

# Development Management Sub Committee

Wednesday 17 December 2014

## Application for Planning Permission 14/03513/FUL At 34B Haddington Place, Edinburgh, EH7 4AG Erection of mixed use development comprising student accommodation, retail, cafe and restaurant uses.

<b>Item number</b>	4.4
<b>Report number</b>	
<b>Wards</b>	A12 - Leith Walk

### Summary

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The site is within the urban area in the Edinburgh City Local Plan. The proposed student housing use is acceptable in terms of the locational guidance, but does result in the 30% threshold being exceeded. The breach is considered to be relatively minor in the context of the location of the site and the character of the area. The proposal will not result in an excessive concentration of student housing and therefore complies with Edinburgh City Local Plan Policy Hou 10 Student Housing. The retail and café/restaurant uses are also appropriate uses within the town centre.

The design, height and scale of the building are acceptable and alongside the proposed materials will not be detrimental to the conservation area, adjacent listed building or inventory site. The proposal will not be detrimental in terms of amenity, is acceptable in relation to the proposed transport measures, sustainability, drainage and archaeology. There are no material considerations which outweigh this conclusion.

### Links

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<a href="#"><u>Policies and guidance for this application</u></a>	LPC, CITD1, CITD3, CITD4, CITD5, CITD6, CITD12, CITE3, CITE6, CITE7, CITE8, CITE9, CITE12, CITE16, CITE18, CITH10, CITR2, CITR12, CITT2, CITT3, CITT4, CITT5, CITT6,
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# Report

## **Application for Planning Permission 14/03513/FUL At 34B Haddington Place, Edinburgh, EH7 4AG Erection of mixed use development comprising student accommodation, retail, cafe and restaurant uses.**

### **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 lies between the west side of Leith Walk and Annandale Street Lane and extends to an area of 0.23 hectares. The site previously comprised a petrol filling station and forecourt which has now been cleared with fencing sealing off the site. The original botanical cottage on the south of the site has also been removed.

To the north of the site sits McDonald Road Library, a category B listed building (ref. 28986 listed 30 January 1981). Next to the library is a new Kwik Fit garage with student accommodation above. On the western side of Annandale Street Lane lies residential development.

The site is part of the wider New Town Designed Garden Inventory site and Leith Walk is also designated as a town centre.

This application site is located within the New Town Conservation Area.

#### **2.2 Site History**

28 April 1998 - permission granted for 17 flats and 13 parking spaces (amended from 20 flats and office) (application reference 97/00635/FUL).

7 February 2002 - application withdrawn for the erection of 4 townhouses, 37 flats, ground floor retail space and associated parking at 35-40 Haddington Place (part of the site) (application reference 01/00753/FUL).

27 March 2003 - permission granted for the erection of 5 mews houses, 18 flats, 2 ground floor retail units, five storey office at 35-40 Haddington Place (part of the site) (application reference 02/01063/FUL).

5 December 2007 - conservation area consent to demolish existing stone-built cottage withdrawn (application reference: 03/01355/CON).

20 February 2008 - planning permission for a mixed use development for a 175 bedroom hotel with underground parking and 2 retail units at street level was 'minded to grant' subject to a legal agreement. The legal agreement has never been concluded and the due to inactivity the Council withdrew the application on 17 March 2014 (application reference 07/03999/FUL).

27 March 2008 - conservation area consent granted for the botanic cottage to be surveyed, dismantled and re-built on a site in Inverleith (application reference 07/03999/CON).

18 September 2008 - conservation area consent granted for demolition of vacant garage premises (application reference 08/02942/CON).

21 October 2010 - advertisement consent granted to erect poster boards for small format cultural and leisure advertisements and civic images (application reference 10/01556/ADV).

10 March 2010 - planning permission 'minded to grant' subject to a legal agreement, for a mixed use development comprising a 205 bed hotel (as revised) and two ground floor units for retail or cafe/restaurant use (Use Class 1 or 3) (application reference 09/02342/FUL). The legal agreement has never been concluded.

1 May 2013 - advertisement consent granted for a hoarding (application reference 13/00311/ADV).

## **Main report**

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

The proposal is for the erection of a 226 bed student accommodation building with retail and cafe/restaurant space on the Haddington Place ground level.

The proposed building is of a contemporary design and occupies the entire site. The Haddington Place elevation is seven storeys in height. The seventh storey set back by 6.5 metres with the sixth storey comprising dormer style windows with zinc cladding. The elevation next to McDonald Road library is five storeys in height and is set back with a clear gap, above ground floor level, kept between the proposed building and the library.

The building steps down towards Annandale Street Lane and creates a series of green roofs. The Annandale Street Lane elevation is mostly three storeys with a fourth storey element set back in part of the elevation.

Materials proposed include stone rain screen cladding, grey zinc cladding to the roof elements with a light grey metal cladding to the rear roof elements, white and grey render and grey aluminium framed windows.

The student accommodation contains a mixture of studio flats and cluster flats.

There are 67 studio flats which contain a double bed, study desk and chair, TV, comfortable chair, kitchen area, and a toilet and shower area. The typical room size is approximately 20 sqm. Three of the flats are accessible studios measuring 30 sqm.

The other 159 bed spaces are in a more traditional flat layout (referred to by the applicant as a cluster). These have an average of five bedrooms, with ensuite toilet/shower rooms, sharing a kitchen/living room. There are nine accessible bedrooms within the flats measuring approximately 20 sqm as opposed to the standard 13 sqm space.

At the Haddington Place ground floor level, 1,137 sqm of commercial space is proposed. The potential use for this is retail, café or restaurant. This space is divided into two units, unit 1 has a floorspace of 971sqm and unit 2 has a floorspace of 166sqm. The two units are accessed from Haddington Place and split by the entrance to the student accommodation, which also houses the student management office alongside a student lounge area and small gym.

At the lower ground floor level fronting onto Annandale Street Lane, there is a store and refuse area for the proposed larger commercial unit. An internal refuse room of 56sqm for the student accommodation is also provided at this level, alongside a cycle store for 161 cycle spaces and other ancillary rooms.

Three accessible parking bays are located within the fabric of the building, with access onto Annandale Street Lane.

Six visitor cycle parking spaces are provided at the front of the building on Haddington Place.

The proposed building is similar in design, scale and massing to the previously consented and minded to grant schemes for hotel uses on the site.

The following documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Archaeology Evaluation
- Design and Access statement
- Ecology Report and Tree Survey
- Economic Impact Statement
- Flood Risk and Drainage Strategy
- Noise Assessment
- Planning Statement
- Pre-application consultation report
- Site Investigation Reports
- Sustainability Appraisal
- Transport Statement

### **3.2 Determining Issues**

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

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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;
- b) the proposals are acceptable in terms of the impact on the adjacent listed building and the conservation area;
- c) the proposed scale, design and materials are acceptable;
- d) the proposal is acceptable in terms of the impact on the amenity of neighbours and future occupants;
- e) the proposal is acceptable in terms of road safety and parking;
- f) any other material considerations;
- g) the proposal is acceptable in terms of equalities and human rights; and
- h) material representations have been addressed.

#### a) Principle

The adopted Edinburgh City Local Plan identifies the site as being within the Urban Area.

Student Housing:

ECLP Policy Hou 10 Student Housing states that planning permission will be granted for purpose-built student accommodation where a) the location is appropriate in terms of access to public transport and university and college facilities; and b) the proposal will not result in an excessive concentration of student accommodation in any one locality.

In terms of part a) the site is located adjacent to Leith Walk, which is a main route into the city centre and well served by public transport. This is evidenced in the Transport Statement.

It highlights a large number of Lothian Buses services, alongside First Bus services, with further services also available on London Road approximately 500 metres from the site. The site is also within walking distance of the city centre and the University of Edinburgh campuses. This part of the policy is satisfied.

