

Development Management Sub Committee

Wednesday 11 February 2015

**Application for Planning Permission 14/02521/FUL
At 1-13 Buccleuch Place, 30,32,34 Buccleuch Street,
Edinburgh
Change-of-use of 1-6 and 7-13 Buccleuch Place, (excluding
flats 4F2 2, 4F5 2, 1F2 5 + 1F1 8, Buccleuch Place) from
education to managed student residential use.
Internal/external refurbishment. (as amended).**

Item number	5.1
Report number	
Wards	A15 - Southside/Newington

Summary

The application complies with the development plan and Edinburgh Planning Guidelines. The proposed use is acceptable in this location and the proposals would have no adverse impact on the character or appearance of the conservation area or the setting of the listed buildings. In addition, the proposals would have no adverse impact on neighbouring residential amenity or road safety.

Outcome of previous Committee

This application was previously considered by Committee on 28.01.2015.

The Acting Head of Planning and Building Standards is reporting back as the suggested conditions are not considered appropriate in planning terms.

Links

[Policies and guidance for this application](#)

LPC, CITH10, CITE3, CITE4, CITE6, NSG, NSLBCA, NSGSTU, CRPSSI,

Report

Application for Planning Permission 14/02521/FUL At 1-13 Buccleuch Place, 30,32,34 Buccleuch Street, Edinburgh Change-of-use of 1-6 and 7-13 Buccleuch Place, (excluding flats 4F2 2, 4F5 2, 1F2 5 + 1F1 8, Buccleuch Place) from education to managed student residential use. Internal/external refurbishment. (as amended).

Recommendations

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

Background

2.1 Site description

Buccleuch Place is located within the University of Edinburgh's central campus which centres around George Square. The buildings at 1-13 Buccleuch Place were built in the 1780's and 1790's. They were constructed as residential buildings and have remained in this use for most of their history. The University of Edinburgh has gradually acquired ownership of the Buccleuch Place buildings starting from the 1960's as the university grew. The buildings are now mostly used for educational purposes and as office spaces with a small number of private flats remaining in residential use. Some of the application buildings are currently vacant.

Numbers 1-6 and 7-13 occupy the southern wall of Buccleuch Place. They are divided by Buccleuch Place Lane which connects Buccleuch Place with Meadow Lane which leads to the Meadows park. There is convenient access to local services, amenity spaces and the university's main educational and administrative facilities as well as to the city centre.

The 1-6 Buccleuch Place tenement block is located to the north of the site. The block is made up of 3 category B listed buildings, listed on 14/12/1970 (Ref: 1-3 Buccleuch Place (Ref:28379), 4 Buccleuch Place (Ref:28380), 5, 6 Buccleuch Place (Ref:28381) . The block turns at Buccleuch Street. The tenements on Buccleuch Street are also B listed but do not form part of this application. Buccleuch Place is a 4-storey tenement building with an attic and a basement level built of quoined ashlar of yellow sandstone. There are a number of types and sizes of dormers and rooflights.

Within the site there are also a number of larger and higher garages which replaced a row of coach houses which previously ran along the edge of Meadow Lane. These extend towards the centre of the site into space which was formerly occupied by gardens. Studies of historical plans have shown that all of the garages were built in the first half of the 20th century. Another element within the site is a single storey office building which was built in the 1960's.

The 7-13 Buccleuch Place tenemental block is located to the north of the site. The block is made up of 4 category B listed buildings, listed on 14/12/1970 (Ref: 7 Buccleuch Place (Ref:28382), 8 Buccleuch Place (Ref:28383), 9, 10, 11 Buccleuch Place (Ref:28384), 12, 13 Buccleuch Place (Ref:28385)). The tenement block is a 4-storey building built of quined ashlar of yellow sandstone with an attic and a basement level. There are a number of types and sizes of dormers and rooflights.

Currently the area to the back of the building is used as a car park for the University of Edinburgh. Apart from the wall to Meadow Lane, there are very few lengths of garden wall which remain in their original locations. Within the site there are also two stone coach houses with slate roofs.

2.2 Site History

9 January 2015 - Listed building consent granted for internal/external refurbishment with new rooflights; replacement/reinstatement of selected windows; door replacement/improvement; installation of new kitchens/bathrooms, installation/demolition of partitions for layout amendments, replacement of existing services with new services, new service extracts/drainage pipes, redecorating (application reference: 14/02523/LBC).

