

**Full Planning Application 05/04096/FUL**  
**at**  
**5 St Catherine's Gardens**  
**(Site Forming East Part)**  
**Edinburgh**  
**EH12 7AZ**

---

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

---

**1 Purpose of report**

To consider application 05/04096/FUL, submitted by Mr Diresta. The application is for: **Erection of 1 dwelling house**

It is recommended that this application be **GRANTED** subject to the conditions in Appendix B.

**2 The Site and the Proposal**

**Site description**

The site comprises garden ground of number 5 St. Catherine's Gardens. It has an area of approximately 0.0405 Hectares.

The site slopes downwards towards the south.

The existing house no.5 lies directly to the west. There are 8 trees within the site which have been heavily cut back.

To the south is a high brick wall, areas of landscaping and a public footpath. To the east the land rises upwards towards Pinkhill and is planted with mature

trees. There is a high fence on the northern boundary of the site which bounds the garden area of number 4.

### **Site history**

June 1988 Planning permission was granted for the erection of a 5 apartment, pitched roofed split level detached house. No conditions were attached to the consent. (132/88)

February 1993 Planning permission was granted for the renewal of the previous consent. (A02801/92)

October 1999 Planning permission was granted for the erection of a dwellinghouse. (99/02169/FUL)

### **Description of the Proposal**

The proposed development is for a new detached dwelling in the garden ground of number 5. It would be accessed off the driveway from St. Catherine's Gardens.

The building would have three floors, the main three storey element facing the south. The design of the house would be non traditional with a large proportion of the south elevation being glazed.

The existing ground level would be cut into by a maximum of approximately one metre.

Three of the existing trees within the site would be retained.

The house would have three bedrooms one of which would be a guest bedroom. There would be a gymnasium and two relatively large garden stores.

A two metre high panel fence is propose along the north site boundary.

Materials: Zinc cladding to roof; oak cladding (horizontal) to top level; smooth rendered masonry walls to lower and upper ground floor levels; and glass balustrade to upper ground floor level entrance walkway and first floor service gantry.

## **3 Officer's Assessment 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 the development would be acceptable;
- b) There would be any adverse effect on the amenity of neighbouring property;
- c) The design and landscaping of the proposals would be acceptable;
- d) There would be any adverse effect on parking or highway safety.

a) The site is in an area defined as mainly residential in the adopted local plan, and urban area in the Draft local plan. In principle a residential use would be acceptable provided other material planning considerations could be met.

The development of the garden area is acceptable in principle as long as detailed planning considerations can be met. Planning permission has been previously granted for development of the site for a house.

The Director of Environmental and Consumer Services raises no objections subject to conditions to assess and deal with possible contamination at the site. This can be covered by condition.

b) The proposal would result in a high amount of glazing to the south. These windows would be between approximately 4.2 and six metres from the southern site boundary. The land to the south is planted amenity space which rises up to Pinkhill. It is highly unlikely that this would be developed, and there would therefore be no adverse loss of privacy to this area.

There would be a bedroom window which would face the existing dwelling and would be less than nine metres to the site boundary. This would be screened by a 2 metre high fence.

There are no windows facing directly east. There are areas of terrace however which could result in overlooking to the east. The neighbouring

property is landscaped embankment. There would therefore be no adverse loss of privacy to this area. It is unlikely to be developed also.

Glazing in the elevation facing north would be high level, narrow windows. These would be approximately 1.6 metres above floor level. This would maintain privacy to neighbours at the adjoining site particularly as these are secondary windows to all rooms except the garage and bathrooms. These windows also break up the solidness of the north elevation in design terms.

In terms of privacy the proposal would be acceptable.

In terms of overshadowing, the proposal is acceptable.

It is recommended that permitted development rights are removed given the closeness of the development to site boundaries.

c) The design of the proposal would be acceptable. Sufficient garden ground would be retained for the existing dwelling, and there would be sufficient following development for occupiers of the new proposed house.

It is proposed to retain three of the existing trees within the site boundary. The trees in the site have no statutory protection, and those on the south boundary have been badly cut back. There are no landscape objections to the removal of the trees.

d) Transport do not raise any objection to the application subject to a condition to ensure that the first two metres of driveway being of hardstanding material. This can be covered by condition.

A garage and parking space is proposed which is acceptable in terms of parking provision.

In conclusion, the proposed development is acceptable in principle, the design and landscaping would not adversely effect the character of the area, and there would be no adverse effect on highway safety. There are no material considerations which outweigh this conclusion.

It is recommended that Committee approves this application subject to conditions relating to removal of permitted development rights, site survey to assess and deal with possible contamination, and driveway and house materials.