In relation to part b) further information detailing how concentration is assessed is contained within the non-statutory Student Housing Edinburgh Planning Guidance. This states that in locations with good access to university and college facilities by public transport or by walking or cycling, purpose built student housing will be acceptable provided it will not result in a student population of 30% or more in the locality.

Locality is defined in terms of definitive data zones, introduced across the whole of Scotland by Scottish Neighbourhood Statistics. They are groups of Census output areas and as such, provide readily accessible population data.

The application site is located across two datazones S01002203 and S01002225 and the existing combined concentration of student accommodation for these two datazones 26.85%. An additional 226 bedspaces in this locality would increase the concentration to 34.18% which does exceed the 30% threshold, as stipulated in the Student Housing Planning Guidance.

However, the area immediately surrounding this locality is considered to be of medium to low student concentration (13.84% to 33.18%), and thus the proposal would have minimal impact on the residential amenity of the area. It should also be noted that there has only been one letter of representation received querying the concentration of students within the area.

The guidance acknowledges the need for purpose-built student housing and that it is preferable that student needs are met as far as possible in purpose-built and managed schemes. It also states that the guidance will not be applied in isolation and consideration must be given to site characteristics and other matters addressed in the local plan such as design, conservation and parking. The site lies within Leith Walk town centre which has a bustling commercial character. Taking account of the location of the site and the mix of commercial and residential uses, it is not considered that 34.18% is an excessive concentration in this instance. The proposal therefore complies with Policy Hou 10 b).

The applicant has also submitted an Economic Impact Statement. Scottish Planning Policy introduces a presumption in favour of sustainable development. The economic benefits of a proposal should be a consideration in the decision making process. This comes with the caveat that the aim is to achieve the right development in the right place; it is not to allow development at any cost.

Aside from the economic impacts during the construction stage, it is expected that the operational phase will be beneficial through direct employment in the proposed uses and also through student spending in Edinburgh.

Economic Development (Business Partnerships) has considered the application. It contests some of the figures put forward, but concludes that there will be economic benefits of the proposal resulting in an estimated 111 additional jobs and an annual uplift in gross value added of £3.26 million.

The applicant stands by its figures, contending that the benefits will be greater than Economic Development believe. However, there is a general consensus that there will be positive economic impacts from the proposed development.

In summary, the principle of student housing on this site is acceptable.

Retail, café/restaurant uses:

Retail and café/restaurant uses are proposed on the ground floor frontage on Haddington Place. These uses would be located within the Leith Walk town centre. Edinburgh City Local Plan (ECLP) Policy Ret 2 Town Centres requires the impact of the proposed floorspace on the city centre retail core to be considered.

The two units proposed are 1,137sqm and 166sqm in size. The applicant states that the retail operators that look to locate in the city centre are predominately comparison retailers (non-food) which require larger units and generate trips from an extensive area. The proposed units will provide active frontage onto Haddington Place, they are uses that are expected within a town centre and of a scale that will not adversely affect the vitality and viability of the city centre.

In conclusion, the proposed uses on the site are considered acceptable.

#### b) Conservation Area and Listed Building

Conservation Area:

*The site is within the Hope Estate area of the New Town Conservation Area with some building elements dating from 1824. However, demand for development in this area slackened and only fragments of development produced. New development should fit within and complement the urban grain and massing characteristics of the area they are located in, make use of the existing historic palette of building materials, particularly natural stone and retain and reinforce the standard plot widths and height of street elevations.*

An examination of historic maps indicates that the application site is one that has not been occupied by a building of any substantial form, although the historic plans do show the intention to create a traditional urban block.

Along Haddington Place the proposed building fills in a prominent gap site. It continues the general height of the existing tenement and steps down towards the library. The proposal provides a successful transition between the tenement buildings to the south and the library.

The front elevation of the building is articulated in such a way that it follows the historical feu pattern. This is primarily created through the location of downpipes and the selective use of raised windows at the roof level.

The proportion of window openings are similar to the Georgian/Victorian facades in the street. The shop fronts are framed with square arches and use set back flat columns which takes cues from the nearby Georgian terrace.

On Annandale Street Lane, there is a drop in height to a similar scale to some of the three storey elements already in existence in the lane.

The materials proposed throughout the development are sympathetic to the conservation area designation with the use of predominantly stone cladding to the Haddington Place elevation and a lighter render on the Annandale Street Lane frontage, but with a stone base course - similar to other modern developments in the lane.

The development is similar to previous 'minded to grant' schemes and the design and use of materials will preserve the character and appearance of the conservation area.

#### Listed Building:

McDonald Road Library is B listed and occupies a prominent corner location at the junction of McDonald Road and Leith Walk. The listing describes it as a Scottish Renaissance and Jacobean collegiate style library and concert hall with corner turret. McDonald Road and Leith Walk/Haddington Place form the principal elevations of the building.

The part of the proposed building directly adjacent to the library on Haddington Place steps down in height and is also set back from the rest of the proposed building and the library. The physical join with the library is formed by a single storey glazed link, leaving a gap between the two buildings from the first floor upwards. This represents an improvement on previous minded to grant schemes that proposed two and three storey linking elements.

The primary material proposed on the Haddington Road elevation is stone and the visual images provided illustrate that the development will fit well within the site and not be detrimental to the principal elevations of the listed building. The development is representative of the tenemental form typical along Leith Walk.

The serrated blank gable wall of the library runs the depth of the site forming its northern boundary. The proposed building is generally set back further from this wall when compared with earlier schemes. At the rear of the site at Annandale Street Lane, where the lane tightens, the proposed building steps down in height where it interfaces with the library. This element is also proposed to be stone and combines well with the library.

The proposal will not be detrimental to the appearance or character of the building, or to its setting.

#### Inventory Site:

In terms of the Inventory of Gardens and Designed Landscapes, the site is shown as being within the area defined as the New Town Gardens.

This is a wide-ranging designation that comprises a series of 18th and 19th century town gardens, squares and walks that together with the surrounding buildings are collectively termed the 'New Town'. The application site is near to the Hopetoun Crescent Garden, which forms part of the New Town Gardens. The site itself does not currently make a positive contribution in terms of the Inventory designation.

ECLP Policy Env 7 states that development will not be permitted which would have a detrimental impact on the character of an Inventory site or upon important views to, from and within the site. Hopetoun Crescent Garden is to the west of the site with Huntington Place and Annandale Street Lane in the intervening space resulting in the site not being visible from the garden. An analysis of key views indicates that the proposal will not impact on these.

In summary, the proposed development is acceptable in relation to the historic environment.

### c) Design

The application site is located in an area characterised by a range of buildings with a mix of uses.

Design, Scale, Height:

ECLP design policies Des 1 and Des 3 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials.

The design, height and massing of the building are largely a refinement of the previous minded to grant schemes on the site, which are also material considerations. The building fills the site and is an efficient use of space. Although the design is based on earlier iterations, the design and access statement provides historical context to the site and considers that nearby buildings help to influence the design, such as the height, use of materials and approach to shop fronts.

The Edinburgh Urban Design Panel (EUDP) supported the refining of the reduction in mass and general improvement of the previous schemes.

The general height retains that of the adjacent tenement, reducing next to the library. The top of the stonework on the proposed fifth storey relates to the ridge line of the adjacent buildings. The proposed sixth storey uses grey zinc cladding to visually tie in with the existing roofs along Leith Walk. The proposed building steps down from the tenement next to the site to take into account the slope in Leith Walk.

There is a further storey set back at the roof level. This replaces earlier schemes which used this area for plant. The visual information provided illustrates that this will have limited visibility from the street.

