

Development Management Sub Committee

Wednesday 11 February 2015

**Application for Planning Permission 14/03643/FUL
At 102 St Leonard's Street, Edinburgh, EH8 9RD
Demolition of existing retail unit and redevelopment of site
for student housing, class 1 (retail) and/or class 2 (financial,
professional and other services) uses with associated
ancillary uses, landscaping and other associated
development.**

Item number	6.5
Report number	
Wards	A15 - Southside/Newington

Summary

The proposal is contrary to the development plan by virtue of part (b) policy Hou 10. All material considerations have been taken into account but none outweigh the conclusion that the proposal would be detrimental to community cohesion by virtue of the resulting excessive concentration of student accommodation with the locale.

Links

<u>Policies and guidance for this application</u>	LPC, CITD1, CITD3, CITD6, CITE6, CITE9, CITE18, CITEM1, CITR2, CITR5, CITT1, CITT4, CITT5, OTH, NSGSTU, NSGD02,
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Report

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Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site is located at 102 St Leonard's Street and is 0.7 hectares in area.

The site currently comprises an existing Homebase retail store and associated car parking. The retail unit lies adjacent to St Leonard's Street with access to the store being taken via an existing access to the north.

The site is bounded to the northeast by residential development at Parkside Terrace, which comprises predominantly of 4 storey brick built flats. To the southeast the site is bounded by St Margaret's and St Leonard's Church with further residential flats beyond. To the southwest the site is bounded by St Leonard's Street with tenemental properties ranging in height from three to five storeys and containing some retail uses on the ground floor.

The site is bounded on the north, south and west sides by the boundary of the South Side Conservation Area.

2.2 Site History

There is currently a large Homebase retail unit on the site.

May 1986 - Outline planning permission for the change of use of premises to use as a non-food retail warehouse was granted on appeal (application reference: P/PPA/LA/404).

A subsequent reserved matters application for alterations to the existing building and application for reserved matters pursuant to the outline planning permission were approved in July 1987.

While the ambit of the existing permission on the site relates to non-food retail use, the permission does not specifically exclude the sale of food or prohibit the sale of goods other than non-food goods. The applicant has received a legal opinion which confirms that the permission allows an open Class 1 retail use on the site and that the use of the unit for any use within Class 1 would not constitute development and would not require planning permission.

Other Relevant Applications

Lutton Court

12 March 2014 - Planning permission was refused for a proposed development of student residential accommodation (incorporating demolition of existing business units) with associated ancillary uses and amenity space at Lutton Place (application reference: 13/04278/FUL). This site is located approximately 800 metres from George Square. An appeal was submitted to the Scottish Government and the Reporter granted planning permission for the development (appeal reference: P-PPA-230-2122). This decision has been challenged through the Court of Session.

Causewayside

19 November 2014 - Committee was minded to grant the demolition of existing printing works and development of new purpose built student residential accommodation in flat and townhouse format (application reference: 14/02288/FUL) at 195 - 213 Causewayside. This site is approximately 1260 metres from George Square.

Buccleuch Street

28 January 2015 - Committee was minded to grant the change of use from education to managed student residential use (application reference: 14/02521/FUL) at 1-6 and 7-13 Buccleuch Place. The application site is within a short walking distance of Edinburgh University being located within the Central campus and in close proximity to George Square.

Main report

3.1 Description Of The Proposal

This application is for full planning permission for the demolition of the existing Homebase unit and the redevelopment of the site for a mixed use development comprising student housing, Class 1 (retail) and/or Class 2 (office) and other associated facilities including car parking.

The building is proposed to be arranged in a perimeter block with its main frontage onto St Leonard's Street. Due to the northerly slope of the site, it is proposed that the building is approximately five storeys in height with a sixth storey set back, reducing to four storeys at the northern end of the site. This frontage elevation comprises several vertical projecting elements with floor-to-ceiling windows.

The materials onto St Leonard's Street are proposed to be natural stone and metal cladding and this is continued around the building onto the other elevations. The materials for the internal elevations are proposed to be render on the upper levels with stone and metal cladding on the ground floor level.

It is proposed that the accommodation will provide 579 student bedrooms and other facilities including a common room, games room and laundry. On the ground floor, two commercial units are proposed. These units are provided on a speculative basis and are for Class 1 or 2 uses and are proposed to be 836 square metres and 115 square metres in area.

Access for vehicles is proposed to be taken via the existing entrance on St Leonard's Street. An additional point of access for refuse and service vehicles is proposed via Parkside Terrace to the rear of the site. The parking provision within the site to serve the class 1 or 2 units is 10 spaces (including one space for disabled users) and six motorcycle spaces. In terms of the student accommodation, it is largely proposed to be a car-free development with the exception of six spaces for disabled users.

In terms of cycle access, it is proposed that there will be three cycle routes into the accommodation. The main access route would be via the main entrance on St Leonard's Street from where students would be able to traverse the courtyard and make their way to the cycle store located to the south of the building. Students would also be able to gain access via stairs located at the south of the building from St Leonard's Street, adjacent to the church. This would be via a secure entry which only students would have access to. A further option for students would be to use the main vehicular access and enter from the rear.

Pedestrian access is proposed to be taken from two points. The primary access is via the main entrance on St Leonard's Street, with a secondary secured access at the north east of the site via the car park.

