

**Planning Permission 12/03114/FUL
at
36 Clerwood Terrace
Edinburgh
EH12 8TS**

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

1 Purpose of report

To consider application 12/03114/FUL, submitted by Charles Church. The application is for: **Material variation to planning permission 04/03378/FUL to provide 11 additional residential units and vary approved house types.**

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

2 The Site and the Proposal

Site description

The application site, which measures approximately 1 hectare, is situated in the north-west corner of the former Queen Margaret University campus. The site is currently vacant, has been stripped of top soil and there is a change in levels from east to west. There are mature trees to the north and south of the site that are covered by a Tree Preservation Order. The wider campus site, which is solely accessed from Clerwood Terrace, is currently being redeveloped for housing.

To the west of the site is a public footpath that runs north-south along the entire boundary, beyond which there is established housing. To the north, beyond the protected trees is further housing on Alan Breck Gardens. To the

south, beyond the protected trees and to the east, is new housing formed as part of the wider redevelopment.

Site History

3 February 2006 - Planning permission was granted for the demolition of existing buildings and the erection of new residential development (Application reference - 04/03378/FUL).

17 February 2010 - Planning permission was granted for a material variation to existing consent 04/03378/FUL to alter layout, mix and increase the number of residential units (Application reference - 09/01933/FUL).

There is also an extensive planning history relating to the operations of the former college campus.

Pre-Application Process

In line with planning legislation, a Proposal of Application Notice (12/01701/PAN) was submitted on 15 May 2012 to the Council as planning authority with a copy provided to Drum Brae Community Council. Further copies were also provided to the local ward members and the Western Edinburgh Neighbourhood Partnership.

The applicant presented the proposals to the Drum Brae Community Council at their meeting on 13 June 2012. A public exhibition was held in the Drum Brae Library and Community Hub on 10 July 2012. The exhibition was attended by 22 people. Issues raised included access arrangements, traffic volume, parking provision and the density of development.

A copy of the Pre-Application Consultation report is available to view via Planning and Building Standards Online Services.

Description Of The Proposal

Permission is sought to vary the approved residential development to provide a further 11 houses in the north-west corner of the site. The density of the north-west corner will be increased from 16 to 27 units and the overall site density will be increased to 323 units. Permission is also sought to revise the design and layout of the 27 units in the north-west corner.

The 27 units will all be detached houses with an internal garage and private gardens. There will be six different house types varying between 3, 4 and 5 bedrooms. All of the houses will be 2-storeys with the exception of the two 'Glenmorangie' units that will contain a third level of accommodation within the roofspace. The external finishing materials will be predominantly render with facing brick and grey, concrete roof tiles.

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) the principle of the proposal is acceptable;
- b) the scale and design of the proposal is appropriate;
- c) the proposal raises any road safety implications;
- d) the proposal will adversely affect existing residential amenity;
- e) the proposal offers an acceptable living environment to future residents;
- f) the proposal is acceptable in respect of infrastructure requirements and affordable housing provision;
- g) the proposal meets the Council's requirements in respect of sustainability; and
- h) there are any other material considerations.

a) The Edinburgh City Local Plan identifies the application site as part of a larger strategic housing allocation and permission was granted in 2006 for residential development across the wider site. With that permission having been partially implemented, the original proposals for 16 houses on the current application site remain valid. The local plan designation and extant planning permission establish that the principle of residential development on the application site is acceptable.

b) The general scale, massing and materials are consistent with the original permission. The proposed houses along the western boundary will have deeper gardens to reflect the spatial pattern of existing housing to the west. The level of open space within the overall development site will not be reduced by the proposed development.

c) Local residents have raised concerns over access arrangements, parking provision and road safety. In particular, the number of housing units served by a single point of access has been highlighted. Council guidelines advise that developments over 200 units should have more than one access. The proposed development will raise the site total to 323 units, which along with existing housing in Clerwood View, Place and Grove as well as Fox Covert Primary School are all served by one access off Clermiston Road. However, the original transport assessment stated that the existing junction could accommodate the additional vehicle movements. The current proposal will result in additional 12 bedrooms from the approved scheme and with such a nominal increase the findings of the original transport assessment remain valid. Transport Planning has not objected to the proposals.

With regard to car parking, all of the proposed houses in the north-west corner will have private driveways and an internal garage. The houses comply with the Council's parking standards. Indiscriminate parking can be controlled under other legislation and waiting restrictions can be introduced, if deemed necessary when the development is occupied.