The EUDP recommended that consideration should be given to a mansard roof. However, the applicant has proceeded with a contemporary approach. This is in keeping with the modern design of the building.

The elevational treatment of Haddington Place has been considered above in relation to the conservation area. The EUDP had recommended that the windows should be redesigned to provide greater verticality. Alternative window arrangements were explored and illustrated in the design statement. This shows different options for organising the windows. However, the original fenestration layout remains the most appropriate.

The building steps down towards Annandale Street Lane with the use of courtyard spaces to break up the massing and enable light into the proposed student flats. The Annandale Street Lane elevation is lower in height and takes advantage of the step back of the existing nursery. The height is similar to other modern buildings in the lane and responds to the change in levels.

#### Materials:

The proposed materials are appropriate in this location. Sample panels will be required as a condition to ensure their quality. The EUDP supported the proposed simple panel.

A comment has been received in relation to waste management. Refuse areas are located internally within the building. These will help minimise any impact on the adjacent streets.

#### Adaptability:

A comment raised through the EUDP highlighted that consideration should be given to the adaptability of the building for future conversion. In response to this, the applicant has indicated that the proposed building is to be constructed in a lightweight steel system. Examples are provided showing how the party walls could be altered and new openings created.

#### Trees:

The trees on Haddington Place within the application boundary are not specimens of a type or condition which makes them worthy of long-term retention in terms of ECLP Env 12 Trees. They are situated too close to the proposed façade which keeps the building line of the existing tenement and there is limited scope on site to provide replacement planting to off-set the loss to amenity. Green roofs are provided throughout the proposed development with the potential to provide some ecological value.

#### d) Amenity

##### Privacy:

There is sufficient distance between the properties on Leith Walk to ensure no privacy issues arise. To the rear on Annandale Street Lane although the proposed building sits hard against the lane, window to window distances with the nearest residential properties are approximately 20 metres apart. There are no privacy issues.

### Overshadowing:

The proposal represents an improvement to the previous minded to grant schemes by pulling the building further away from library, which was previously assessed as not having an unreasonable impact on the library.

As with the previous proposals, the building sits hard against the boundary to the south. The building is set back further from the tenement's elevation. There will be some overshadowing onto the adjacent land to the south, but this is used as a car park/ service area and this is considered acceptable. Overshadowing analysis has been undertaken to show that during March there will be limited overshadowing of the adjacent residential gardens.

### Noise:

A noise impact assessment has been submitted in support of the application. This considers noise transfer between the proposed (and neighbouring) uses and also road traffic noise.

The noise transfer assessment concludes that if the ground floor units are occupied by a café/restaurant then there is the potential for noise transfer to exceed the required standards if no treatment is undertaken. The report states that the use of a suspended ceiling would mitigate this. Environmental Assessment has considered this aspect and recommend that a condition is place on any consent requiring the works to be carried out prior to the development being occupied.

In terms of road traffic noise, it has been identified that the living room and bedroom areas overlooking Leith Walk will require a higher level of attenuation. This can be achieved with glazing that attenuates road traffic noise. As such, Environmental Assessment recommend that a condition is attached to ensure that the required enhanced glazing specification is implemented and in place prior to occupation of the building.

Any perceived issues in relation to general street noise and disturbance, litter, petty vandalism and anti-social behaviour can be dealt with through more appropriate statutory legislation. Therefore, with the use of other statutory controls, any nuisance or disturbance from the proposed development can be adequately addressed.

### Odour:

Dependent on the final use of the commercial/retail units, the applicant has advised that commercial ventilation will be provided to ensure that any cooking odours will be ducted to the roof level. Environmental Assessment has advised that a condition should be placed on any consent requiring that the ventilation system is implemented prior to such a use being taken up.

### Ground conditions:

As the site is previously developed, a condition is recommended in relation to site investigation and remediation measures to ensure that the development of the site will not pose a threat to human health or the wider environment.

## e) Transport

The site is in a highly accessible location adjacent to Leith Walk with key local facilities within easy walking distance.

### Parking:

No general car parking spaces are proposed. Current Council parking standards identify Haddington Place (Leith Walk) as a 'defined area' for out-of-City-centre commercial, where the starting point for assessment is no additional parking. The proposal has three disabled and 161 cycle parking spaces, which are all internal to the development. Transport has no objection to the proposal and considers the level of parking appropriate and a travel plan is requested. It is not considered that a travel plan would add value due to the nature of the development, it's location on Leith Walk and the limited opportunities for car parking in the area.

The Transport Statement indicates that at certain times of the year there will be an influx of new students. The applicant has experience of managing this and students pre-book an arrival slot, which provides a fixed short period of time to enable unloading and loading. Management staff are on hand to supervise and assist and facilities for storage for suitcases etc. is made available.

### Servicing:

Refuse collection is to be from Annandale Street Lane to the rear of the building, which is already used for refuse collection for the existing premises.

The proposals show a loading bay / lay-by on Haddington Place for servicing and deliveries. This is outwith the redline boundary.

Transport has advised that due to the ongoing revision of the Leith Walk Programme, the proposed kerb layout cannot be approved at this time. This would not form part of the planning consent and further discussions are required. Transport has also indicated that other opportunities for loading will exist elsewhere on Leith Walk. This matter is dealt with as an informative.

### Annandale Street Lane:

A letter of representation has been received in relation to parking control in Annandale Street Lane. The lane is not adopted and does not form part of the controlled parking zone. Transport has advised that parking is therefore currently uncontrolled and the Council, as a roads authority, is not able to make any changes in parking restrictions without the agreement of the majority of the residents, landowners and / or occupiers. Consequently, this is not a matter that can be resolved through a planning application and a separate process would need to be undertaken.

## Tram Contributions:

The site is identified within zone 1 and a contribution of £341,203 has been identified towards the tram. The figure was based on the retail floorspace proposed and also on residential institution use as student housing is not identified specifically within the guidance. This approach has been taken elsewhere.

The applicant has disputed the level of tram contribution being applied and states that given the lack of any immediate prospect of the line being extended that the assessment should be on a zone 3 basis. This would result in a figure of approximately £170,000, though the applicant does indicate that if the line is subsequently extended then provision can be made in any legal agreement for an uplift in the level of contribution (based on a period within 5 years).

The report to Planning Committee on 16 May 2013 in relation to developer contributions considers the York Place to Newhaven Road section of the tram line. It set out that a considerable amount of work has already been carried out and that this section of the route would be the next priority. Accordingly, it is considered appropriate to continue to apply the tram policy and related guidance along this section of the route, given that there is a reasonable prospect of the infrastructure being delivered in the short to medium term.

The contribution amount of £341,203 is considered to be the appropriate amount in respect of the proposed development.

The applicant has indicated that there are abnormal site costs and that a considerable amount of archaeological excavation and associated work has been carried out on the site. This equates to a figure of approximately £83,671 and the applicant states that this should be recognised and subtracted from the tram contribution.

Abnormal costs are a valid consideration when assessing the appropriateness of any deviation from policy relating to planning contributions only where such costs impact on the overall viability of the development proposed. Consequently, further information would be required to demonstrate that contribution being sought would make the proposal unviable.

The transport implications of the proposal are considered acceptable. There is also the requirement for a £2000 contribution to progress a suitable order to redetermine sections of the carriageway as footway and a £2000 contribution to progress a suitable order to stop up sections of Haddington Place, if necessary. This will need to be secured through a legal agreement.

## f) Other Material Considerations

### Sustainability:

The applicant has submitted a sustainability statement in support of the application. The proposal complies with the requirements of Part A of the Edinburgh Standards for Sustainable Buildings by providing combined heat and power to provide hot water to the student accommodation and the use of air source heat pump systems for the commercial space.

