

# Development Management Sub Committee

Wednesday 25 April 2018

**Application for Planning Permission 17/04719/FUL  
At Land 48 Metres West Of 50, Baberton Avenue, Juniper  
Green  
Construction of four new dwelling houses, including  
excavation to level site.**

<b>Item number</b>	4.1
<b>Report number</b>	
<b>Wards</b>	B02 - Pentland Hills

## Summary

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The proposal complies with the adopted Local Development Plan. The proposal is acceptable in this location and will not have a detrimental impact on the character and appearance of the special landscape area. There will be no adverse impact on residential amenity, traffic and road safety.

## Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LDPP, LHOU01, LHOU03, LDES01, LDES04, LDES05, LDES09, LEN06, LEN18, LTRA02, LTRA03, NSGD02, NSLBCA, CRPJGR,
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# Report

## **Application for Planning Permission 17/04719/FUL At Land 48 Metres West Of 50, Baberton Avenue, Juniper Green Construction of four new dwelling houses, including excavation to level site.**

### **Recommendations**

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1.1 It is recommended that this application be Granted subject to the details below.

### **Background**

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#### **2.1 Site description**

The application site is 0.10 hectares in size and was previously associated with Baberton Golf Club. The site contains a golf pro shop, which is to be demolished (subject of an application for conservation area consent), and a shed which is to be removed. To the north of the site is Baberton Golf Club, to the east a retirement home and residential properties to the west and south. The wider character of the site is that of residential.

The site lies within an area designated as Open Space within the Local Development Plan.

#### **2.2 Site History**

Current - Conservation area consent sought for proposed demolition of existing pro shop (application reference: 17/05021/CON).

### **Main report**

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

Planning permission is sought for the erection of four dwellinghouses. The proposed dwellings are terraced, flat roofed and three storeys in height with a two car integral garage at lower ground floor level. Each dwelling has four bedrooms and provides 211 square metres of floorspace. The properties shall have rear gardens of around 39 square metres. The site will also benefit from a large communal "wild garden" to the south of the dwellings. The dwellings will be finished in a mixture of brick and aluminium cladding.

#### **Supporting Documents**

As part of this application the following documents have been submitted:

- Design statement;

- Planning Statement; and
- Transport Statement.

These are available to view on the Planning and Building Standards Online Services.

### **3.2 Determining Issues**

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

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?

### **3.3 Assessment**

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

- a) the principle of the development is acceptable in this location;
- b) the loss of Open Space is acceptable;
- c) the proposals are of an appropriate scale, form, and design;
- d) the proposals will result in a reasonable level of neighbouring residential amenity;
- e) the proposals will result in an adequate level of amenity for the future occupiers of the development;
- f) the proposals will raise any traffic or road safety issues;
- g) any impacts of equalities and human rights have been addressed; and
- h) any comments raised have been addressed.

### **a) Principle of development**

The site is allocated as Urban Area in the Edinburgh Local Development Plan (LDP) where housing development in principle is acceptable. Housing is supported within the urban area by LDP Policy Hou 1 where it is compatible with other policies in the local plan.

The development is acceptable in principle in this location subject to the consideration of other matters below.

### **b) Loss of Open Space**

LDP Policy Env 18 states that proposals involving the loss of open space will not be permitted unless it is demonstrated that the open space is a small part of a larger area or of limited amenity or leisure value and there is a significant over-provision of open space serving the immediate area. The site area represents less than 0.2% of the wider designated area of open space and has no value for amenity or leisure given its topography and previous use as the pro shop associated with the golf club. The golf club has relocated their pro shop so the site now has no value as part of the club. The loss of open space at this location is acceptable.

### **c) Scale, Form and Design**

The proposed dwellings are in keeping with the wider area in terms of general height and massing. Although on the edge of the green belt and adjacent to the conservation area, the contemporary design is considered acceptable and is in keeping with the modern retirement home and mix of dwelling styles in close proximity to the site.

The scale, form and design of the proposals are acceptable and complies with Local Plan Policies Des 1 and Des 4.

### **d) Neighbouring Amenity**

There is a distance of around 15 metres from the corner of the proposed dwellinghouses to the rear of the property at 6 Juniper Park Road and a distance of around 7.7 metres from the rear windows on the first floors of the proposed houses to the rear boundary. It is acknowledged that this does not meet the usual 9 metre standard but given the orientation of the properties, the rear of the proposed houses look over the garden of 6 Juniper Park Road and not over the dwellinghouse. Furthermore, due to existing vegetation only the rear first floor window will be looking outwith the site to the rear. No unacceptable level of overlooking shall occur. To the front, there is a distance of 24 metres to the retirement home on the opposite side of the road. Given these distances and the orientation of the proposed houses no overshadowing or loss of light shall occur.