Planning permission pending for proposed development of student residential accommodation (incorporating demolition of garage/ workshop units) with associated ancillary uses and amenity spaces. (application reference: 14/04674/FUL).

Conservation Area consent pending for substantial demolition in a conservation area (application reference: 14/04682/CON).

Listed building consent pending for proposed development of student residential accommodation (incorporating demolition of garage/ workshop units) with associated ancillary uses and amenity spaces. (application reference: 14/04921/LBC).

Main report

3.1 Description Of The Proposal

The proposal focuses on the 1-13 Buccleuch Place buildings - two blocks of originally residential tenements now proposed to be converted from office accommodation into 46 managed student accommodation units. The proposed units would range in size from 3 bed student flats up to 7 bed maisonettes. All accommodation would include separate kitchen and living space and toilet and shower facilities. The principal rooms would be reinstated as living and kitchen spaces with the ancillary rooms as single rooms and a limited number of twin rooms. The internal cupboards and current toilet spaces would be adapted to include shower and modern washroom facilities. Some new WC/shower rooms would be introduced while some existing ones would be enlarged. In some instances where larger rooms have two or more windows it is proposed to subdivide these in to two or three separate rooms. Access to the flats would be from Buccleuch Place for the ground floor and the main close stairs. Some basement flats will be accessed from Buccleuch Place with others being accessed from the proposed new build to the rear which forms part of a separate application.

The external envelope stone would be repaired and conserved as highlighted in the elevations. Redundant services would be removed and currently subdivided windows replaced with heritage timber sash windows.

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 use is acceptable in this location;
- b) the proposals preserve or enhance the character and appearance of the conservation area or the setting of the listed buildings;
- c) the proposals will result in an unreasonable loss to neighbouring amenity;
- d) the proposals will have any traffic or road safety issues;
- (e) the proposals have any equalities or human rights impacts; and
- (f) representations raised have been addressed.

a) Use

The adopted Edinburgh City Local Plan Proposals Map identifies the site as lying within the Urban Area in which the plan supports a range of uses in principle, including student housing. The site also lies within the Edinburgh University campus as identified by the non-statutory guidance on Student Housing.

At present, the properties on Buccleuch Place are primarily in office and educational use, owned and occupied by the University of Edinburgh. The proposal does not involve the loss of family housing.

Part a) of policy Hou10 requires that the location of student housing is appropriate in relation to access to public transport and university facilities. The application site is within a short walking distance of Edinburgh University being located on campus and in close proximity to George Square. The site also has good access to public transport routes being in close proximity to main arterial routes in and out of the city.

This development therefore complies with part a) of policy Hou 10 in relation to student housing.

With regard to clause b the non-statutory guidance on Student Housing states that '*in and adjacent to main campuses further student housing will generally be acceptable*'. The site lies within the Central campus of the University and as such, in accord with the Student Housing Guideline, there is no limitation on the number of student residences in this location.

Policy Hou 8 of the emerging Edinburgh Local Development Plan Second Proposed Plan is also of relevance and which supports in principle purpose built student accommodation adopted in this location.

The proposals fully comply with the policies set out in the adopted local plan and non-statutory guidance. The proposal is not for residential use the policies relating to HMO use or affordable housing are not relevant in this instance.

The proposed use is acceptable in this location.

b) Conservation Area and listed buildings

The South Side Conservation Area Character Appraisal states that *the area is large and diverse with a rich mixture of historical periods and stages of development. The mixed residential and commercial buildings of the South Side consist mostly of 4-6 storeys constructed of stone with pitch, slated roofs. A characteristic of the South Side is the use of wallhead gables in the early Georgian Vernacular tenements. The uniformity of building heights provides a background against which important features of the City stand out. The proximity of Arthur's Seat, Salisbury Crags and the Old Town Ridge allows views and glimpses from a large number of points throughout the conservation area. The city skyline of the South Side and its landmarks are particularly distinctive.*

The change of use proposals involve only minor alterations to the external appearance of the listed buildings. The proposed rooflights and cowls would have no adverse impact on the character or appearance of the conservation area, subject to the conditions proposed below.

Buccleuch Place, consisting of main door and common stair tenement blocks of four storeys, basement and attic, is one of the grandest in the South Side. The proposals would represent an enhancement on what currently exists, providing the largely unoccupied buildings with a suitable new use and reinstating a number of original entrances and features which had been lost over time through their use for office purposes. The vitality of the street would be significantly improved by the proposals enhancing the character of the conservation area.