The proposal has been classed as a major development and has been assessed against Part B of the standards. The points achieved against the essential criteria are set out in the table below:

<b>Essential Criteria</b>	<b>Available</b>	<b>Achieved</b>
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	30
Total points	80	80

The proposal meets the essential criteria. In addition, the applicant has provided a commitment to further sustainability measures as set out in the desirable elements sections. Additional measures include the potential to export any excess energy created to the national grid, the inclusion of green roofs and the use of sustainable timber.

#### Archaeology:

The City Archaeologist has advised that the site once contained the forerunner to the present day Royal Botanic Gardens. The original Gardener's Cottage was originally on the site and this has recently been rebuilt in the current Botanic Gardens. Summer excavations of the site revealed remains of gardens and late Victorian development.

The proposed development will have ground breaking works with the potential for moderate significant archaeology impact. Consequently, a condition is recommended to ensure that a programme of archaeological work is undertaken prior to construction.

Subject to the use of a planning condition, there are no overriding concerns in relation to archaeology.

#### Drainage:

A surface water drainage strategy has been provided in support of the application. In summary, the proposed building contains a number of green roofs which are proposed to be drained using rain water down pipes. These will connect to below ground attenuation tanks prior to the water discharging to the public combined sewer at a reduced rate.

Flood Prevention has assessed the information and supports the proposed drainage system as it will improve existing conditions on site. An informative has been recommended to advise the applicant that the design of the cellular storage must satisfy Building Standards in advance of construction being undertaken.

SEPA has no objection to the proposal. Scottish Water has not responded to the consultation requests and an informative has been added advising the applicant that Scottish Water will need to approve the connection to their network.

Accordingly, the proposed drainage arrangements are suitable for the site and the proposed development.

#### g) Equality and Rights Impacts

The application was assessed in terms of equalities and human rights. In summary, the building would be fully accessible to those with varying needs and a number of rooms/flats have been designed to be fully accessible. An Equality and Human Rights Assessment is available to view on the Planning and Building Standards Online Service.

#### h) Public Comments

##### Principle

- Need to ensure that the student data is not skewed - this is considered in assessment 3a).

##### Height/Massing:

- The Leith Walk elevation should not exceed the height of the library - this is considered in assessment 3c).
- The proposed building exceeds the height of neighbouring tenement buildings (on Haddington Place) and are not stepped down to match the slope of the street - this is considered in assessment 3c).
- Annandale Street Lane elevation should match the height of the existing buildings and level 2 and / or 3 should not exceed this height - this is considered in assessment 3c).
- The height of the entire block will virtually eliminate any winter sun and reduce light on adjacent roof gardens -this is considered in assessment 3b).
- The massing of the building will create an unbroken canyon-like effect along the length of Annandale Street Lane - this is considered in assessment 3b).

##### Materials:

- The external fabric on rear should match that of Haddington Place - this is considered in assessment 3b).
- Material keys on drawing not clear - the drawings show the proposed materials.

##### Transport:

- Issues of parking control along Annandale Street Lane should be agreed, in cooperation with property owners and residents, prior to construction works (para 3.7 of the Transport Statement) - this is considered in assessment 3e).
- To make cycling in the lane as safe as possible signage and road markings should be used to prevent cars from rat running - this is considered in assessment 3e).
- Increase in traffic impacting on access for existing residents - this is considered in assessment 3e).

Uses and operations:

- Operational use and timings of lower ground retail and the used on lower ground on Annandale Lane not stipulated - the use identified in the lower ground floor on Annandale Street Lane is a store for the commercial units and other 'back of house' services associated with the student accommodation. In terms of the units on Haddington Place the space has been kept flexible in order to be more attractive to the market.
- Waste collection arrangements, unsightly dumping of rubbish already takes place along Annandale Street Lane - this is considered in section 3d) and 3e).

Non-material

- Construction stage concerns in relation to access and working hours.

Community Council:

Leith Central Community Council commented on the lack of detail showing the arrangement of the student rooms.

### Conclusion

The site is within the urban area in the Edinburgh City Local Plan. The proposed student housing use is acceptable in terms of the locational guidance, but does result in the 30% threshold being exceeded. The breach is considered to be relatively minor in the context of the location of the site and the character of the area. The proposal will not result in an excessive concentration of student housing and therefore complies with Edinburgh City Local Plan Policy Hou 10 Student Housing. The retail and café/restaurant uses are also appropriate uses within the town centre.

The design, height and scale of the building are acceptable and alongside the proposed materials will not be detrimental to the conservation area, adjacent listed building or inventory site. The proposal will not be detrimental in terms of amenity, is acceptable in relation to the proposed transport measures, sustainability, drainage and archaeology.

It is recommended that the application is granted subject to conditions in relation to materials, noise attenuation, archaeology, site investigation, ventilation and transport. A legal requirement is required in relation to a contribution towards the tram and suitable traffic orders.

There are no material considerations which outweigh this conclusion.

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

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

#### **Conditions:-**

1. No development or demolition shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building survey, excavation, reporting and analysis, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

2. Prior to the commencement of the construction of the superstructure or above ground works, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, and submitted for written approval by 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, 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 Planning Authority.
- 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 for the approval of the Planning Authority.
4. Prior to the development being occupied, the noise protection measures, as defined in the PDA Acoustic Consultant Noise Transfer Assessment' report (Ref 8358/0855/RDC/3), dated 28 August 2014 should be carried out. This consists of:

A suspended 12.5mm plasterboard ceiling of 8kg/m<sup>2</sup> below the soffit within the restaurant, café and retail space shall be suspended on a Metal Frame grid with a cavity of 250mm between the ceiling linings and the concrete soffit. The ceiling will need to cover the whole of the soffit. Where it is necessary to suspend mechanical services, or a lower decorative ceiling from the soffit, this will need to be suspended from drop rods passing through the plasterboard ceiling with the holes sealed around the drop rods using suitable acoustic sealant.
5. Prior to the development being occupied, the noise protection measures to the student housing as defined in the Wardell-Armstrong 'Environmental Noise Assessment' report (ED11445), dated August 2014 should be carried out. This consists of:
  - Glazing units with a minimum insulation value of 8mm/16mm/9.1mm double glazing should be installed for the external windows of the living room areas located to the south of the development overlooking the A900 Leith Walk.
  - Glazing units with a minimum insulation value of 10mm/16mm/9.1mm double glazing should be installed for the external windows of the bedroom areas located to the south of the development overlooking the A900 Leith Walk.

6. Prior to the use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, as show on drawing no. PL312 revision D should be implemented.

**Reasons:-**

1. In order to safeguard the interests of archaeological heritage.
2. In order to ensure the adequacy of external building materials.
3. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
4. In order to protect the amenity of the occupiers of the development.
5. In order to protect the amenity of the occupiers of the development.
6. In order to protect the amenity of the occupiers of the development.

**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. For the duration of development, between the commencement of development on the site until its completion, a notice shall be: displayed in a prominent place at or in the vicinity of the site of the development; readily visible to the public; and printed on durable material.
5. Details of all the boilers should be provided to Environmental Assessment to ensure compliance with the Clean Air Act 1993
6. The applicant should communicate directly with the Council's Private Rented Sector team to ensure that plans are compliant with the Housing of Multiple Occupation requirements.
7. SEPA has raised a number of matters in relation to the site investigation report. These are contained in the appendix to its consultee response and should be noted by the applicant.
8. Confirmation that Scottish Water will allow connection to their network will be required.