It is recognised that the additional housing may put further pressure on public transport. Whilst an increase in bus capacity/frequency is a commercial decision for operators and cannot be controlled through planning legislation, a contribution of £5,000 can be sought towards improving waiting facilities.

d) The proposed housing layout incorporates adequate separation from the boundary to prevent any overshadowing or loss of daylight to neighbouring properties. The proposed properties facing towards existing housing to the west will be located over 20 metres from the boundary and will not compromise privacy. Existing residential amenity will not be adversely affected.

e) All of the properties will have sizeable private gardens that are either east, west or south facing to maximise sunlight. There will be a minimum of 18 metres between windows directly overlooking - privacy will be maintained. No windows will be adversely affected by overshadowing or loss of daylight. There will be some overshadowing to the gardens of Plots 337, 338 and 339 but only for a limited part of the day and this will not unacceptably compromise amenity.

f) The proposals have been considered by Children and Families and the impact on the local schools. Developer contributions were sought as part of the original application to help address accommodation pressures in the non-denominational secondary school estate. However, there is now pressure emerging within the primary school estate as a result of the development and a high birth rate. Fox Covert Primary School is currently operating at capacity and with numbers expected to increase, a financial contribution of £28, 237 is sought towards addressing accommodation pressure. This contribution will be secured as part of a legal agreement.

With regard to affordable housing, there was a requirement as part of the original application for 15% on site provision, which equated to 44 units. As part of a previous variation to the original approval, 106 affordable units have been provided on site out of a total of 312 units, which equates to 34%. Housing & Regeneration has confirmed that no further affordable housing provision will be required as part of the current proposals.

The impact of additional housing on the drainage system has been assessed. Flood Prevention has raised no objections to the proposals.

The application site is allocated in the local plan for housing. It is anticipated that such housing will help support existing shops, services and facilities within the local area and it is not considered appropriate to encourage similar uses within the development site that may jeopardise existing businesses.

g) The original application was submitted prior to the adoption of the Edinburgh Standards for Sustainable Buildings (ESSB). The Development Management Sub-Committee requested a condition requiring the submission of details on energy efficiency and renewable energy. Under the previous consent the applicant has spent considerable time detailing proposals for the site and has discharged the previous condition. Given that the wider scheme pre-dated the Council's guidelines and that the entire scheme is to meet the same building standards requirements, it is not appropriate to apply the new guidelines in this instance.

h) The protection afforded to the existing trees on the site as provided within the original planning approval has been retained. The key areas of tree coverage are not affected by the proposed alterations.

The application site is identified within an area of archaeological potential. Of particular interest are remains associated with the former 18th century Clermiston House and possible medieval farmtoun. However, given the scale of recent development it is considered unlikely that any significant remains will have survived insitu and therefore there are no known archaeological constraints.

Drum Brae Community Council

The Community Council has commented on the proposals. Full details can be found in Appendix A.

Conclusion

In conclusion, the principle of the proposed development accords with the development plan. The scale and design is appropriate and residential amenity will not be adversely affected. The impact on road safety has been assessed and is considered acceptable. There are no other material considerations that outweigh this conclusion.

It is recommended that the Committee approves this application subject to a legal agreement in respect of education and public transport contributions; and the original conditions that have not been discharged.

REASON FOR DECISION

The principle of the proposed development accords with the development plan. The scale and design is appropriate and residential amenity will not be adversely affected. The impact on road safety has been assessed and is considered acceptable. There are no other material considerations that outweigh this conclusion.

David R. Leslie
Acting Head of Planning & Building Standards

Contact/tel	Andrew Trigger on 0131 529 3931
Ward affected	A03 - Drum Brae/Gyle
Local Plan	Edinburgh City Local Plan
Statutory Development Plan Provision	Housing Site
Date registered	31 August 2012
Drawing numbers/ Scheme	01-22 Scheme 1

Advice to Committee Members and Ward Councillors

The full details of the application are available for viewing at [Planning and Building Standards online services](#)

If you require further information about this application you should contact the following Principal Planner, Elaine Robertson, 0131 529 3612, e.robertson@edinburgh.gov.uk

Appendix A



Application Type Planning Permission
Application Address: 36 Clerwood Terrace
Edinburgh
EH12 8TS

Proposal: Material variation to planning permission 04/03378/FUL to provide 11 additional residential units and vary approved house types.