Alan Henderson

**Alan Henderson**  
Head of Planning and Strategy

<b>Contact/tel</b>	Karen Robertson on 0131 529 3990 (FAX 529 3716)
<b>Ward affected</b>	24 - South East Corstorphine
<b>Local Plan</b>	North West Edinburgh Local Plan
<b>Statutory Development Plan Provision</b>	Mainly Residential
<b>Date registered</b>	8 December 2005
<b>Drawing numbers/ Scheme</b>	1-3 Scheme 1

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

The full details of the application are available for viewing on the Planning and Building Control 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, Helen Martin (0131) 529 3939. Email: [helen.martin@edinburgh.gov.uk](mailto:helen.martin@edinburgh.gov.uk)

If this application is not identified on the agenda for presentation, and you wish to request a presentation of this application at the Committee meeting, you must contact Committee Services by 9.00a.m. on the Tuesday preceding the meeting on extension 4229/4239. Alternatively, you may e-mail [gavin.king@edinburgh.gov.uk](mailto:gavin.king@edinburgh.gov.uk) or [sarah.bogunovic@edinburgh.gov.uk](mailto:sarah.bogunovic@edinburgh.gov.uk)

**Application Type** Full Planning Application  
**Application Address:** 5 St Catherine's Gardens  
(Site Forming East Part)  
Edinburgh  
EH12 7AZ

**Proposal:** Erection of 1 dwelling house

**Reference No:** 05/04096/FUL

---

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

### **Consultations**

#### **Environmental and Consumer Services**

*The application site is located beside the embankment or a disused railway line. This Department therefore recommends that a condition is imposed on any planning consent to assess and deal with possible contamination at the site.*

#### **Transport**

*Transport have no objection to the application subject to the following conditions being applied.*

- 1. First 2m of driveway to be of a hardstanding material i.e. no loose chippings.*

#### **Representations**

One letter has been received from neighbouring property. Points raised are as follows:

1. Access road in poor condition. This would be worsened as a result of development and construction traffic.

***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**

### **North West Edinburgh Local Plan**

Mainly residential.

### **Draft West Edinburgh Local Plan**

Urban area.

#### Relevant Policies:

### **North West Edinburgh Local Plan**

Policy E5 states that new buildings, in terms of design, materials and landscaping, should make a positive contribution to the overall quality of the environment and regard should be had to their setting and neighbouring development.

Policy H4 requires new development to be sympathetic in scale and density with its surroundings. In conservation areas and defined "areas of interest" in particular, special care is required to protect local character and amenity.

Policy T4 states that adequate provision for car parking must be made by developers in all new development in conformity with the Council's adopted standards.

### **Draft West Edinburgh Local Plan**

Policy H1 General housing Policy seeks to encourage residential development, providing a satisfactory level of residential amenity can be achieved.

Policy H7 Housing Development Quality seeks to make best use of land without affecting the character of the area whilst make provision for amenities.

Policy DQ6 states that new development should be designed to make a positive contribution to the quality, accessibility and safety of the environment, having regard to the character, opportunities and constraints of the site and its surroundings and the basic character of the city.

Policy DQ7 states that the new development should include proposals for new tree planting and robust landscaping to achieve a suitable visual setting for new buildings and enhance open spaces and boundaries. It should be designed to minimise its impact on any trees subject to a Tree Preservation Order and other healthy trees worthy of retention.

Policy T8 requires that private car parking provision conforms with the Council's adopted parking standards and should be sited and designed to minimise its visual

impact and effect on neighbouring properties and to take account of community safety.

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

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 'HOUSING DEVELOPMENT IN GARDEN GROUNDS' supplement local plan housing, conservation and design policies, and provide additional guidance on this subject.

Non-statutory guidelines on 'TREE PROTECTION' supplement local plan green environment policies, and support the retention of healthy trees of landscape or amenity significance, encourage new tree planting wherever appropriate within new development and promote a substantial renewal of the city's woodland resource.

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

**Application Type** Full Planning Application  
**Application Address:** 5 St Catherine's Gardens  
(Site Forming East Part)  
Edinburgh  
EH12 7AZ

**Proposal:** Erection of 1 dwelling house

**Reference No:** 05/04096/FUL

---

## Conditions/Reasons associated with the Recommendation

### Recommendation

It is recommended that this application be **GRANTED**

### Conditions

1. The development hereby permitted shall be commenced no later than five years from the date of this consent.
2. Notwithstanding the provisions of the General Permitted Development Order, the dwellinghouse shall not be altered externally or extended without the prior written approval of the planning authority.
3. 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.

