport initiative is supported, as it allows for the required transport infrastructure to be provided for a major development of this kind.

(b) The proposal is a suitable alternative to the trams that will alleviate the additional pressure on the existing infrastructure that the development has created. The wording of the existing legal agreement, as amended by this proposal, allows the contribution to be kept by the Council until 2020 before any repayment to the applicant would be due should the money not have been utilised as stated. There will therefore be sufficient time for the proposed works to be designed and implemented following receipt of the third instalment. The proposal is therefore acceptable.

It is recommended that the council approves this application.

REASON FOR DECISION

The application seeks to modify the agreement to reflect what is currently acceptable in relation to planning policy and what is currently considered to be suitable transport infrastructure for the area.

John Bury
Head of Planning & Building Standards

Contact/tel	Iain Weston on 0131 529 6475
Ward affected	A04 - Forth
Local Plan	Edinburgh City Local Plan
Statutory Development Plan Provision	Urban Area
Date registered	27 June 2012
Drawing numbers/ Scheme	

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.

If you require further information about this application you should contact the following Principal Planner, David Cooper, 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.

Application Type Planning Obligation
Application Address: 120A Crewe Road North
Edinburgh

Proposal: Modification and Discharge of Planning Obligations.
Reference No: 12/02278/OBL

Consultations, Representations and Planning Policy

Consultations

Transport Planning

We do not have any objections to this in principle. However we would like it in the agreement that the 5 years in which the Council have to spend the money starts from the date of the final payment.

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



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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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