Landscaping is proposed in the form of street trees and paving on the St Leonard's Street frontage, with new trees on the remaining boundaries. Internal to the site is a large landscaped courtyard. A green roof is also proposed, along with green walls on the south facing internal wall. The existing trees along the frontage are proposed to be removed.

Supporting Statements

The following information was submitted in support of the application:

- Transportation Statement;
- Planning Statement;
- Design and Access Statement;
- Daylight and Sunlight Impact Assessments;
- Sustainability Statement;
- Flood Risk Assessment;
- Storm Water and Foul Water Management Plan;
- Report of Consultation;
- Site Investigation Report;
- Noise Impact Assessment;

- Retail and Multi-Residential Pre-assessment Planning Reports;
- Tree Survey and Arboricultural Constraints;
- Student Management Plan; and
- Cultural Heritage Desk-Based Assessment.

These documents are available to view on the Planning and Building Standards online services.

3.2 Determining Issues

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 preserve or enhance the character and appearance of the adjacent 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;
- (e) the proposal is acceptable in terms of road safety, parking and drainage;
- (f) the proposal meets sustainability criteria;
- (g) there are any other material issues;
- (h) the proposal is acceptable in terms of equalities and human rights, and;
- (i) material representations have been addressed.

(a) The Principle of the Development

The development raises no strategic issues and can therefore be assessed in terms of the local plan provision. The application proposes the erection of a mixed use development comprising mainly of student accommodation with some class 1 or 2 floorspace at ground level. The principle of these two elements are discussed separately below.

Student Accommodation

The adopted Edinburgh City Local Plan designates the site as being within the Urban Area. Within these areas, planning permission will be granted for purpose-built student accommodation where it is demonstrated that it is consistent with the relevant policy criteria in policy Hou 10 a) and b). The non-statutory guideline on student housing provides guidance for interpreting policy Hou 10 and is a material consideration in the determination of this application. The criteria in policy Hou 10 are applied to proposals for student accommodation using the locational guidance set out in the guideline.

Criteria a) of policy Hou 10 requires that the location is appropriate in terms of access to public transport, university and college facilities. The site is well served by public transport and is within easy walking distance of Nicholson Street which is served by a number of additional bus routes. Although it is not adjacent to (immediately next to) a main university campus, it is within easy walking distance to the University of Edinburgh's George Square and Pleasance campuses, being approximately 970 metres away. This application, therefore, complies with part a) of ECLP policy Hou 10.

In order to comply with the policy, both criteria a) and b) are required to be met. Criterion b) states that the proposal must not result in an excessive concentration of student accommodation in any one locality. The local plan does not define a percentage figure above which it is concluded that there is an excessive concentration of student accommodation in any one locality. However, the Student Housing non-statutory guidance states that in locations with good access to university and college facilities by public transport, purpose-built student accommodation will be acceptable provided it does not result in a student population of 30% or more in the locality.

In assessing the degree of concentration of student accommodation in an area, the supporting text of policy Hou 10 sets out that the Council is required to take into account the nature of the locality in terms of mix of land use and housing types, and the existing and proposed number of students in the locality. The nature of the locality is predominantly tenemental flats including a range of uses at ground floor level. The site is located in data zone S01008603, which has an existing student population concentration of 55.25%. Where a proposed site straddles or lies along the boundary of two or more data zones, the data is combined to provide a more realistic representation of the locality in which the site is located. Therefore, as the site shares a boundary with the adjacent data zone (S01008602), the figures have been combined for both data zones, providing a total concentration of 50.72%. An additional 579 bedspaces will increase this further to 61.73%. This exceeds the 30% concentration threshold by over 30% and 61.73% represents an excessive concentration of student accommodation within this locality.

However, the positive wording of this policy offers support for purpose-built student accommodation. The Reporter in the recent decision for the Bernard Terrace/Lutton Court student housing appeal (reference: 230-2122) stated that in order to fully assess the impact of a development, the positive and negative aspects of each proposal require to be taken into account when considering the excessive concentration point, rather than arbitrarily applying a preconceived definition of the term.

This approach was adopted in the assessment of the Causewayside application (14/02288/FUL). This site was located across two census data zones (S01001981) and (S01001983) and the existing combined concentration of student accommodation for these two data zones was 30.37%. The proposal was to accommodate a further 152 bed spaces which would increase this concentration to 36.24%. This exceeds the 30% concentration threshold set out in the Student Housing Non Statutory Guideline, however, taking account of the overall character of the area and the balance of commercial and residential use, it was considered that 36.24% is not an excessive concentration of student accommodation in this locality. It was concluded that this proposal was an acceptable exception to the guideline and on balance complied with Policy Hou 10 (b).

Therefore, a range of considerations are taken into account in assessing each application for student accommodation. While the concentration at Causewayside exceeded the guideline, it was deemed to be acceptable on the basis of the varied local character. While the character around this application site at St Leonard's is mixed with a variety of residential, retail and commercial units, the area immediately surrounding the site is predominantly residential flats. Therefore there would be little scope for the area of absorb further student developments.

It is noted that existing students can make contributions to the local economy due to their local expenditure patterns. However, the supporting text of policy Hou 10 identifies the problems that can be caused by an excessive concentration of students in a particular area. These are: less stable communities; a rapid turnover of population, and; properties left vacant for extended periods in summer. While issues of anti-social behaviour and residential amenity for existing residents are discussed below, policy Hou 10 primarily considers the impact of transient student residents on the creation of cohesive communities. It is acknowledged that transient student populations often fail to identify with their neighbourhood and this can create tensions within the community.

