

# Development Management Sub Committee

Wednesday 7 December 2016

**Application for Planning Obligation 16/04721/OBL  
At 36 Clerwood Terrace, Edinburgh, EH12 8TS  
Section 75A application seeking the discharge of the whole  
section 75 agreement for the former Queen Margaret  
University College site.**

<b>Item number</b>	4.2
<b>Report number</b>	
<b>Wards</b>	A03 - Drum Brae/Gyle

## Summary

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It is confirmed that the full terms of the legal agreement have been complied with and that the applicants' request for the discharge of the legal agreement can be accepted.

## Links

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[Policies and guidance for this application](#) LDPP, LDEL01, LHOU06, LTRA08, NSG, NSDCAH,

# Report

## **Application for Planning Obligation 16/04721/OBL At 36 Clerwood Terrace, Edinburgh, EH12 8TS Section 75A application seeking the discharge of the whole section 75 agreement for the former Queen Margaret University College site.**

### **Recommendations**

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- 1.1 It is recommended that the planning obligation to which this application refers is discharged.

### **Background**

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#### **2.1 Site description**

The site is the former Queen Margaret University College campus located to the west of Clermiston Road at the end of Clerwood Terrace.

The site has now been developed with residential properties.

#### **2.2 Site History**

The relevant site history is:

3 February 2006 - planning permission was granted for the demolition of existing buildings and the erection of a 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 the layout, mix and to increase the number of residential units (application reference 09/01933/FUL).

### **Main report**

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#### **3.1 Description Of The Proposal**

The application seeks to discharge a planning obligation, made under the provisions of section 75 of the Town and Country Planning (Scotland) Act 1997, related to the redevelopment of a part of the wider former Queen Margaret University College campus for residential development (reference 09/01933/FUL) on 17 February 2010.

The legal agreement contained clauses requiring the following provisions:

- The provision of 48 affordable housing units within the boundary of the site;

- The contribution of £143,000 (indexed) towards alleviating accommodation pressures at both Craigmount and Forrester High Schools;
- Transport contributions of:
  - £20,000 towards bus stop infrastructure upgrades;
  - £10,000 towards the provision of a cycleway linking Clermiston to Edinburgh Park railway station; and
  - £80,000 towards the upgrading of the traffic signals at the Clermiston Road junction with St John's Road;
- To submit transport schemes and to carry out the approved works for:
  - Traffic calming and road safety measures for Clerwood Terrace;
- Footway connections between the application site and the existing footway network surrounding the site;
- An emergency connection in the south west corner of the application site;
- Meet the Council's costs for the necessary Traffic Regulation Orders.

### **3.2 Determining Issues**

Section 75A(1)(a) of the Town and Country Planning (Scotland) Act 1997 states - A planning obligation may not be modified or discharged except, by agreement, between the planning authority and a person against whom that obligation is enforceable.

In determining such an application for the modification or discharge of a planning obligation, the specific provision should be considered against the five policy tests set out in Planning Circular 3/2012. These tests relate to: necessity, planning purpose, relationship to the proposed development, relationship to scale and kind and reasonableness.

### **3.3 Assessment**

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

- (a) the modification or discharge of the obligation, as proposed, is considered to be acceptable;
- (b) the proposals have any equalities or human rights impacts; and
- (c) comments raised have been addressed.

#### **a) The Modification of the Obligation is Acceptable**

The supporting details of the application, together with those details recorded by the Council in monitoring the terms of the planning obligation, have been assessed.

All of the requirements placed upon the developer identified in the clauses of the agreement have been complied with in full. As such this request for the discharge of the planning obligation should be accepted.

#### **b) Equalities and Human Rights Impacts**

This application has no impact in terms of equalities or human rights.

### c) Public Comments

No representations were received concerning this proposal.

### Conclusion

In conclusion, the applicants' request for the discharge of the legal obligation is accepted and accordingly the application should be approved.

It is recommended that the planning obligation to which this application refers is discharged.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

The application has been assessed and has no impact in terms of equalities or human rights.

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

There are no other parties to this planning obligation that are required to be notified in accordance with the provisions of Regulation 5 of the Town and Country Planning (Modification and Discharge of Planning Obligations) (Scotland) Regulations 2010.

## **Background reading/external references**

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- To view details of the application go to
- [Planning and Building Standards online services](#)

- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development  
Plan Provision**

**Adopted Edinburgh Local Development Plan -**  
Located within the defined urban area.

**Date registered**

**Drawing numbers/Scheme**

**John Bury**

Head of Planning & Transport  
PLACE  
City of Edinburgh Council

Contact: John Maciver, Senior Planning Officer  
E-mail:john.maciver@edinburgh.gov.uk Tel:0131 529 3918

**Links - Policies**

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**Relevant Policies:**

**Relevant policies of the Local Development Plan.**

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

LDP Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

**Relevant Non-Statutory Guidelines**

**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.

# Appendix 1

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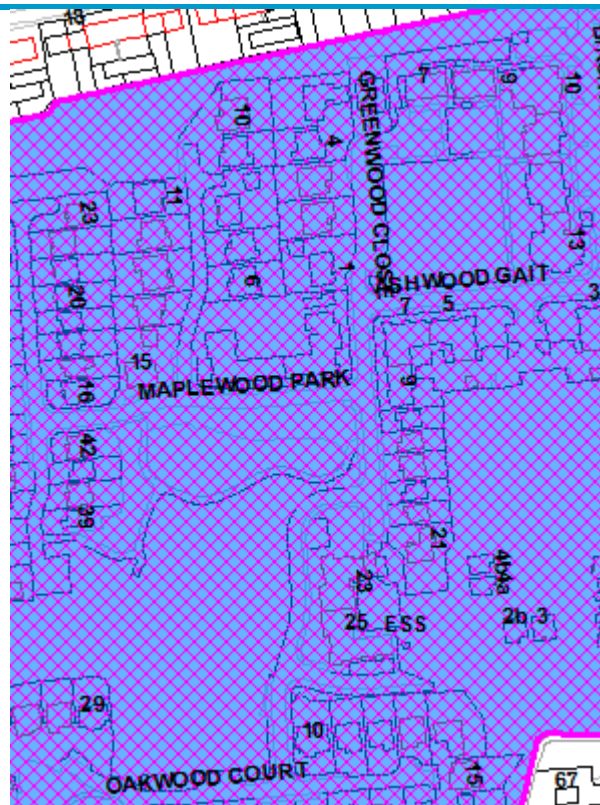
## Consultations

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No consultations undertaken.

## Location Plan

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