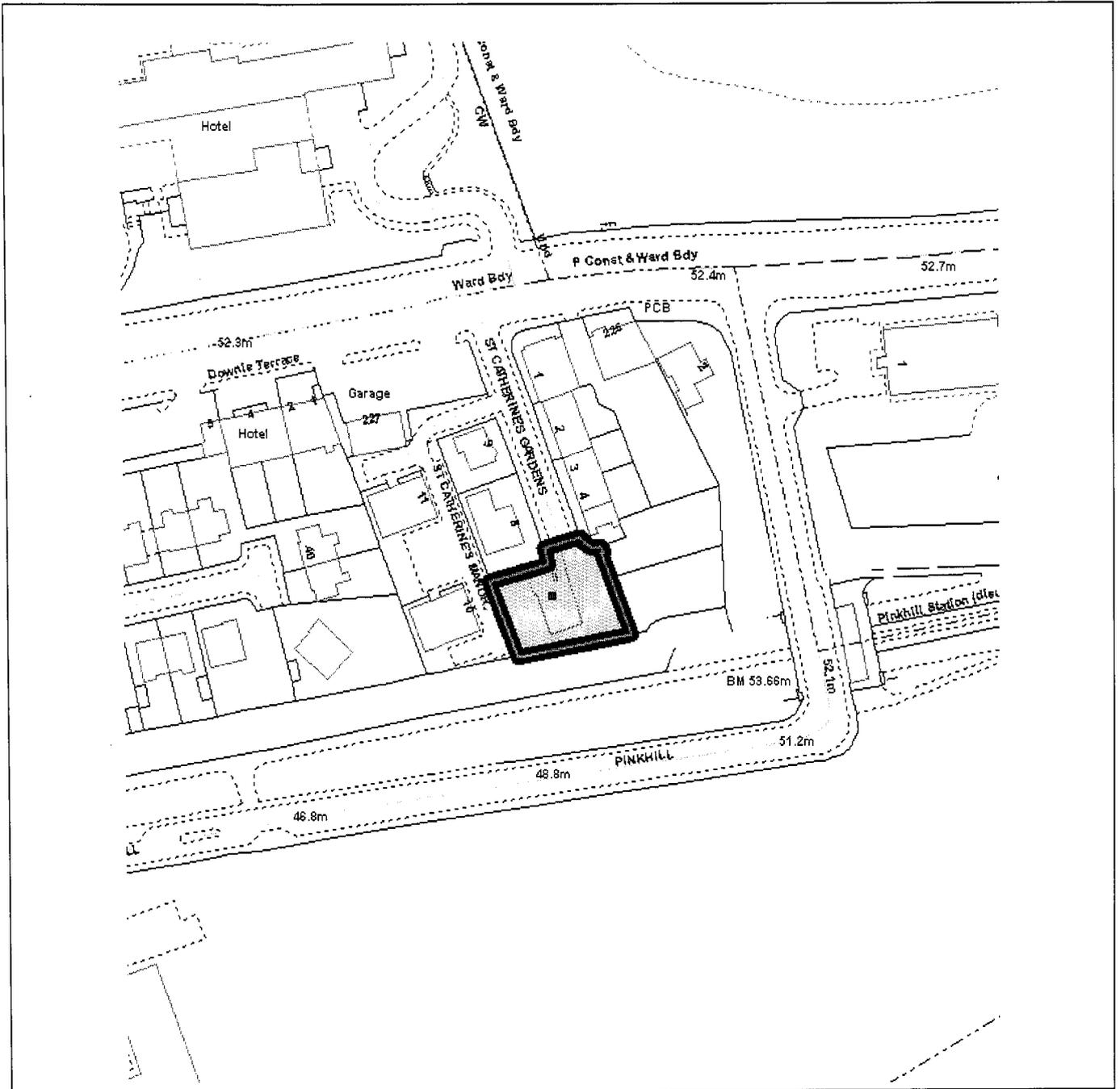
4. The first 2 metres of the driveway shall be of non loose material to the satisfaction of the Head of Planning
5. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Head of Planning & Strategy before work is commenced on site; Note: samples of the materials may be required.

### **Reasons**

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to safeguard the amenity of neighbouring residents and other occupiers.
3. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
4. In the interests of highway safety
5. In order to enable the planning authority to consider this/these matter/s in detail.

---

**End**



Reproduction from the Ordnance Survey mapping with permission of the Controller of Her Majesty's Stationery Office © Crown Copyright. Unauthorised reproduction infringes Crown copyright and may lead to prosecution or civil proceedings. Licence Number 100023420 The City of Edinburgh Council 2004.

# **PLANNING APPLICATION**

<b>Address</b>	<b>5 St Catherine's Gardens, (Site Forming East Part),</b>		
<b>Proposal</b>	<b>Erection of 1 dwelling house</b>		
<b>Application number:</b>	<b>05/04096/FUL</b>	<b>WARD</b>	<b>24- South East Corstorphine</b>
<b>THE CITY OF EDINBURGH COUNCIL</b>			
<b>THE CITY DEVELOPMENT DEPARTMENT- PLANNING &amp; STRATEGY</b>			