Reference No: 12/03114/FUL

Consultations, Representations and Planning Policy

Consultations

Drum Brae Community Council (DBCC)

Following consultation with the local community of DBCC please note the following points that have been raised and are there being submitted in relation to the proposed material variation to planning permission (04/03378/FUL) to provide 11 additional residential units and vary approved house types at 36 Clerwood Terrace, Edinburgh, EH12 8TS. Reference 12/03114/FUL.

Concern has been raised by a number of local residents that the area has reached saturation point and is now at the stage of being over-developed as the original approval had been for 298 units and this proposal now takes the figure up to 324 units. There is also a fear that future applications may be submitted to add even more units.

The issue was raised regarding traffic and concerns that the original TIA report that was carried out was based on a proposed development of 250 units and as the application now stands at 324, this report may not reflect the actual situation that would evolve should the proposed applications be successful. The main issue in regards to this is that there is only one access road in and out of the current development. Local residents also expressed their concerns over the current volume of vehicles, the parking issues as well as the speed of the vehicles using the area at present.

A point was also raised that Clerwood Park has no emergency access road.

With regards to education in the area, comments were made in relation to the capacity of the local primary school and the inability of the catchment primary school to accommodate any possible increase to the number of children who would arrive into the area following the completion of the proposed amendments to the development.

Transport Planning

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

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. (The existing RCC ED/08/0009 will require an amendment)

Prior to the issuing of consent the applicant enter into a suitable legal agreement to make provision for the following:

Contribute the sum of £5000 for improvements to the Public Transport Infrastructure (Reason the development proposals will increase the demand on public transport and its infrastructure. The LTS supports improvements to encourage public transport use and the contribution will improve bus stop facilities in the vicinity of the development site). Contribution payable prior to commencement of building any dwelling.

Housing & Regeneration

I can confirm that the applicant is entirely correct in stating that "to date a total of 106 affordable housing units have been accommodated on the development site, from an overall total site number of 312 units. This represents a percentage of 33.9% of the development total".

As the original planning consent requested 44 units out of 295 (15% of the total) I can confirm that the affordable housing requirement has been comfortably exceeded on this site already, and that no further affordable housing units would be required from application 12/03114/FUL.

Children & Families

This site is located within the catchment areas of:

- Fox Covert ND Primary School;*
- Fox Covert RC Primary School;*
- Craigmount High School; and*
- St Augustine's RC High School.*

Whereas developer contributions were sought for works that have helped address accommodation pressures in the non-denominational secondary school estate, capacity pressure is now emerging within the primary school estate as a consequence of high births allied to the impact of the development.

Fox Covert ND Primary School is currently operating at capacity and with the number of primary school pupils in the catchment expected to increase in forthcoming years, a developer contribution of £28,237, is sought for works to address accommodation pressure at the school.

Payment of contributions will be index linked to the BICS "All in Tender Price" Index with a base date of October 2009.

There is currently spare capacity at Fox Covert RC Primary School and at St Augustine's RC High School and no further contributions are sought.

Archaeology

The site was identified as occurring within an area of archaeological potential associated with the former 18th century Clermiston House and possible medieval farmtoun. Despite this no archaeological monitoring has been undertaken as part of the current development with the current application site having been significantly landscaped to enable the construction of new housing. Given the scale of this recent work it is considered unlikely that any significant remains will have survived insitu and accordingly I have concluded that there are no known archaeological constraints upon this planning application.

Flood Prevention

The new drainage calculations and the design layout are acceptable in line with the information supplied in support of flood related matters as regard the planning application.

Representations

There have been 17 representations received, including from the Clerwood Residents Association, 15 of which object to the proposals.

The main points of objection/concern are:

- a) Issues relating to road safety, addressed in assessment c);
 - access difficulties due to one point of entry for over 200 units,
 - increased traffic on the road network,
 - inadequate parking provision,
 - road safety risks posed by compromised sightlines and indiscriminate parking,
 - validity of the original Transport Assessment,
- b) Issues relating to infrastructure capacity, addressed in assessment f);
 - existing schools have insufficient capacity,
 - increased drainage problems,
 - lack of community facilities,
- c) Issues relating to scale and design, addressed in assessment b);
 - overdevelopment,
 - relationship between proposals and existing housing to the west.

Representations, if any, are available to view in the document list at [Planning & Building Standards online services](#).

Planning Policy

The application site is identified in the Edinburgh City Local Plan as part of a housing proposal (HSG 10).