Therefore, the increase in student population and the impacts on the immediate locale would result in a student concentration of over 60% and this would be detrimental to community cohesion.

Retail/Commercial Proposal

The proposals include the provision of 948 square metres of speculative retail/commercial (Class 1 or 2) floorspace in an area that is out of centre. In terms of policy, Class 2 office/commercial developments are generally acceptable where they contribute towards the diversity and vitality of the area and are accessible by public transport. In this instance, the site is well served by public transport and the inclusion of Class 2 uses would provide diversity and vitality to the area. The inclusion of Class 2 uses on the site is therefore acceptable.

In terms of the retail floorspace, despite the fact that the site includes an existing retail unit, it is necessary to assess any new retail provision in terms of its potential impact on the town centres. Policy Ret 5 applies a criteria-based assessment of new retail proposals located within out-of-centre locations. The proposal is assessed against these criteria (a)-(d) below.

Criterion (a) requires that all potential sites, either within or on the edge of an identified centre, have been assessed and can be discounted as unsuitable or unavailable. In support of the application, the applicant provided an assessment of available sites within the area. It shows that there are no sites available and suitable either within, or on the edge of the town centre, that can accommodate the scheme.

Criterion (b) requires that proposals will not have a significant adverse effect, either individually or cumulatively with other developments, on the vitality and viability of existing centres within the intended catchment of the proposal. In assessing the proposal against this criterion, the thresholds contained within Scottish Planning Policy (2014) for undertaking a retail impact assessment are set at proposals above 2,500 square metres. The floorspace of the proposals is 948 square metres and therefore falls below this scale. Nevertheless, the proposals have been assessed in terms of the potential impact on the existing centres and it is determined that the impact would be negligible. This is based on the fact that the existing catchment of the site for convenience goods is within the immediate local area, where convenience shopping is carried out in the Clerk Street/Nicolson Street town centre. There is a wide range of shops on Nicolson Street/Clerk Street which serve a large area due to the variety of provision on offer. The intended catchment for the proposed retail units would be the immediately surrounding area and due to the sizes of the proposed units, they would primarily be for local convenience. As a result, the proposed units would have a negligible impact on the existing town centres. Therefore, the retail element of the proposals will not have a significant adverse effect on the vitality and viability of existing centres and is acceptable.

Criterion (c) states that development will be permitted where the site is or can be made easily accessible by a choice of transport modes and will not add to the length and overall number of shopping trips made by car. In assessing the proposal against this criterion, the site is already a well-established retailing location that benefits from a high level of accessibility. The site is easily walkable from the nearby Nicholson Street/Clerk Street town centre where there is a frequent bus service route resulting in there being a range of sustainable modes of travel available to access this location. Furthermore, the site has an established residential/ commercial population immediately nearby, ensuring that the new retail units will serve a much wider range of people within this part of the city than at present.

Criterion (d) states that the proposal will fill a gap in provision locally or will meet the needs of an expanding residential or working population. In assessing the proposal against this criterion, the site and surrounding area are currently well served by a range of local shops at the nearby town centres. It is not considered that there is a specific gap in provision locally for a retail unit, however the proposed units would complement the existing small scale retail provision on St Leonard's Street, as well as the variety of units on Clerk Street/Nicolson Street. In terms of the expanding residential or working population, any development of this site would benefit from having a mix of uses in order to serve new inhabitants as well as the immediately adjoining areas. Similarly, a Class 2 commercial unit would be suitable in meeting the needs of both the significant level of residential inhabitants and working population nearby. Therefore, while there is no recognised qualitative or quantitative deficiency in the area in terms of retail provision, any new small-scale retail provision would be acceptable on this site in order to complement the existing provision. In addition, some weight should be attached to the existing position whereby the site benefits from an unrestricted retail use.

Policy Conclusion

The retail/commercial floorspace has been assessed and is acceptable at this location.

In terms of the student housing, there is a recognised need for purpose-built student accommodation across the city close to universities and colleges and near good transport links. While this proposal is located close to main campuses and is well served by public transport, the proposal would result in an unacceptably high concentration of students and this would be contrary to the aims of the local plan, which seeks to create stable and cohesive communities.

Therefore, the proposal is contrary to part b) of policy Hou 10 and this cannot be outweighed by the locational benefits.

(b) The Impact on the Conservation Area

The site lies immediately adjacent to the South Side Conservation Area. The South Side Conservation Area Character Appraisal notes that where there are development opportunities lying adjacent to the conservation area boundary views out of the conservation area should not be disrupted and that the style of new buildings should reflect the scale, massing and materials of the conservation area.

The South Side Conservation Area Character Appraisal identifies 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 proposal lies adjacent to an area identified as the Fourth Expansion Area in the South Side Conservation Area Character Appraisal. The spatial form of this area is characterised by informal broken blocks making them permeable in character. Some of these blocks have been infilled with larger buildings and hence there are larger block sizes in some areas which produce a lack of permeability.

In assessing the proposal against the character of the conservation area, the development does not propose a traditional pitched slate roof which is noted in the character appraisal as a key characteristic, however there are a range of roof styles and materials throughout the wider conservation area and therefore this roofscape would not appear incongruous in the wider context.