The proposals would enhance the character and appearance of the conservation area and have no adverse impact on the setting of the listed buildings.

c) Residential Amenity

Environmental Services has no objections to the proposals. Whilst a number of units within 1-6 Buccleuch Place are not in University ownership they operate as houses in multiple occupancy (HMO), a use which is compatible with managed student accommodation. In addition, the improvements to the building as a result of the proposals would not only enhance the amenity of other residents but would provide a building in active use increasing the security of the buildings. At present, the buildings are largely vacant.

The proposals would have no adverse impact on residential amenity.

d) Traffic and Road Safety

There are no issues relating to traffic or road safety. The Head of Transport has no objections to the proposed change of use.

e) Equalities and Human Rights

The proposals have been assessed in terms of equalities and human rights.

Buccleuch Place is a historical building situation and as such, wheelchair users will not be able to access the building due to the existing level restrictions and lack of lifts. There is no proposal to introduce wheelchair user specific accommodation. This has been confirmed as being acceptable in terms of Building Regulations. However there is potential to use some of the basement flats for wheelchair users. They would be accessible from the south gardens via ramped access. In addition, it is proposed, where possible, to ensure that the individual flats are designed according to Domestic Technical standards 2013. Therefore enhanced apartments (both living and bedroom space) and Accessible WC's and shower rooms have been incorporated into the proposals.

f) Material representations

- Inappropriate increase in student numbers in the South Side - addressed in section 3.3a).
- Impact on family housing provision - addressed in section 3.3a).
- Lack of affordable housing provision - addressed in section 3.3a).
- Contrary to local plan policies relating to housing - addressed in section 3.3a).
- Impact on the historic character of the area - addressed in section 3.3b).
- Noise and anti-social behaviour issues - addressed in section 3.3c).

Conclusion

The application complies with the Development Plan and non-statutory planning guidance.

The proposed use is acceptable in this location and the proposals would have no adverse impact on the character or appearance of the conservation area or the setting of the listed buildings. In addition, the proposals would have no adverse impact on neighbouring residential amenity or road safety.

Addendum to Assessment

The application was considered at the Development Management Sub-Committee on 28 January 2015.

The Committee wished to grant planning permission subject to conditions relating to sound attenuation and management of the use.

Land use planning is concerned with the allocation and use of land and not the detailed management of uses. The identity of the end user in a planning use is not a material consideration. The requirement for a management plan is not in accordance with guidance contained within the circular on the use of planning conditions, particularly with relevance to the necessity and enforceability tests. A rigorous regime of tenancy management exists under the mandatory licensing of Houses in Multiple Occupation by virtue of the provisions contained in the Civic Government (Scotland) Act 1982 (as amended). A management plan would duplicate the requirements of these regulatory controls.

With respect to the second proposed condition, noise standards between the student housing and the flats will need to meet building standards with respect to sound attenuations.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Details of the proposed cowls shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
2. The rooflight/s shall be of an appropriately detailed 'conservation' type, which shall be approved in writing by the Planning Authority before work commences on site.

Reasons:-

1. In order to safeguard the character of the conservation area.
2. In order to safeguard the character of the conservation area.

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.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

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.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 4 July 2014 and eighteen letters of objection were received. These included comments from Shiela Gilmore MP and the Cockburn Association. The letters of representation raised the following material issues:

- Inappropriate increase in student numbers in the South Side;
- Impact on family housing provision;
- Lack of affordable housing provision;
- Contrary to local plan policies relating to housing.;
- Noise and anti-social behaviour issues; and
- Impact on the historic character of the area.

The application was re-advertised on 28 November 2014 and a further four letters of objection were received. The letters of representation raised the following material issues:

- Noise
- Anti-social behaviour
- Unacceptable over provision of students within the South Side.

Sheila Gilmore MP commented on the original proposals for residential and HMO use. The amended proposals correctly identify the proposed use as managed student accommodation.

Non-material issues raised included the increased risk of fires and the impact on property prices.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The application property is located in and Urban Area with the Edinburgh City Local Plan as well as being identified as part of the University of Edinburgh Campus within the non-statutory guidance on Student Housing.