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effective development of adjacent land or the wider area.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 4 (Layout Design) sets criteria for assessing layout design.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

Policy Des 6 (Sustainable Design & Construction) sets criteria for assessing the sustainable design and construction elements of development.

Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

Policy Env 12 (Trees) sets out tree protection requirements for new development.

Policy Env 17 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

Policy Os 3 (Open Space in New Development) sets out requirements for the provision of open space in new development.

Policy Hou 1 (Housing Development) supports housing on appropriate sites in the urban area, and on specific sites identified in the Plan.
Policy Hou 2 (Housing Mix) requires the provision of a mix of house types and sizes in new housing developments.

Policy Hou 3 (Private Open Space) sets out the requirements for the provision of private open space in housing development.

Policy Hou 4 (Density) sets out the factors to be taken into account in assessing density levels in new development.

Policy Hou 7 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

Policy Hou 8 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

Policy Com2 (School Contributions) sets the requirements for school contributions associated with new housing development.

Policy Tra 1 (Major Travel Generating Development) supports major travel generating development in the Central Area, and sets criteria for assessing major travel generating development elsewhere.

Policy Tra 4 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in supplementary planning guidance, and sets criteria for assessing lower provision.

Policy Tra 5 (Private Cycle Parking) requires cycle parking provision in accordance with levels set out in supplementary guidance.

Policy Tra 6 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

Policy Inf 6 (Water & Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

Relevant Non-Statutory Guidelines

Non-statutory guidelines

'The Edinburgh Standards for Housing' sets out principles and guidance whose aim is to achieve high quality, successful and sustainable residential developments.

Non-statutory guidelines on Edinburgh Standards for Urban Design sets criteria for the quality of design in new development to maintain and improve the visual image and identity of Edinburgh.

Non-statutory guidelines 'The Edinburgh Standards for Streets' sets out principles and guidance whose aim is to achieve a coherent and enhanced public realm.

Non-statutory guidelines 'The Edinburgh Standards for Sustainable Building' sets principles to assess the sustainability of major planning applications in Edinburgh.

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

Non-statutory guidelines on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

Non-statutory guidelines on 'QUALITY OF LANDSCAPES IN DEVELOPMENT' sets detailed design principles for hard and soft landscaping, including the retention of existing features, and relates these principles to different types of development.

Non-statutory guidelines on 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Non-statutory guidelines on "Trees and Development" provides guidance on the information required to support planning applications in respect of tree protection, the retention of trees of landscape, biodiversity or amenity significance, and encourages new tree planting where appropriate.

Non-Statutory guidelines Draft Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

Appendix B



Application Type Planning Permission
Application Address: 36 Clerwood Terrace
Edinburgh
EH12 8TS

Proposal: Material variation to planning permission 04/03378/FUL to provide 11 additional residential units and vary approved house types.

Reference No: 12/03114/FUL

Conditions/Reasons associated with the Recommendation

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

Conditions:-

1. The design, installation and operation of the lift 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.
2. Notwithstanding the provision of the General Permitted Development Order, the townhouses shall not be altered externally or extended without the prior written approval of the planning authority.
3. The approved landscaping scheme shall be fully implemented within six months of the completion of the development, and thereafter shall be maintained by the applicants and/or their successors to the entire satisfaction of the planning authority; maintenance shall include the replacement of plant stock which fails to survive, for whatever reason, as often as is required to ensure the establishment of the approved landscaping scheme.
4. Only the tree/s shown for removal on the approved drawing/s shall be removed, and no work shall be carried out on the remaining trees at any time without the prior written consent of the Head of Planning.
5. No trees on the application site shall be lopped, topped or felled without the prior written approval of the Head of Planning.
6. 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 Building Standards, 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 Building Standards.

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 Building Standards.

7. All parking, except those spaces located on individual driveways, will be communal, for use by residents and visitors to the development. They shall not be allocated to individual properties.

Reasons:-

1. In order to safeguard the amenity of neighbouring residents and other occupiers.

2. In order to safeguard the amenity of neighbouring residents and other occupiers.

3. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

4. In order to safeguard protected trees.

5. In order to safeguard protected trees.

6. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

7. In order to comply with the Council's parking standards.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

4. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to public transport and education infrastructure.

5. 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.

End

Appendix C

Application Type Planning Permission

Proposal: Material variation to planning permission 04/03378/FUL to provide 11 additional residential units and vary approved house types.

Reference No: 12/03114/FUL



Location Plan

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