There would be a reduction in the view of Arthur's Seat as a result of this development as the glimpse views across the site from the south along Dalkeith Road and from the west along Luton Place would be affected. In assessing this impact, it is noted that the view of Arthur's Seat across the site is only afforded as glimpse views and are only available due to the existing low building on the site.

Any development of this site would be expected to have comparable heights to the surrounding properties due to the townscape character, and this would affect views in any instance. Therefore, although the views out of the conservation area will be affected, it is not sufficient reason to seek amendments to the proposal.

With regards to the impact of the proposal on the appearance of the conservation area, the materials for the main frontage elevation are proposed to be natural stone and to the rear the materials are proposed to be render and natural stone. These are consistent with the materials on the surrounding tenements and with the conservation area character appraisal. If Committee was minded to grant the application, a condition should be applied that requires the submission of building materials for approval prior to building works on site. This would ensure that the building materials are of a sufficient quality.

The height of the proposal takes cognisance of the topography of the site and the slope of the street and is commensurate with the heights around the site. The proposal is therefore commensurate with the form of buildings within the wider conservation area.

Overall, the use of high quality building materials will ensure visual cohesion with the surrounding existing properties on the primary frontage and the retention of the mature trees along the rear boundary wall will help retain the character of the area. The proposed buildings take cognisance of the height and design characteristics of the conservation area and views across the site are largely preserved. Therefore the proposal is acceptable in terms of its impact on the conservation area.

(c) Scale, Design and Materials

In assessing the scale and form of the proposal, policies Des 1 and Des 3 of the adopted local plan provide a robust framework for assessing design quality.

Policy Des 1 states that planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a high quality, sustainable living environment. In terms of policy Des 1, the surrounding built environment is a legible urban form with high quality materials. The layout of the proposed development contributes towards the legible urban form by forming a strong frontage onto St Leonard's Street. The design of the proposed frontage demonstrates a clear design concept where the architecture includes strong contemporary elements and this is appropriate in its context. The landscaping and open space provided within the site has been well considered and designed to a high standard.

Policy Des 3 states that developments should have a positive impact on their setting having regard to the positioning of buildings on the site, their height, scale and form, materials and detailing and wider townscape and impact on views. In assessing the development against this policy, the positioning of the buildings is appropriate in creating a strong frontage. The height of the building is appropriate and subservient to the adjacent church. There are several other examples within the locale (particularly on St Leonard's Street) where the heights of the buildings vary and it is not uncommon throughout the wider area to see a juxtaposition of building heights in adjacent buildings.

Within the streetscape, the existing views down St Leonard's Street and across to Arthur's Seat will be materially affected as the existing building is lower than the proposed. However, the buildings have been positioned so that they retain glimpse views across to Arthur's Seat, and the proposed buildings will enhance the frontage and views along St Leonard's Street.

In conclusion, the impact of the development on its setting has been thoroughly assessed and the redevelopment of the site will not have a detrimental impact on the setting and wider townscape. The design and materials of the development are of a high quality and the development accords with policies DES 1 and DES 3.

(d) Impact on Amenity of Neighbours

Policy Des 3 states that the amenity of occupiers or neighbours should not be materially harmed by effects on privacy, daylight, sunlight or immediate outlook. In terms of these factors, there is adequate distance between the development and the existing tenements opposite on St Leonard's Street to negate any privacy impacts. Similarly, the privacy of the buildings to the south and west of the development would not be impinged as a result of the development due to adequate distances between the buildings. The existing buildings on Parkside Street are within 20 metres of the proposed building, although the offset windows and the presence of high trees negate any privacy concerns.

In addition, it is important to consider the previous use of the site and that the current immediate outlook of residents is onto a large retail unit. While it is clear that the outlook of neighbouring properties would be altered, this would occur in any redevelopment of the site. Furthermore, the development has been sensitively designed to reduce in height towards the residential properties on St Leonard's Street and includes a grass roof. There are existing mature trees within the garden grounds of the existing flats and this helps to further reduce the visual impact. Therefore, the scale and form of the development would not be detrimental to the amenity of surrounding neighbours and would have a positive impact in terms of the additional soft landscaping within the site.

The proposal complies with the methodologies for assessing impacts on daylight and sunlight to neighbouring properties that are set out in the Edinburgh Design Guidance.

Notwithstanding this, in terms of sunlight to existing residents, the applicant provided a daylight and sunlight statement, which compared the impact of the existing buildings to the impact of the proposed buildings on all surrounding properties during the Spring equinox. The study showed that the proposed scheme satisfies the technical guidance outlined in the BRE document 'Site layout and planning for daylight and sunlight: a guide to good practice' in terms of the impact on neighbouring properties.

In terms of the impact on existing residents of noise and disturbance as a result of the development, it is proposed that there would be an on-site facilities manager who would be responsible for allowing entry into the site, as well as controlling levels of noise and anti-social behaviour.

Amenity Conclusion

In terms of amenity, the visual impact of the proposed buildings is a significant consideration, particularly the impact of the new buildings on St Leonard's Street. In this location, the outlook of the residents on Parkside Street and St Leonard's Street would be most affected, however it is not within the planning remit to protect a private view. The applicant has attempted to mitigate the visual impact of these buildings by keeping the heights low where they are adjacent to boundaries and by including grass roofs. While the buildings are closer to the boundaries than the existing retail unit, there are no overlooking or privacy issues. In addition, there are several mature trees which provide a degree of screening between the existing properties and the application site. Overall, although the immediate outlook of residents onto the site will be altered, the levels of amenity afforded to existing residents will be retained.

