

Variation of Consent 04/01207/VARY
at
31 Liberton Road
Edinburgh
EH16 6AH

Development Quality Sub-Committee
of the Planning Committee

1 Purpose of report

To consider application 04/01207/VARY, submitted by Eastern Properties (Scotland) Ltd. The application is for: **vary consent**.

It is recommended that this application be **PERMISSION BE VARIED** subject to the conditions and reasons in Appendix B.

2 The Site and the Proposal

Site description

The application site is a currently disused and derelict petrol filling station, near the junction of Liberton Road with Mayfield Road at Liberton Dams.

As originally consented the site was shown as 3367sqm. Following confirmation of the title with the Land Registry this figure has been amended to 3203sqm, 95.2% of the original area.

Site history

The original consent was approved by Committee on 30th August 2004.

The decision notice was issued on 1st June 2005 following conclusion of legal agreements.

Description of the Proposal

The application seeks a non-material variation to application boundary following full checks with the Land Registry, which reveal a discrepancy on the boundary with the playing field.

Most changes affect an area to the park side, in a depressed hollow of land. A long sliver of land varying from 0m to 5m wide at the centre is now confirmed as not being part of the applicant's title. It is not confirmed that this land is owned by the Council, who own the land beyond, and it appears more likely that this is a no man's land between titles.

The applicant has also discovered that technically they own part of the ends of the neighbouring gardens (these having been laid out incorrectly in terms of title deeds). However, they do not intend to pursue any claim on that side, and boundaries will remain as is on that side.

In order to accommodate the smaller site on the east side to the park, the rear block is pivoted slightly anti-clockwise, and moved westward by 6m. A large bin store which was to be at the west end of the rear block is displaced, becoming an integral element within the basement of the southern block. The westmost unit of the rear block is reconfigured to a customised form to reflect the surrounding parameters.

One car parking space is also rotated through 120 degrees to move from one group to another.

The two front blocks are repositioned slightly (1m forward and 2m northward) also resultant from the reconfirmed boundary.

3 Officer's Assessment and Recommendations

DETERMINING ISSUES

In order to determine this application Committee need only consider whether the variation is Material or Non Material.

If Material a further application is then required for planning permission.

If Non Material the application should be granted subject to all outstanding conditions.

ASSESSMENT

In order to determine this application the Committee should consider whether or not the alterations are material or not in planning terms.

As amended the proposal is no more onerous in relation to neighbouring houses than the approved scheme. The rear block remains no higher than before and no closer to the gardens to the north than before.

The decrease in site area is less relevant since the "lost area" will remain as undeveloped space, being a sliver of land along the edge of the playing fields. Visual outlook and amenity from the flats is therefore unchanged.

Changes to the car park layout and bin store positions are both minor and acceptable.

The minor movement forward of the two front blocks remains acceptable and does not raise any new policy issues.

It is recommended that the Committee accept the proposal as a Non Material Variation subject to the outstanding conditions within the original consent.

Alan Henderson

Alan Henderson
Head of Planning and Strategy

Contact/tel	Stephen Dickson on 0131 529 3901 (FAX 529 3706)
Ward affected	00 - No Ward Number
Local Plan	South East Edinburgh
Statutory Development Plan Provision	Mainly Residential
Date registered	25 April 2005
Drawing numbers/ Scheme	4-8 Scheme 2

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.

If you require further information about this application you should contact the following Principal Planner, Graham Dixon on 0131 529 3519. Email: graham.dixon@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 blair.ritchie@edinburgh.gov.uk or sarah.bogunovic@edinburgh.gov.uk

Application Type Variation of Consent
Application Address: 31 Liberton Road
Edinburgh
EH16 6AH
Proposal: vary consent.
Reference No: 04/01207/VARY

Consultations, Representations and Planning Policy

Consultations

No consultations undertaken.

Representations

No representations have been received.

Planning Policy

The site lies in an area identified Mainly Residential in the South East Edinburgh Local Plan. The revised local plan (in final draft) shows the rear triangle of open space as designated "Open Space" but otherwise falls within the Urban Area designation.

Application Type Variation of Consent
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Reference No: 04/01207/VARY

Conditions/Reasons associated with the Recommendation

Recommendation

It is recommended that this application be **PERMISSION BE VARIED** subject to the conditions and reasons below.