The proposal will not have a detrimental impact on amenity or daylighting and complies with the Edinburgh Design Guidance.

## **e) Amenity of Future Occupiers**

### Size

The Edinburgh Design Guidance requires that a minimum of 91 square metres of floor space should be provided for dwellings with 3 bedrooms or more. The proposal will exceed the minimum floorspace requirements.

### Open space

The proposal provides sufficient open space for prospective residents through a combination of private garden space and communal space. The proposal complies with policy Hou 3.

## **f) Traffic, Parking and Road Safety**

The site is within Zone 3 of the Council's Parking Standards. Each dwelling comprises 5 habitable rooms. Accordingly, the current standard permits a maximum of 2 parking spaces per dwelling - a total of 8 spaces for the development. The proposal meets the Council's Parking Standards.

The proposed development will therefore have no detrimental impact on road safety.

## **g) Equalities and Human Rights**

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

## **h) Public Comments**

### Material Objections

- Loss of amenity: this has been addressed in section 3.3(d).
- Traffic congestion: The proposal meets the Council's Parking Standards. The Council has no control over private car users.
- Loss of open space: this has been addressed in section 3.3(b).
- Inappropriate design: this has been addressed in section 3.3(c).
- Flooding and drainage: The site is not within an identified flooding zone.
- Loss of light/overshadowing: this has been addressed in section 3.3(d).
- Privacy: this has been addressed in section 3.3(d).
- Affordable housing: the proposal is for 4 units, affordable housing provision is only required in developments of 12 units or more.
- Height: this has been addressed in section 3.3(c).

### Non-material

- Loss of view.
- Traffic during construction.

## **Conclusion**

The proposal complies with the adopted Local Development Plan. The proposal is acceptable in this location and will not have a detrimental impact on the character and appearance of the special landscape area. There will be no adverse impact on residential amenity, traffic and road safety.

It is recommended that this application be Granted subject to the details below.

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, 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

Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning. 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.

#### **Reasons:-**

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

#### **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. Consent shall not be issued until a suitable legal agreement has been concluded to make a financial contribution to Children and Families to alleviate accommodation pressures in the local catchment area.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

3. 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.

4. 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.
5. Car parking for the proposed development to be provided in curtilage (2 spaces per dwelling), in accordance with the current Council Standards, generally in accordance with the approved planning drawings.
6. Parking provision for Electric Vehicles should be considered for this development. That is, charging facilities or the ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.
7. All proposed works to the adopted road to be generally in accordance with Will Rudd Davidson (Edinburgh) Ltd Drawing Nos. 14 and 15 to the satisfaction of and at no expense to the Council.
8. 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 extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.

## **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**

Pre-application discussions took place on this application.

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

Following neighbour notification, forty letters of representation were received. Twenty-eight objecting, three neutral and nine in support. The matters raised are addressed in the assessment section of the report.

### **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**

The site is within the Urban Area and identified as Open Space in the Edinburgh Local Development Plan.

### **Date registered**

11 October 2017

### **Drawing numbers/Scheme**

01-15,

## **David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Murray Couston, Planning Officer

E-mail:murray.couston@edinburgh.gov.uk Tel:0131 529 3594

## **Links - Policies**

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### **Relevant Policies:**

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

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

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

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

**Non-Statutory guidelines** 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, parking, streets and landscape, in Edinburgh.

**Non-statutory guidelines** 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

The Juniper Green Conservation Area Character Appraisal emphasises the traditional village character, and the wide and interesting mix of architectural styles and forms.