(e) Road Safety, Parking and Drainage

Road Safety

It is proposed that vehicular access is taken from the existing access on St Leonard's Street. A vehicle swept path analysis was undertaken to ensure that the proposed access is suitable for the likely vehicle usage. Vehicles requiring access to the site include customer vehicles, student vehicles and service vehicles. The swept path analysis shows that these vehicles can enter and exit the site without compromising road or pedestrian safety across the junction. The internal layout of the site would allow for vehicles to access the parking area and turn within the north eastern area of the site by utilising a turning circle.

In terms of servicing, the anticipated service vehicles for the site may include delivery and refuse vehicles. Following discussions with Transport, it was agreed that an access could be provided at the north eastern extents of the site to allow for deliveries and refuse collection to be made via Parkside Terrace. This access would only be available for these service vehicles and would be controlled via a secure 2 metre high rolling gate. Access would not be available to students or the general public whether in vehicles, on foot or on cycles and would therefore have a limited impact on amenity.

Overall, in terms of road safety, the proposal is acceptable. Transport has no objections to the proposals on road safety grounds.

Parking

The site is located within Zone 2 of the CEC parking standards. The proposed parking provision within the site accords with this standard in relation to the Class 1/Class 2 element of the proposals with a maximum of 10 spaces including one disabled space being provided. Motorcycle parking is proposed by the inclusion of six motorcycle spaces adjacent to the car parking. The student accommodation is proposed to be car-free with the exception of six spaces for disabled users. On-street parking in the area is limited, with a number of the parking areas surrounding the development being controlled for residents' use only.

The current CEC guidance for cycle parking requires one space per student and one per seven members of staff, which equates to 580 spaces. The application proposes to provide 125 spaces in a secure and covered internal store with land safeguarded to increase provision if demand requires it. Cycle utilisation would be monitored as part of the travel plan.

While the provision is lower than the standards, it is acceptable in this instance as the cycle usage will be monitored and additional spaces can be provided as necessary. Transport has no objections to this approach.

Drainage

The application proposes that surface water arising from the development would be discharged into the combined system. Based on the details provided within the Surface Water and Foul Water Management Plan, SEPA is satisfied that the applicant is proposing to provide the required level of treatment as required. It is noted that green roofs and areas of filter trenches/permeable paving are proposed and these are positive improvements when compared with the existing drainage on site.

The drainage proposals are acceptable for this development.

(f) Sustainability

The applicant has submitted a sustainability statement in support of the application. The points achieved against the essential criteria are set out in the table below:

Essential Criteria	Available	Achieved
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

In addition to the essential criteria, the applicant has provided a commitment to further sustainability measures including the incorporation of green roofs and the use of low and zero carbon technology.

The proposal therefore meets the sustainability criteria.

(g) Other Material Issues

Archaeology

As detailed in the archaeological supporting statement, the site appears to have been open ground until the construction of the Castle O'Clout's Pub in 1724 on the south west corner of the site. The 18th and 19th centuries saw the gradual development of the whole site with a mix of tenements and industrial warehousing/buildings.

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 development would require extensive excavations in terms of demolition and construction of new buildings, landscaping, utilities, roads car-parking and infrastructure and such works are regarded as having a low-moderate archaeological impact. Accordingly, a phased programme of archaeological works would require to be undertaken and a suitable condition would be required if Committee were minded to grant the application.

Security

Police Scotland has indicated that there is a substantial amount of student accommodation in Edinburgh and they are regularly targeted by housebreakers. They recommend that access to the student properties from narrow pends with no natural surveillance is avoided and that door access to all buildings should be directly from the central courtyard with no through access to the perimeter. Cycle storage should be accessed from the central courtyard only and two access control gates are recommended; one at the front as indicated on the drawing and one at the rear near the parking. Furthermore, it is recommended that defensive planting should be included under all windows on the south and east sides of the building and more lighting is required on the south and east perimeter paths to provide an even amount of light with no shadows. Additional measures are recommended including the installation of CCTV.

The installation of CCTV, lighting and planting can be dealt with as conditions or informatives as appropriate if Committee were minded to grant this application. With regards to the other security measures, the applicant has provided a Student Management Plan, which states that the site will have 24-hour management and security staff. In addition, all external access points will be adequately secured and monitored and that CCTV would be installed covering common parts and the exterior.

Therefore, the proposal is acceptable in terms of safety and security.

Impact on Trees

Due to the current use of the site as a DIY store and car park there are relatively few trees on site. The Tree Survey notes eight trees planted on a narrow strip of land between the store and St Leonard's Street, which are considered to be part of the original landscape scheme associated with the Homebase store. This includes three Italian alders, two rowan trees, two whitebeams and a single purple Norway maple. The trees' canopies have been contained by the walls of the store to the east and their rooting zone has been constrained between the store and adjacent footway. These trees are categorised as of low quality and value and the application proposes that they are replaced by 11 new street trees of semi-mature size. An existing Italian alder on the northeast boundary of the site would be replaced by new perimeter tree planting and a Goat Willow to the north of the existing vehicular access would be removed. Over 50 trees are proposed to be planted throughout the site layout, substantially increasing tree cover within the urban environment.