9. The cellular storage tanks are to be located under the car parking area and will experience significant loading. The design of the cellular storage must satisfy Building Standards in advance of construction being undertaken.
10. The property will not be eligible for residential parking permits.
11. Annandale Street Lane is not an adopted road and is not listed on the list of public roads, nor does it form part of the controlled parking zone. Parking is therefore currently uncontrolled and the Council as roads authority is not able to make any changes in parking restrictions (i.e. yellow lines) without the agreement of the majority of residents, landowners and / or occupiers. The applicant should also be satisfied that they have adequate rights on Annandale Street Lane to carry out any required works or activities.
12. For the avoidance of doubt, the kerb layout and layby on Haddington Place/ Leith Walk are not approved at this stage due to ongoing revision of the Leith Walk Programme. Further discussion will be required to identify an acceptable layout.

### 13. **Legal Agreement**

The applicant will be required to enter into a suitable legal agreement in respect of the following:

- A tram contribution of £341,203.
- A contribution of £2000 to progress a suitable order to redetermine sections of the carriageway as footway.
- A contribution of £2000 to progress a suitable order to stop up sections of Haddington Place if necessary.

## **Financial impact**

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

The application is subject to a legal agreement for developer contributions.

## **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:**

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

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## **Sustainability impact**

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

This application meets the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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

In accordance with the Planning etc (Scotland) Act 2006, a Proposal of Application Notice (planning reference 14/02115/PAN) was submitted and registered on 27 May 2014. Copies of the notice were also issued to:

- New Town and Broughton Community Council
- Leith Central Community Council
- Friends of Hopetoun Crescent Garden
- The Cockburn Association
- Leith Neighbourhood Partnership
- Councillor Blacklock
- Councillor Brock
- Councillor Chapman
- Councillor Gardner

A public exhibition was held at McDonald Road Library on Tuesday 24 June 2014 between 2pm and 8pm. Separate meetings were also held with the New Town and Broughton Community Council, Leith Central Community Council, Friends of Hopetoun Crescent Garden and the Cockburn Association.

Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards online service.

A pre-application report on the proposal was presented to the Development Management Sub-Committee on 13 August 2014. The committee noted the key issues and requested further information on data zones and the concentration of student accommodation. Clarification was also sought on the sites location within the defined New Town Gardens as recorded in the Inventory of Gardens and Designed Landscapes.

The proposals were submitted to the Urban Design Panel on 30 July 2013. Full details of the response can be found in the Consultations section.

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

The application was advertised on 12 September 2014 and attracted six letters of representation, including one from the Leith Central Community Council. The following matters have been raised:

## Principle

- Need to ensure that the student data is not skewed.

## Height/Massing:

- The Leith Walk elevation should not exceed the height of the library.
- The proposed building exceeds the height of neighbouring tenement buildings (on Haddington Place) and are not stepped down to match the slope of the street.
- Annandale Street Lane elevation should match the height of the existing buildings and level 2 and / or 3 should not exceed this height.
- The height of the entire block will virtually eliminate any winter sun and reduce light on adjacent roof gardens.
- The massing of the building will create an unbroken canyon-like effect along the length of Annandale Street Lane

## Materials:

- The external fabric on rear should match that of Haddington Place.
- Material keys on drawing not clear.

## Transport:

- Issues of parking control along Annandale Street Lane should be agreed, in cooperation with property owners and residents, prior to construction works (para 3.7 of the Transport Statement.)
- To make cycling in the lane as safe as possible signage and road markings should be used to prevent cars from rat running.
- Increase in traffic impacting on access for existing residents.

## Uses and operations:

- Operational use and timings of lower ground retail and the used on lower ground on Annandale Lane not stipulated.
- Waste collection arrangements, unsightly dumping of rubbish already takes place along Annandale Street Lane

## Non-material

- Construction stage concerns in relation to access and working hours.

## Community Council:

Leith Central Community Council commented on the lack of detail showing the arrangement of the student rooms.

An assessment of the representations can be found in the main report in the Assessment section.

## **Background reading/external references**

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

**Statutory Development  
Plan Provision**

The site is located within the Urban Area as shown on the Edinburgh City Local Plan Proposals Map, where general policies apply. Leith Walk is identified as a town centre. The site is within the New Town Conservation Area and located within the defined New Town Gardens as recorded in the Inventory of Gardens and Designed Landscapes.

**Date registered**

29 August 2014

**Drawing numbers/Scheme**

01-14,15A,16,17A-19A,20,21A-23A,24-26,

Scheme 1

**David R. Leslie**

Acting Head of Planning and Building Standards

Contact: Kenneth Bowes, Planning officer

E-mail:kenneth.bowes@edinburgh.gov.uk Tel:0131 529 6724

**Links - Policies**

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**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 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 Des 12 (Shopfronts) sets criteria for assessing shopfront alterations and/or advertising proposals.

Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

Policy Env 6 (Conservation Areas Development ) sets out criteria for assessing development in conservation areas.

Policy Env 7 (Historic Gardens & Designed Landscapes) establishes a presumption against development that would be detrimental to Historic Gardens and Designed Landscapes.

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 16 (Species) sets out species protection requirements for new development.

Policy Env 18 (Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

Policy Hou 10 (Student Housing) supports provision of student housing on suitable sites.

Policy Ret 2 (Town Centres) sets criteria for assessing retail development in or on the edge of town centres.

Policy Ret 12 (Food and Drink Establishments) sets criteria for assessing the change of use to a food & drink establishment.

Policy Tra 2 (Planning Conditions and Agreements) requires, where appropriate, transport related conditions and/or planning agreements for major development likely to give rise to additional journeys.

Policy Tra 3m (Tram Contributions) requires contributions from developers towards the cost of tram works where the proposed tram network will help address the transport impacts of a development.

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.

# Appendix 1

## **Application for Planning Permission 14/03513/FUL At 34B Haddington Place, Edinburgh, EH7 4AG Erection of mixed use development comprising student accommodation, retail, cafe and restaurant uses.**

### **Consultations**

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#### **Edinburgh Urban Design Panel Report of Meeting Held 30 July 2014**

##### *Executive Summary*

*The Panel welcomes the opportunity to review the proposal at this early stage of the design process. The Panels comments are set in the context that the proposal is based on the 'minded to grant' application and therefore welcomes any improvements to the design being considered under this proposal which may allow the proposal to add maximum value to the streetscape. Regarding the proposed use the Panel consider it important that it is fully demonstrated that the proposal is easily converted to other uses particularly residential.*

##### *Main Report*

##### *1 Introduction*

*The application site runs from the west side of Leith Walk to Annandale Street Lane and extends to an area of 0.23 hectares. The site previously comprised a petrol filling station and forecourt which has now been cleared with fencing sealing off the site. The stone cottage to the south, the original botanical cottage, has also been removed.*

*To the north of the site sits McDonald Road Library, a category B listed building (ref. 28986 listed 30 January 1981). Next to the library is a new Kwik Fit garage with student accommodation above. On the western side of Annandale Street Lane lies residential development.*

*The site stands within a north eastern 'finger' of the New Town Conservation Area and is within the New Town Designed Garden Inventory site. Leith Walk is also designated as a town centre.*

*10 March 2010 - planning application 'minded to grant' for a proposed mixed use development comprising a 205 bed hotel (as revised) and two ground floor units for retail or cafe/restaurant use (Use Class 1 or 3) (application reference 09/02342/FUL).*

*1.1 This is the first time that the proposals have been reviewed.*

*1.2 No declarations of interest were made by any panel members in relation to this scheme.*

*1.3 This report should be read in conjunction with the pre meeting papers which provide an overview, context, concept, plans, sections and 3D visualisations of the scheme.*

*1.4 This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view about the proposals at a later stage.*

## *2 Land Use*

*2.1 It was noted that a case for this concentration of student accommodation has still to be accepted by The City of Edinburgh Council. Therefore, at this stage the principle of this concentration of student accommodation on this site has not been agreed by The City of Edinburgh Council.*