Conditions

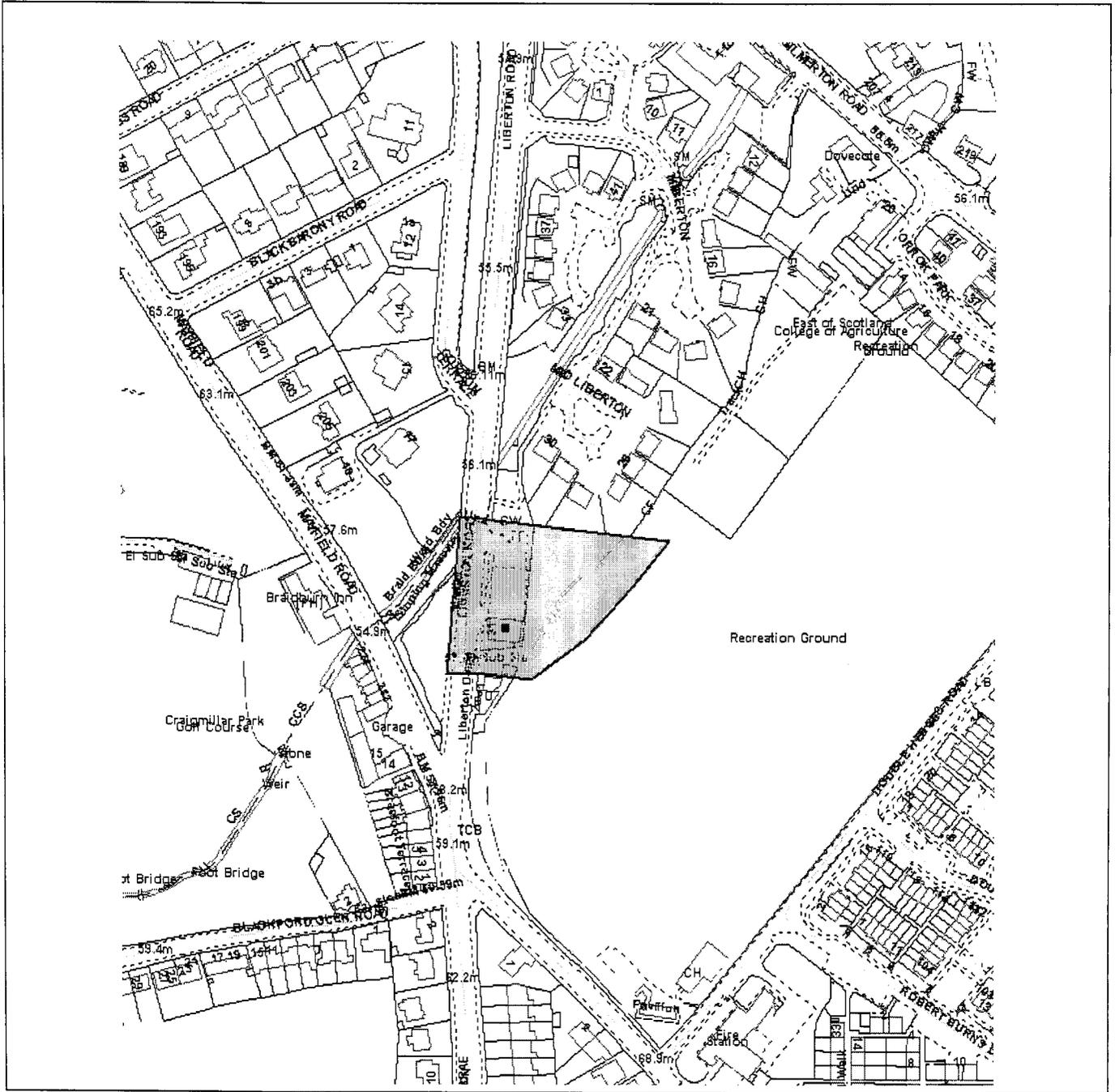
1. The planning permission hereby approved shall be commenced no later than five years from the date of the original planning permission reference 04/01207/ful dated 1.6.2005.
2. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) 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.
3. The design and installation of any plant, machinery or equipment 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.

4. All living apartments facing Liberton Road shall be fitted with acoustic double glazing to the satisfaction of the Head of Planning & Strategy.
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.
6. 100% secure cycle parking provision to be provided to the satisfaction of the Head of Planning prior to occupation.
7. A "ball-stop" fence shall be erected along the boundary of the development adjoining the playing fields. Details to be submitted for the written approval of the Head of Planning and Strategy, and the agreed fence to be erected prior to occupation of the development.
8. Prior to the commencement of works on site, details of access to and space for waste management facilities, including recycling, shall be submitted to and approved in writing by the Head of Planning and Strategy. Thereafter, the requirements agreed shall be implemented to the satisfaction of the Head of Planning and Strategy, prior to the occupation of the development hereby approved.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In order to protect the amenity of the occupiers of the development.
4. In order to protect the amenity of the occupiers of the development.
5. In order to enable the Head of Planning & Strategy to consider this/these matter/s in detail.
6. To ensure adequate cycle parking provision
7. In order to avoid stray balls entering the site from the playing field.
8. In the interests of sustainability

End



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PLANNING APPLICATION

Address	31 Liberton Road, Edinburgh, EH16 6AH		
Proposal	vary consent.		
Application number:	04/01207/VARY	WARD	00- No Ward Number
THE CITY OF EDINBURGH COUNCIL			
THE CITY DEVELOPMENT DEPARTMENT- PLANNING & STRATEGY			