This compensates for the loss of the existing trees and the proposed green roof is welcomed for its contribution to enhancing the biodiversity value of the site.

Therefore, the loss of the existing trees would be acceptable in this instance.

(h) Equalities and Human Rights

The application was assessed in terms of equalities and human rights. In summary, the building would be fully accessible to those with varying needs relating to the mobility, sight impairment, hearing impairment and varying degrees of disability. An Equality and Human Rights Assessment is available to view on the Planning and Building Standards online service.

(i) Representations

The application was advertised on 26 September 2014 and 124 letters of representation were received. This includes two letters of support and 122 letters of objection. The details are outlined below:

- Contrary to policy in terms of student numbers (assessed in 3.3(a) above);
- Impact of new retail units on existing retail units in the area (assessed in 3.3(a) above);
- Loss of existing retail unit (assessed in 3.3(a) above);
- Transient population is not stable in terms of the economy (assessed in 3.3(a) above);
- Impact on existing community (assessed in 3.3(a) above);
- Site not adjacent to a university (assessed in 3.3(a) above);
- Impact on Conservation Area (assessed in 3.3(b) above);
- Poor design, height and materials (assessed in 3.3(c) above);
- Impact on sunlight, daylight and privacy (assessed in 3.3(d) above);
- Noise and anti social behaviour (assessed in 3.3(d) above);
- Insufficient infrastructure in the area e.g doctors' surgeries (assessed in 3.3(d) above);
- Traffic disruption, including increased traffic on Parkside Street (assessed in 3.3(e) above);
- Poor access and parking problems (assessed in 3.3(e) above);
- Lack of sustainability measures (assessed in 3.3(f) above);
- Archaeological significance of site (assessed in 3.3(i) below); and
- Loss of trees (assessed in 3.3(i) below).

The following non-material issues were raised:

- Impact on house prices.

Comments in support of the proposals:

- There is shortage and demand for student bed spaces (assessed in 3.3(a) above); and

- Purpose-built student housing frees up private letting stock (assessed in 3.3(a) above).

Conclusion

The proposal is contrary to the development plan by virtue of part (b) policy Hou 10. All material considerations have been taken into account but none outweigh the conclusion that the proposal would be detrimental to community cohesion by virtue of the resulting excessive concentration of student accommodation with the locale.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Conditions:-

Reason for Refusal:-

1. The proposal is contrary to part (b) of policy Hou 10 in the adopted Edinburgh City Local Plan in that the development would result in an excessive concentration of student accommodation in the locality.

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

A Proposal of Application Notice was submitted and registered on 28 May 2014. Copies of the notice were also sent to:

- Grange/Prestonfield Community Council;
- Northfield and Willowbrae Community Council;
- Southside/Newington Ward Councillors;
- Southside Association; and
- South Central Neighbourhood Partnership.

Two public consultation events were held in June 2014 at the church adjacent to the application site. 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 Services.

A pre-application report on the proposals was presented to the Committee on 13 August 2014.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 26 September 2014 and 124 letters of representation were received. This includes two letters of support and 122 letters of objection. The letters of objection raised the following material issues:

- Contrary to policy in terms of student numbers;
- Site not adjacent to a university;
- Impact on Conservation Area;
- Poor design, height and materials;
- Impact on sunlight, daylight and privacy;
- Traffic disruption;
- Poor access and parking problems;
- Noise and anti social behaviour;
- Impact of new retail units on existing retail units in the area;
- Impact on existing community;
- Archaeological significance of site;
- Loss of existing retail unit;
- Loss of trees;
- Lack of sustainability measures;
- Insufficient infrastructure in the area e.g doctors' surgeries; and
- Transient population is not stable in terms of the economy.

The following non-material issues were raised:

- Impact on house prices.

Comments in support of the proposals:

- There is shortage and demand for student bed spaces; and
- Purpose-built student housing frees up private letting stock.

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

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 site is within the Urban Area of the adopted
Edinburgh City Local Plan.

Date registered

9 September 2014

Drawing numbers/Scheme

1-30,

David R. Leslie

Acting Head of Planning and Building Standards

Contact: Lesley Carus, Senior planning officer

E-mail:lesley.carus@edinburgh.gov.uk Tel:0131 529 3770

Links - Policies

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 6 (Sustainable Design & Construction) sets criteria for assessing the sustainable design and construction elements of development.

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

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

Policy Emp 1 (Office Development) identifies locations and circumstances in which office development will be permitted.

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

Policy Ret 5 (Out of Centre Retail Development) identifies the circumstances in which out-of-centre retail development will be permitted.

Policy Tra 1 (Major Travel Generating Development) supports major travel generating development in the Central Area, and sets criteria for assessing major travel generating development elsewhere.

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.

Other Relevant policy guidance

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.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

Appendix 1

Application for Planning Permission 14/03643/FUL At 102 St Leonard's Street, Edinburgh, EH8 9RD Demolition of existing retail unit and redevelopment of site for student housing, class 1(retail) and/or class 2 (financial, professional and other services) uses with associated ancillary uses, landscaping and other associated development.