*2.2 The Panel commented that they consider this to be a good site for a residential use. Therefore, as part of the supporting information for the application it should be fully demonstrated that the proposal could be adapted for other uses, particularly residential, in order to create a sustainable future for the building.*

## *3 Site layout, height, mass and form*

*3.1 As noted in the above Planning History, there is a 'minded to grant' scheme for a hotel on the site. The Panel's comments are based on the fact that the 'minded to grant' application will be a material consideration with respect to this application and therefore their comments take cognisance of this planning context. Therefore, it should be noted that if this site had come forward to the Panel with no relevant planning history they may have formed a different design view for this gap site.*

*3.2 The Panel suggested that further work may be required on modelling the building mass so that its' impact on the conservation area can be assessed. In particular, the roof design requires further development and offers an opportunity to enhance the overall design. The Panel suggested a mansard roof with projecting dormers as an appropriate design solution for the Haddington Place elevation and that the rear elevation would benefit from a more legible roof profile.*

*3.3 With respect to the rear of the building and how it addresses Annandale Street Lane the Panel suggested that this requires further design work with respect to massing and elevational design.*

*3.4 The Panel expressed concern regarding the impact the proposal will have on the B Listed Library Building with respect to both the height of the proposal and the detail of how the building abuts the B Listed Building. However, the Panel accept that the proposal is working within the 'minded to grant' application and therefore encourage any improvements to the design with relation to its relationship to the library building.*

*3.5 The Panel noted that in their view it is disappointing that the current design would bring little added value to the streetscape.*

## *4 Architecture and building layout*

*4.1 Regarding the Haddington Place elevation the Panel encouraged the design team to revisit the current design. They suggested that the architectural expression could provide greater vertical emphasis. It was suggested that this could be achieved by the regrouping of the windows and reconsideration of the proportions of the small square windows at first floor level. This may result in a more contextual approach for the Haddington Place elevation and allowing the design to draw reference from the historic tenement street.*

*4.2 The use of natural stone as the primary material and to the primary frontage was supported by the Panel. However, the detailing and specification for the stonework requires carefully consideration to ensure the delivery of a high quality stone facade on this important street. In general the Panel support a simple pallet of materials.*

*4.3 The Panel encouraged that where possible the design should allow daylight to enter into the internal circulation routes.*

*4.4 The Panel encouraged the design team to consider fully the design of the internal and external spaces with respect to how they will accommodate students arriving and leaving the building at the beginning and end of term.*

## *5 Landscape Areas and Public Realm*

*5.1 No landscape or public realm designs were presented to the Panel. However, the Panel offered the following comments on how a design could be developed.*

*5.2 Achieving a good robust design for the courtyards will be critical given they form the only areas of amenity for the site. A historical design referencing the Botanical Gardens was considered less appropriate than a simplistic approach given the scale of the spaces.*

*5.3 With respect to public realm the Panel suggested that this site should look at improvements to both Haddington Place and Annandale Street Lane both with respect to the pavements directly outside their site but also consideration should be given as to whether a new pedestrian crossing is required.*

*5.4 There is an opportunity for an innovative green roof design which could provide both good amenity for the students and form part of the sustainable element of the design. The Panel encouraged this to be considered as part of the design development.*

## *6 Transportation*

*6.1 The Panel supported the provision of adequate cycle storage within the building. The Panel supported providing spaces for 70% of the students.*

*6.2 The site is well serviced by public transport. Each university has its own green travel plan therefore given this is a speculative development this information is not available at this stage for comment.*

## 7 Recommendations

7.1 In developing the design, the Panel supports the following aspects and therefore advocates that these should remain in the proposals:

- The reduction in mass, refining and improving the 'minded to grant' scheme.
- The simplification of the pallet of materials and use of natural stone as the primary material.

7.2 In developing the proposals the Panel suggests the following matters should be addressed:

- The redesign of the Haddington Place elevation to achieve greater verticality.
- Development of the proposed specification and detail of the stone faced
- Consider opportunities with respect to the roof design
- Consider further the amenity of the occupiers with respect to the design of the internal courtyards, roofs and daylight to internal circulation routes.
- Consider further opportunities to reduce the mass and improve the design of to the development to the lane.

### **Archaeology comment - dated 9 September 2014**

*The site overlies the site of the for-runner of the present day Royal Botanic Gardens, established in 1763 by John Hope the King's (Royal) Botanist for Scotland. The site contained until recently the two-story original Gardener's Cottage designed by John Adam c.1765, the remains of which will be rebuilt within the current Botanic Gardens. The evaluation this summer by Addyman Archaeology of the site, in conjunction with the excavation of the Cottage's foundations, revealed that remains of the gardens and later Victorian development of the site, survive across the site to some depth and that the garden's entrance wall survives relatively intact forming the western wall of the upper raised area running along the sites eastern boundary to Leith Walk.*

*Accordingly this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan (2010) policy ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.*

*The scheme significant ground breaking works requiring the removal of the surviving remains associated with the Botanic Gardens (including surviving entrance boundary wall, paths and garden deposits) and later Victorian occupation. As such construction impacts upon both the buried remains and upstanding surviving 18th Century Botanic Garden's boundary wall are considered as having an overall moderate significant archaeological impact.*

*Accordingly it is essential that a suitable programme of archaeological works are undertaken prior to and during development. This will require the undertaking of a detailed Historic building survey of the surviving Boundary wall (including its hidden eastern face) and a programme of archaeological excavation of the surviving Victorian and importantly the surviving Botanic Garden remains. The results of this work will feed into a programme of post-excavation analysis and publication comprising the results*

from the earlier phases of field work relating the recording, demolition and reconstruction of the Botanic Gardens cottage

*It is recommended that that the following condition is attached to this consent to ensure that a programme of archaeological works is undertaken prior to construction.*

*'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building survey, excavation, reporting and analysis, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'*

*The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.*

#### **Economic Development (Business Partnerships) comment - dated 29 September 2014**

*The proposed development of student housing and retail units at 34B Haddington Place can be expected to support an increase in economic impact in two ways. Firstly, direct employment (i.e. staff working in the student housing and retail units) and secondly, student spending in Edinburgh. The total impact can be calculated by adding these two ways together.*

*An economic impact assessment was carried out by the consultant. The consultant has estimated the impact of student expenditure by using average spending figures for students. These figures include expenditure on tuition fees, accommodation, food, transportation, etc.*

*Having reviewed this assessment, the Economic Development Service (EDS) has found that there is potential for double counting, since some of the student expenditure will be made within the development itself. For example, the students' expenditure on accommodation will take the form of payments to the student housing operator. It is also likely that some of the students' expenditure on food will be made in the retail units within the development. The expenditure made within the development will support the jobs within the development - these jobs have already been counted.*

*In order to control for this double counting, expenditure on accommodation, etc should be deducted from the student expenditure figure. This deduction would reduce the total impact of the development to 111 additional jobs and an annual uplift in gross value added of £3.26 million.*

*S Harrison Developments has also commissioned a sustainability impact statement which states that one of the key sustainability benefits of the proposed development will be the 'creation of new jobs and positive contribution to supporting the local economy.' The statement outlines the developer's intention to create 'a safe, and secure, well designed and permeable environment for students, retail staff and customers.'*

*Consultation with local residents at the public exhibition held in June 2014 revealed that there was largely an acceptance of the view that students are a valuable addition to the community and economy. It was noted that the already existing student accommodation causes no disturbance to the local area.*

*With an increasing number of students choosing to come to Edinburgh to study, it is important to continue to provide high quality, safe and comfortable accommodation. There appear to be multiple economic benefits to this development, including income generated from student and visitor spending; employment opportunities; and an opportunity to highlight the local area, thereby drawing footfall down into one of the City's town centres.*