Date registered

25 June 2014

Drawing numbers/Scheme

1, 15 and 16,

Scheme 2

David R. Leslie

Acting Head of Planning and Building Standards

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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

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

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 4 (Listed Buildings – Alterations & Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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

Relevant Non-Statutory Guidelines

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

Non-statutory guidelines Student Housing Guidance interprets local plan policy, supporting student housing proposals in accessible locations provided that they will not result in an excessive concentration.

The South Side Conservation Area Character Appraisal emphasises the harmonious scale, massing and materials and the significance of key institutional buildings within the area.

Appendix 1

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Consultations

Transportation

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

1. The applicant should be advised that they will be eligible for one residential parking permit for each new property in accordance with Transport and Environment Committee decision of 4 June 2013. See http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7

Note:

Zero parking is proposed which complies with current Council parking standards for this area (Zone 1: between 0 and 1 space per unit).

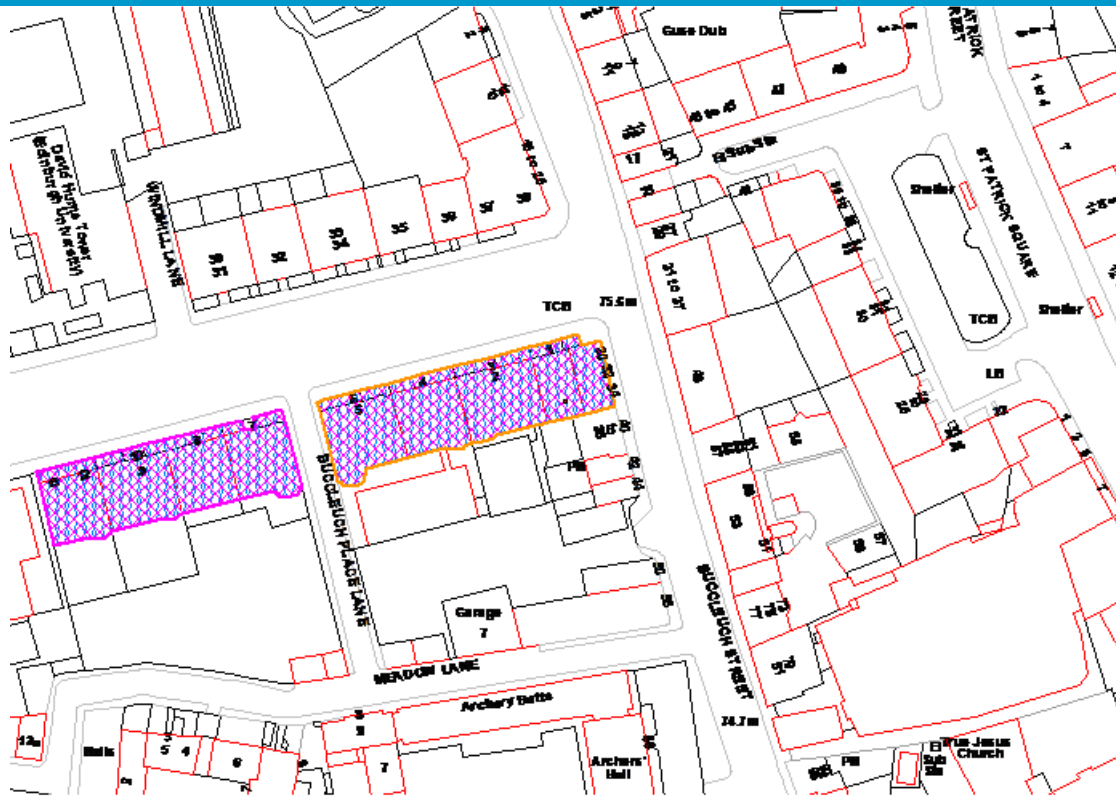
Environmental Services

The buildings are to be converted back into flats for use as student accommodation. The flats will range in size from three bed up to seven bed maisonettes. All accommodation will include separate kitchen and living space and toilet and shower facilities in line with and in some instances beyond HMO guidance. Environmental Assessment recommends that the applicant contacts the Councils Private Tenanted Sector Team to ensure that the Scottish HMO standards are met.

If the applicant installs a boiler exceeding 366.4 kilowatts then a chimney height calculation will be required in accordance with the Clean Air Act 1993.

Environmental Assessment offers no objection to this proposed development.

Location Plan



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