# Appendix 1

## **Application for Planning Permission 17/04719/FUL At Land 48 Metres West Of 50, Baberton Avenue, Juniper Green Construction of four new dwelling houses, including excavation to level site.**

### **Consultations**

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#### Transport

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. Car parking for the proposed development to be provided in curtilage (2 spaces per dwelling), in accordance with the current Council Standards, generally in accordance with the approved planning drawings;
2. Parking provision for Electric Vehicles should be considered for this development. That is, charging facilities or the ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.
3. All proposed works to the adopted road to be generally in accordance with Will Rudd Davidson (Edinburgh) Ltd Drawing Nos. E10892/C/A/(52)/001 Rev B and E10892/C/L/(52)/001 Rev E to the satisfaction of and at no expense to the Council;
4. 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 extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;

#### Note:

1. The application has been assessed against the, "Edinburgh Design Guidance October 2017," parking standards as Zone 3. Each dwelling comprises 5 habitable rooms. Accordingly, the current standard permits a maximum of 2 parking spaces per dwelling - a total of 8 spaces for the development.
2. The current parking standards require a minimum provision for 3 bicycles (per dwelling) to be stored at the development. It is considered that sufficient storage space is provided either by the integral garage or the private rear gardens associated with each dwelling.

### Environmental Health

The applicant seeks permission to erect four dwelling houses on land 48m west of 50 Baberton Avenue. This a quiet residential area with the only non-residential use being Baberton Golf Course club house to the northwest, approximately 50 metres away. To the west is the golf course, to the south and east are existing residential dwellings.

Previous use of the site includes commercial property and therefore the condition of the land is uncertain. A condition to ensure that the site suitable for the proposed use is recommended.

Environmental Protection has no objections to this proposed development, subject to the following condition:

- o Prior to the commencement of construction works on site:
  - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, 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 remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.

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.

### Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the construction of four new dwelling houses, including excavation to level site.

The site lies on the northern edge of Juniper Green c 100m to the north of the villages Victorian Primary School the site of the discovery of prehistoric burials in the 19th century. These discoveries long with another cist found in Juniper Green, indicate that the village overlies an important prehistoric landscape. Accordingly the site is regarded as being with an area of archaeological potential. However, the site appears to have been extensively landscaped by the Golf Club. Accordingly, I have concluded that development is unlikely to disturb any significant insitu remains and therefore there are no known archaeological constraints regarding this application.

### Communities and Families

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (January 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2018).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the draft Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (January 2018).

Assessment based on:

4 Houses

This site falls within Sub-Area SW-1 of the 'South West Education Contribution Zone'. Contributions are required from developments within this Sub-area towards the delivery of new primary school accommodation.

The site was not taken account of in the LDP Education Appraisal. The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme. Using the pupil generation rates set out in the Supplementary Guidance, the development is expected to generate at least one additional primary school pupil but not at least one additional secondary school pupil.

The site is within the catchment area of Juniper Green Primary School. School roll projections indicate that there will not be sufficient spare capacity at the school to accommodate additional pupils from housing development.

The proposed development is therefore required to make a contribution towards the delivery of new primary school capacity. It is appropriate for the level of contribution to be based on the established 'per house' and 'per flat' rates for this part of the Zone as they are based on the proportionate cost of delivering new primary school capacity.

If the appropriate infrastructure contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

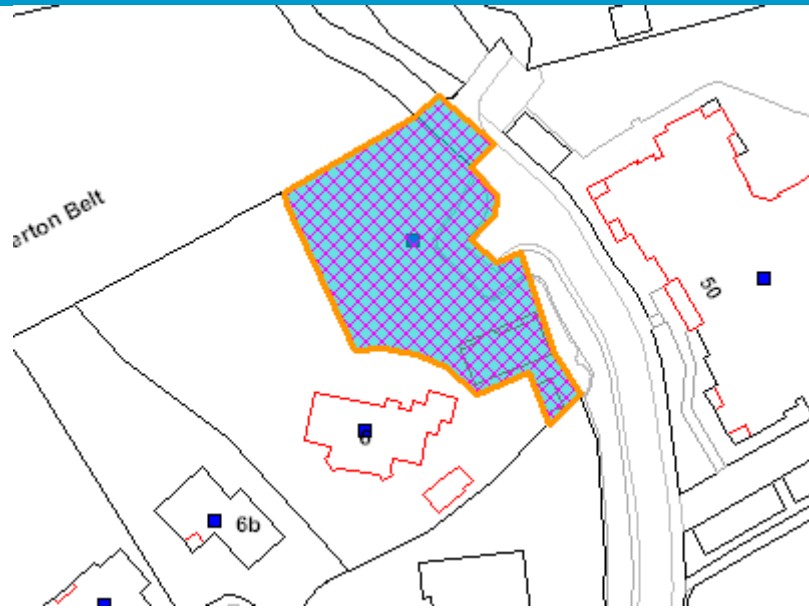
Total infrastructure contribution required:

£20,848

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

## Location Plan

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