#### **Environmental Assessment comment - dated 24 October 2014**

*The proposed development consists of a mixed use development of student accommodation from level one to level six, above a ground floor and lower-ground floor consisting of further student accommodation; ancillary spaces such as student lounges, a small private student gym, cycle and refuse stores and three disabled parking bays; and two retail units.*

*The development is located between 34a Haddington Place, a ground floor shop with residential use above to the south-west, and the MacDonald Road Library to the northeast. The proposed development will adjoin 34a Haddington place for the full height of the building.*

*The applicant has submitted a supporting noise impact assessment which has identified that noise mitigation measures will be required to ensure that amenity is protected.*

*If the retail units are occupied by café / restaurant uses, then the noise criterion is slightly exceeded in bedrooms above the units with the no acoustic mitigation measures. Mitigation measures are therefore required in the form of a remedial treatment of a suspended plasterboard ceiling of 12.5mm plasterboard (8kg/m<sup>2</sup> mass) suspended 250mm below the soffit reduces the noise levels in the bedrooms to an acceptable level.*

*The applicant has also identified that the living room and bedroom areas located to the south of the development overlooking the A900 Leith Walk will require a higher level of attenuation, with glazing that attenuates road traffic noise.*

*The applicant has stated that a separate commercial gym unit was originally proposed in the lower-ground floor of the development, but this has since been removed. The only gym remaining is a small 41m<sup>2</sup> private gym which is an integral part of the student accommodation for use by the student residents on the upper ground floor of the development. It will not have any free weights in the gym, and the room does not adjoin any other noise sensitive space as the gym occupies part of the development which is ground floor only.*

*The applicant has advised that commercial ventilation will be provided to ensure that cooking odours from the proposed restaurant/cafe will be ducted to roof level.*

*The applicant has submitted site investigation information which is currently being considered, Environmental Assessment recommend that a condition is attached to any consent to ensure that contaminated land is adequately addressed.*

*Environmental Assessment also highlights that the boiler units must comply with the Clean Air Act 1993 and that Environmental Assessment will require further details of the proposed energy system when the information is available.*

*Environmental Assessment also recommends that the applicant communicates directly with the Councils Private Rented Sector team to ensure that plans are compliant with the Housing of Multiple Occupation requirements.*

*1. The following noise protection measures to the proposed units, as defined in the PDA Acoustic Consultant Noise Transfer Assessment' report (Ref 8358/0855/RDC/3), dated 28 August 2014:*

*A suspended 12.5mm plasterboard ceiling of 8kg/m<sup>2</sup> below the soffit within the restaurant, café and retail space shall be suspended on a Metal Frame grid with a cavity of 250mm between the ceiling linings and the concrete soffit. The ceiling will need to cover the whole of the soffit. Where it is necessary to suspend mechanical services, or a lower decorative ceiling from the soffit, this will need to be suspended from drop rods passing through the plasterboard ceiling with the holes sealed around the drop rods using suitable acoustic sealant.*

*shall be carried out in full and completed prior to the development being occupied.*

*2. The following noise protection measures to the residential unit, as defined in the Wardell-Armstrong 'Environmental Noise Assessment' report (ED11445), dated August 2014:*

*- Glazing units with a minimum insulation value of 8mm/16mm/9.1mm double glazing should be installed for the external windows of the living room areas located to the south of the development overlooking the A900 Leith Walk.*

*- Glazing units with a minimum insulation value of 10mm/16mm/9.1mm double glazing should be installed for the external windows of the bedroom areas located to the south of the development overlooking the A900 Leith Walk.*

*shall be carried out in full and completed prior to the development being occupied.*

*3. Prior to the use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, as show on drawing no. PL312 revision D should be implemented.*

*4. 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.*

#### *Informatives*

*1. When available the applicant shall provide details of all the boilers to Environmental Assessment to ensure compliance with the Clean Air Act 1993*

*2. Environmental Assessment also recommends that the applicant communicates directly with the Councils Private Rented Sector team to ensure that plans are compliant with the Housing of Multiple Occupation requirements.*

#### **Flood Prevention comment - dated 30 September 2014**

*As this is a full planning application outline surface water drainage proposals are not acceptable to CEC Flood Planning and therefore further detail of the proposed surface water drainage strategy is required. It is CEC Flood Planning policy not to attach conditions to any proposed development, with full detail of the drainage system required in advance of the application being deemed acceptable.*

*Please confirm the location of the proposed attenuation storage. The drawings provided seem to show the structure will be located under Commercial Unit 1, with manholes at the floor level of the unit. For an extreme event, beyond the drainage system design event, or a blockage scenario, surcharging of the manholes may occur, leading to flooding within Commercial Unit 1. This is unacceptable to CEC Flood Planning.*

*No drainage has been attributed to the courtyard area. Please outline how rainfall will be conveyed to the drainage system from this area.*

#### *4.0 Flood Risk*

*It is acknowledged that the proposed development site lies outwith the SEPA Flood Map outlines for fluvial, pluvial and coastal flood risk and is therefore not considered to be a flood risk from these sources.*

#### *5.0 Surface Water Drainage*

*The proposed development will drain to the Scottish Water combined sewer which has historically served the site.*

*It is acknowledged that modelling has been undertaken to determine the required size of attenuating storage required for the proposed drainage system based on the 1 in 200 year rainfall event plus a climate change allowance of 30%.*

*It is stated that a discharge rate of 5l/s is currently being sought by the developer to discharge to the combined sewer. This will not be acceptable to CEC. CEC require the discharge to a combined sewer to be restricted to the Greenfield runoff rate of the impermeable area within the proposed development boundary, or 4.5l/s/ha, whichever is smaller. During high intensity rainfall events the combined sewer system may become surcharged resulting in uncontrolled discharge from CSOs to surrounding watercourses. This results in an increased risk of surface water flooding adjacent to the point of CSO discharge and also the release of foul water to the surface water environment. Restricting the discharge of surface water to the combined sewer network is to the betterment of the system.*

*The minimum pipe diameter to restrict discharge from the proposed drainage system to the combined sewer is 75mm. It is acknowledged that due to the small size of the development the discharge may not be able to be attenuated to 4.5l/s/ha using a 75mm diameter pipe. If this is the case the discharge rate must be based on the capacity of the 75mm pipe. Design calculations will be required to determine the flow for this orifice.*

*MicroDrainage outputs are required for the entire surface water drainage system to ensure the proposed system includes sufficient capacity to attenuate the 1 in 200 year rainfall event plus climate change allowance. This must include outputs at each manhole to confirm no flooding occurs at any point in the system. The results must correspond to an overview of the drainage system.*

*To ensure the drainage system performs as perceived, detailed diagrams outlining pre and post development flow paths are required. The post development flow path drawing must include sufficiently detailed ground levels to support the flow paths presented. The developer must demonstrate that for a scenario where a rainfall event in excess of the design event of the drainage system is encountered or the scenario where the drainage system becomes blocked that a failsafe flow route is provided for surface water flows, which does not put the proposed development at flood risk.*

*A confirmation letter from Scottish Water showing approval to connect the proposed sewer system to their network is required in advance of approval from CEC Flood Planning.*

#### **Flood Prevention comment - dated 30 October 2014**

*Please see queries/issues noted below regarding the flood risk assessment and drainage strategy document titled:*

*Proposed Student Accommodation Haddington Place, Surface Water Drainage Strategy Report*

*provided as a pdf titled:*

*Surface Water Drainage Strategy Report R01 COMBINED.pdf*

*General*

*The document provided shows the proposed drainage system will function to provide betterment to the existing conditions at the site. This is welcomed by CEC Flood Prevention. All relevant calculations have been provided to show the functionality of the system and support attenuation volumes and discharge rates. The drainage arrangements are acceptable to CEC Flood Prevention.*