Consultations

Archaeology comment

The current late 20th century warehouse lies at the centre of St Leonard's, which derives its name from the medieval hospital of the same name. The Hospital and associated almshouses appear to have been founded in the 12th and occupied roughly pentagonal area of 5 1/2 Scots Acres (Harris S ,Place Names of Edinburgh), though the site of the hospital appears to have further to the north. As detailed in AOC's DBA (AOC report 22864) accompanying this application the site appears to have been open ground until the construction of the Castle O'Clout's Pub in 1724 on the SW corner of the site. The 18th and 19th centuries saw the gradual development of the whole site with a mix of tenements and industrial warehousing/buildings

Accordingly this application must be considered under terms Scottish Government's Scottish Planning Policy (SPP) and Scottish Historic Environment Policy (SHEP) and also CEC's Edinburgh City Local Plan Policies ENV4, 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.

Buried Archaeology

As stated this site is regarded as being of archaeological significance primarily in terms of its post-medieval commercial (Castle O'Clouts Pub) residential and industrial Archaeology. The proposed development will require extensive excavations in terms of demolition and construction of new buildings, landscaping, utilities, roads car-parking etc. Having read over AOC Archaeology's accompanying DBA, I agree with their general impact conclusions, that such works are regarded as having on the whole a low-moderate archaeological impact.

Accordingly it is recommended that a phased programme of archaeological works is undertaken Demolition of the current warehouse must be confined initially to above ground level with archaeological monitoring to ensure that no significant remains are disturbed. Archaeological evaluation of the site (max 10%) will then be undertaken the results of which will determine the scope of any phases of excavation/reporting and

analysis. This is to ensure that any archaeological remains that may be affected are properly recorded and excavated where preservation in situ is not possible.

Archaeological Public Engagement

Further given the potential importance of these remains in terms of the both the local history and that of Edinburgh it is recommended that this programme of archaeological works contain a programme of public/community engagement (e.g. site open days, viewing points, temporary interpretation boards) the scope of which will be agreed with CECAS.

It is essential therefore that a condition be applied to any consent granted to secure this programme of archaeological works based upon the following CEC condition;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Historic Building Recording, excavation, analysis & reporting, 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.

SEPA comment

We have no objection to this planning application. Please note the advice provided below.

This advice is given without prejudice to any decision made on elements of the proposal regulated by us, which may take account of factors not considered at the planning application stage.

Advice for the planning authority

1. Drainage

Foul Drainage

1.1 The applicant is proposing to discharge foul drainage arising from the development to the combined sewerage system, vested by Scottish Water (SW).

1.2 It will be for SW to ensure that sufficient capacity exists in the public sewerage network to accommodate the proposal. Should SW determine that capacity exists, they must ensure that the proposal does not have a detrimental effect on the water quality of the river.

Surface Water

1.3 The applicant has outlined within the application that surface water arising from the development will be discharged into the combined system.

1.4 It should be noted that SW only accepts surface water into a combined system in exceptional circumstances. Removing surface water from the combined sewer is beneficial as it, increases capacity in infrastructure for future development and reduces the risk of pollution events.

1.5 In accordance with the requirements of The Water Environment (Controlled Activities) (Scotland) Regulations 2011, also known as The Controlled Activity Regulations (CAR) surface water runoff arising from the hardstanding areas, inclusive of roads and roofs will require to be collected, treated and disposed of using sustainable drainage techniques.

1.6 Based on the details provided within the Surface Water and Foul Water Management Plan which accompanies this consultation we are satisfied that the applicant is proposing to provide the required level of treatment as required. We note that the applicant is intending to provide green roofs and areas of filter trenches/permeable paving these should be seen as positive improvements when compared with the existing drainage on site.

1.7 We have not considered the water quantity aspect of this scheme. Comments from Scottish Water, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on any water quantity issues including the acceptability of post-development runoff rates for flood control.

2. Sustainable Urban Drainage System

2.1 Further guidance on the design of SUDS systems and appropriate levels of treatment can be found in CIRIA's C697 manual entitled The SUDS Manual. Advice can also be found in the SEPA Guidance Note Planning advice on sustainable drainage systems (SUDS). Please refer to the SUDS section of our website for details of regulatory requirements for surface water and SUDS.

3. Construction Phase, Pollution Prevention

3.1 Construction works associated with the development of the site must be carried out with due regard to the guidelines on avoidance of pollution. Reference should be made to the relevant Pollution Prevention Guidance (PPG) Notes available on our website at www.sepa.org.uk and to the CIRIA publication C651 "Environmental Good Practice Pocket Book".

3.2 Any waste materials imported to the site during construction must be stored and used only in accordance with a waste management licence or exemption under the Waste Management Licensing (Scotland) Regulations 2011. Similarly, any waste materials removed from the site must be disposed of at a suitably licensed or exempt waste management facility in accordance with these Regulations.

3.3 *The applicants and their contractors should also be fully aware of the relevant requirements relating to the transport of controlled waste by registered carriers and the furnishing and keeping of duty of care waste transfer notes.*

Continued...

3.4 *We will duly expect the applicant to take all necessary measures are in place to ensure that pollutants typically associated with the construction phase of the project do not cause pollution of the environment, specifically the water environment.*

3.5 *We would therefore expect the applicant to install temporary drainage facilities, inclusive of good housekeeping arrangements to manage this aspect of the project. This is a legal requirement of the Controlled Activity Regulations.*

Natural Heritage comment - dated 29 October 2014

The incorporation of swift bricks would assist in addressing the biodiversity enhancement as required by Policy Des3i.

SWIFTS AND DEVELOPMENT

INFORMATION FOR DEVELOPERS

NATIONAL POLICY/ CONTEXT

The Nature Conservation (Scotland) Act 2004
The UK Biodiversity Action Plan
The Scottish Biodiversity Strategy

LOCAL POLICY/ CONTEXT

Edinburgh City Local Plan Policy Des 3 Development Design
Edinburgh Design Guidance
Edinburgh Local Biodiversity Action Plan 2010-2015 Species Action Plan for Swifts

BACKGROUND

Swifts are a priority species in the Edinburgh Local Biodiversity Action Plan (LBAP) 2010-2015. They are amber-listed in 'Birds of Conservation Concern 2009' due to a steep decline in breeding population numbers, caused by an ongoing loss of nest sites. Swifts are uniquely dependent on the built environment for nest sites.

The Edinburgh Local Biodiversity Action Plan 2010-2015 contains a priority action for swifts: that suitable new development includes artificial swift nest sites ('swift bricks') to counteract the ongoing loss of nest sites.

The Council are keen to promote within development sites the inclusion of swift bricks. Developers are encouraged to consider the inclusion of swift bricks within their developments and should be considered integral to the design.

Should applicants or architects require further information on swifts please contact the Biodiversity Officer: biodiversity@edinburgh.gov.uk or 0131 469 3920.

The Biodiversity Officer holds records of swift sightings, indicating which areas in and around Edinburgh are known to be important for swifts. They are frequently found in areas with lots of tenements, such as Leith, Canonmills, Stockbridge, Newington or Southside. They are also found in other parts of the city such as Portobello, Currie, Juniper Green and Gracemount. It is safe to assume that anywhere with a dense built environment is capable of supporting swifts.

Many building types are ideal for including swift bricks, particularly blockwork or brickwork walls. They can be faced with render or other facings as long as the entrance hole is left open. The bricks can easily be incorporated into larger buildings such as supermarkets.

GUIDANCE

Guidance from the Royal Institute of British Architects states that swift bricks should be:

Located out of direct sunlight, ideally on north-east or north-west elevations

Located 5 m above ground, ideally near the top of the elevation underneath eaves or roofing

Located where swifts have clear airspace to approach and exit their nests, i.e. clear of trees/utilities etc.

Incorporated in groups appropriate for building size and mass:

1 to 4 nest provisions on a house

4 to 10 on a small block of flats

10 to 20 on a larger building, e.g. offices or industrial site

SUPPLIERS

Some commonly used swift bricks are:

Swift brick Dimensions Further information

Ibstock Swift Box 140 mm (h) x 326 mm (w) x 102 mm (d) IbstockSchwegler Swift

Box 25 180 mm (h) x 265 mm (w) x 220 mm (d) Schwegler shopSchwegler Swift

Box 16 240 mm (h) x 430 mm (w) x 220 mm (d) Schwegler shop

ANSWERS TO COMMON QUESTIONS

Cleanliness

Swifts are very hygienic and their nest sites do not suffer from staining as the birds either eat or carry their waste away from the nest before dropping it.

See the fourth bullet point on this page for confirmation:

<http://www.swift-conservation.org/Swift%20Facts.htm>

Excluding other bird species

Most swift box designs are careful to exclude other species from entering the nests. This is possible because swifts have very short legs so the entrance hole can be extremely narrow.

For example the Swift Box No 16 S from Schwegler is designed to exclude starlings by the inclusion of a short tunnel behind the entrance hole.

Using swift bricks as a design feature

The swift bricks can be incorporated as a row or in other configurations such as triangles or diamonds - they can form a design feature e.g. a diamond design on the gable end of a building.

Swift bricks can be covered in render or other facing materials as long as the entrance holes remain uncovered.

The following webpage shows a range of buildings where swift nest boxes have been incorporated, including some which have been rendered:

<http://www.swift-conservation.org/OurProjects.htm>

Attaching to rooftop plant rooms

Buildings with rooftop plant rooms are ideal for incorporating swift bricks - internal or external nest boxes can be attached and will be out of sight of passers-by on the ground. The following webpage shows some examples:

<http://www.swift-conservation.org/OurProjects.htm>

Police Scotland comment - dated 30 October 2014

I am writing on behalf of Police Scotland to provide comments on the above planning application.

Observations and comments

There is a substantial amount of student accommodation in Edinburgh and they are regularly targeted by housebreakers.

It is strongly recommended that access to the student properties from narrow pends with no natural surveillance is avoided.

Door access to all buildings should be directly from the central courtyard with no through access to the perimeter

Cycle storage should be accessed from the central courtyard only

Two access control gates are recommended, one at the front as indicated on the drawing and one at the rear near the parking. For an example of this style of security please see the new student accommodation at Holyrood Road South, a Secured by Design build.

The number of entrances to the common room should be limited to entrances from within the secure access area.

Defensive planting should be included under all windows on the south and east sides of the building.

More lighting is required on the south and east perimeter paths to provide an even amount of light with no shadows

CCTV should be installed at the main entrances and exits to obtain identification quality images. CCTV coverage should also be provided along the vulnerable south and east aspects of the building and a further camera should cover the cycle storage.

It is strongly recommended that the architect and client meet with an architectural liaison officer to discuss Secured by Design principles and crime prevention through environmental design.

Location Plan



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