*As the cellular storage tanks are to be located under the car parking area and therefore will experience significant loading please be aware that the design of the cellular storage must satisfy Building Standards in advance of construction being undertaken.*

## **SEPA comment - dated 19 September 2014**

### *Advice for the Planning Authority*

#### *1. Waste Water Drainage*

*1.1 The proposed indicative drainage strategy layout (Flood Risk and Outline Drainage Strategy Study, ED1273-100) identified all manholes as connecting to the combined sewer. On that basis, the development does not strictly require Sustainable Urban Drainage Systems (SUDS), but we encourage the applicant to consider them. Considering the limitations of land at the site, SUDS could take the form of rain gardens, grey water harvesting, green roofs, etc.*

*1.2 On the basis of a presumed connection to the Scottish Water system (Flood Risk and Outline Drainage Strategy Study, section 5.11) we have no objection to this application.*

#### *2. Land Contamination*

*2.1 Land contamination is a local authority issue on which your council's own contaminated land officers should comment. At Appendix 1 is a note of issues which we would draw to their attention.*

### *Appendix 1*

*The Site Investigation Report refers to a development comprising of a hotel with associated retail, parking and amenity facilities. The application, however, is for student accommodation rather than a hotel.*

*Following review of the supporting documents for this planning application and considering the past use of the site as a petroleum filling station, SEPA considers that the Conceptual Site Model and risk assessment in relation to the water environment requires further consideration.*

*We recommend that there should be three rounds of groundwater monitoring, which should include checking for free phase prior to purging the wells in addition to chemical testing for groundwater including the same contaminants as undertaken for soils and leachate, with an emphasis that TPH should provide the aromatic and aliphatic split, in addition to PAH 16 USEPA, and most importantly appropriate interpretation of this data and groundwater levels reported as mOD.*

*It is of considerable importance that the groundwater levels are recorded in metres mOD in addition to metres below ground level; this is a key feature in establishing groundwater regime beneath the site. Information provided under section 5.3 of the report in relation to the groundwater levels is not adequate, despite reporting six gw monitoring rounds. The hydrogeology and hydrology of the site following ground investigation should be confirmed.*

*We would also like to highlight that the groundwater monitoring installations appear inadequate since the response area (slotted pipe) was located across different strata. This practice often leads to creating preferential pathways for contaminants migration, facilitating faster transport of contamination to deeper stratum and leads to problems in identifying where the groundwater sits beneath the site.*

*BaP was identified at elevated levels in soil at location TP02, and this contaminant may have the potential to leach and impact on the groundwater beneath the site: since no appropriate groundwater was collected and chemically tested, this potential pollutant linkage cannot be discounted. Similarly, at location CP03 at different depths hydrocarbon odour was reported but it was not investigated further in relation to its potential risks to the water environment.*

*There was no soil or leachate chemical testing undertaken for samples obtained from the boreholes, even when hydrocarbons or some other contaminants were highlighted as present. As stated in section 7.5 of the report, leachability was only targeted near surface materials which may be useful for human health and property risk assessment but it is not useful for the water environment assessment. These leachability results, therefore, cannot be used on their own to discount significant risk to the water environment.*

*Although the preliminary conceptual site model and Preliminary Qualitative Risk Assessment (Table 5) appear to identify potential contamination impact to groundwater beneath the site, this is not properly reflected or addressed in the revised CSM and quantitative risk assessment.*

*The site investigation location plan needs to be updated to reflect the location of CP04, CP04A and CP04B.*

*Information related to removal of underground storage tanks and validation report/evidence mentioned should be made available.*

## **Transport comment 2 October 2014**

*We have no objections to the application subject to the following being included as conditions or informatives as appropriate:*

- 1. Consent should not be issued until the applicant has entered into a suitable legal agreement to:*
  - a. Contribute the sum of £341,203 towards the Edinburgh tram (based on 1,236m<sup>2</sup> GFA retail and 7,388m<sup>2</sup> GFA residential institution / student accommodation in Zone 1);*
  - b. upgrade the footway of Haddington Place fronting the proposed development at no cost to the Council, including reconstruction of the former vehicular access points as*

footway. Note that the proposed footway construction at the south-western corner of the site must be to adoptable standards and is expected to be added to the list of roads (adopted);

c. contribute the sum of £2,000 to progress a suitable order to redetermine sections of carriageway as footway;

d. contribute the sum of £2,000 to progress a suitable order to stop up sections of Haddington Place if necessary under Section 207 of the Town and Country Planning (Scotland) Act 1997. See note below;

e. submit a draft travel plan to the Council prior to first occupation and a final travel plan within 12 months of that date;

2. The applicant should be advised that the property will not be eligible for residential parking permits;

3. Any gate or gates must open inwards onto the property;

4. The proposed revised kerb layout and layby on Haddington Place / Leith Walk are not approved at this stage due to the ongoing revision of the Leith Walk Programme. Further discussion will be required to identify an acceptable layout;

5. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2002 regulations or British Standard 8300:2009 as approved by the Head of Transport.

Note:

o It is unclear from the drawings provided as to the boundary between the proposed development and the adopted parts of Haddington Place. Whilst it does not appear that the development encroaches on adopted areas, it may be the case that sections of Haddington Place will require to be the subject of stopping up orders under Section 207 of the Town and Country Planning (Scotland) Act 1997 and may require land acquisition;

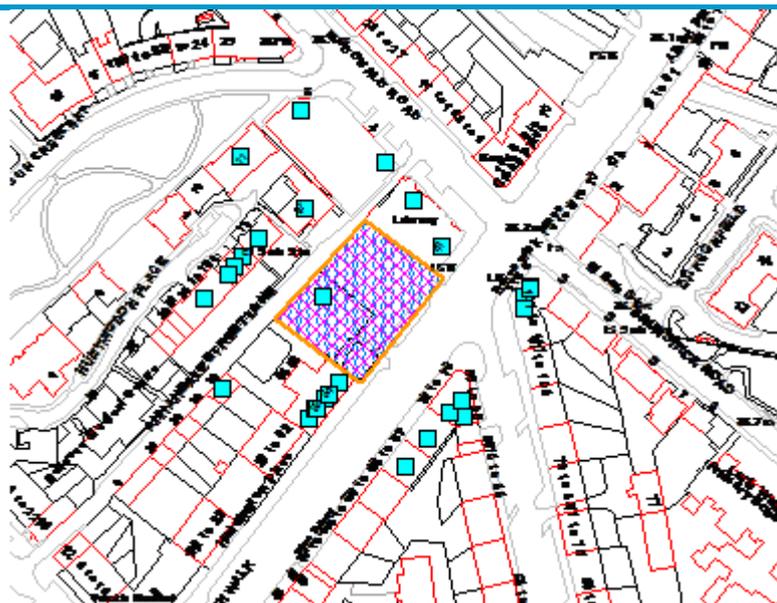
o Current Council parking standards identify Haddington Place (Leith Walk) as a 'defined area' for out-of-City-centre commercial. The starting point for assessment will be no additional parking. Therefore zero parking for the commercial units (1,236m<sup>2</sup> GFA) and 226 bed (7,388m<sup>2</sup>) student accommodation is acceptable. 161 cycle spaces and 3 disabled spaces are being provided within the property;

o The applicant should note that Annandale Street Lane is not an adopted road and is not listed on the list of public roads, nor does it form part of the controlled parking zone. Parking is therefore currently uncontrolled and the Council as roads authority is not able to make any changes in parking restrictions (i.e. yellow lines) without the agreement of the majority of residents, landowners and / or occupiers. The applicant should also be satisfied that they have adequate rights on Annandale Street Lane to carry out any required works or activities;

- o The applicant should be aware of the ongoing works on Leith Walk in relation to the tram project.*

## Location Plan

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**END**