

Development Management Sub Committee

Wednesday 8 June 2016

Application for Planning Permission 15/05556/FUL At 4 Muirhouse Avenue, Edinburgh, EH4 4UB Demolition of church and erect three, three-storey student housing blocks (as amended)

Item number	7.4
Report number	
Wards	A04 - Forth

Summary

Although the proposal is contrary to ECLP policy Hou 10b) - Student Housing, and the current non-statutory Student Housing Guidance, it accords with the previous guidance in place when the application was submitted. An exception to policy is justified, given the size of the site and the significant new housing proposals in the wider Pennywell area. The application is acceptable in terms of design, layout and car parking. No other considerations outweigh this conclusion.

Links

Policies and guidance for this application	LPC, CITH10, CITD3, CITD2, CITD1, CITT4, CITT5, NSG, NSGD02, NSGSTU,
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Report

Application for Planning Permission 15/05556/FUL At 4 Muirhouse Avenue, Edinburgh, EH4 4UB Demolition of church and erect three, three-storey student housing blocks (as amended)

Recommendations

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

Background

2.1 Site description

The site is a gently sloping area of around 0.3 hectares within a generally more steeply sloping local townscape. The site contains a recently fire-damaged church, dating from the 1970s, standing on the corner of Muirhouse Avenue and Pennywell Gardens, a tree-lined and traffic-calmed dual carriageway, which is the main north-south thoroughfare serving the area.

To the north is a group of shops and community uses interlinked with housing, adopting a very rigid rectilinear form and ranging from one to four storeys in height. The closest block within this group is four storeys in height with commercial uses at ground floor and residential above. This has a "gull-wing" roof form. To the opposite side of Pennywell Gardens the area is dominated by two and three storey housing, but with a modern, listed, former church to the south-east (now converted to a bakery). This was listed category C on 10 November 1998 (reference no.45798).

Heights to the immediate south range from one to three storey, the closet block on this side being a medical centre. New build within the wider area rises to four storey.

The west side of the site adjoins an area of parking with an area of derelict land beyond proposed for housing redevelopment (see History).

2.2 Site History

16 August 2012 - a broad master-plan area was approved for the Muirhouse Crescent/Muirhouse Avenue area (including the application site) but included no redevelopment proposal for the church site (12/00996/PPP). A condition within this consent specifically excluded sites (such as the church), which were not part of the scheduled redevelopment, from the permission.

Nearby Sites

6 February 2013 - matters specified in conditions approved for 202 houses and flats lying on a site some 300m to the west (planning reference: 12/02674/AMC).

4 March 2014 - matters specified in conditions approved for 193 houses and flats on land 150m to the south (planning reference:13/05158/AMC).

28 April 2014 - matters specified in conditions approved for partnership centre at Pennywell Gardens (planning reference: 14/02250/AMC).

31 August 2015 - matters specified in conditions approved for 177 houses and flats on land to the east of Craigroyston High School (planning reference:15/01671/AMC).

Main report

3.1 Description of the Proposal

Scheme Two

The application proposes three near-identical, 3-storey blocks, two containing six 6-bedroom flats, and the west most block substituting one ground floor flat for a bike store and common room. The development will be for student housing, and would accommodate a total of 102 students within 17 flats.

Thirteen car parking spaces are proposed, including two spaces with charging points for electric vehicles, plus two disabled spaces (should demand so require, it is demonstrated that a further 8 car parking spaces may be created). A bay for motorcycles is also created. Two cycle stores give a total of 104 cycle spaces.

The blocks are built in facing brick, with central feature cement-based panels (over the entrances). Roofs are flat made of a composite membrane.

Around 1200 square metres will be created as landscaped open space for amenity purposes.

A Design Statement with site analysis was included with the application. This document is available to view on the Planning and Building Standards Online Services.

Scheme One

The scheme was originally shown with 18 flats totalling 108 bedrooms. The scheme was amended to decrease car-parking and increase cycle provision.

3.2 Determining Issues

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

Do the proposals 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 student housing is acceptable;
- b) the scale form and design are acceptable;
- c) parking is adequate;
- d) amenity is adversely affected;
- e) impact upon the wider redevelopment area is acceptable;
- f) archaeological issues are addressed;
- g) flood risk is assessed;
- h) comments made have been addressed; and
- i) equality and human rights issues have been addressed.

a) Principle of Student Housing

Edinburgh City Local Plan Policy Hou10 Student Housing applies. This has two requirements: firstly that the location is appropriate in terms of access to university or college facilities; secondly that the proposal does not give rise to an excessive concentration of such uses on one locality.

The criteria in ECLP Policy Hou10 and the similarly worded Second Proposed LDP policy Hou8 will be applied to proposals for student housing in line with non-statutory guidance.

New student housing guidance was approved in February 2016 after this application was submitted. To ensure a fair and balanced assessment, this application has been considered in terms of the previous and current student housing guidance.

This application accords with ECLP policy Hou10 criteria a) in terms of location. Pennywell Road to the east is well served by public transport. The site is around 1km from the Edinburgh College site at Granton Waterfront, representing a short walk or cycle journey. There are also frequent buses to the college and it is readily accessible from the site.

The new student housing guidance introduces a different method of assessing excessive concentration of student accommodation in one locality. This application does not share a boundary with a university or college campus and is greater than 0.25 hectares. Criteria c) of the new guidance, which requires sites greater than 0.25ha to provide a 50/50 split between student accommodation and general housing, measured by gross floor area, applies.

This application covers 0.27 hectares and does not include any general housing. It is therefore contrary to the new student guidance and ECLP policy Hou 10 b) in terms of resulting in an excessive concentration of student accommodation in one locality.

The previous student housing guidance used census data zones and a 30% concentration to apply ECLP Policy Hou 10 b). This application would have resulted in 5% concentration of student housing and would have been acceptable.

This site lies within the wider Pennywell regeneration area where significant amounts of general housing are being developed. Within this context, the redevelopment of a site of 0.27 hectares for student housing is acceptable in terms of the resulting concentration of this use.

Given the wider context of significant new housing development in the Pennywell area and that the proposal accords with the previous guidance which was in place when the application was submitted, an exception to policy is justified in this instance.

The principle of a student housing only development on this site is acceptable.

Affordable Housing is not a requirement within student housing.

The loss of the site for church use is contrary to ECLP policy Com1 in that no information has been provided regarding alternative provision. However, there are other churches in the Granton area and existing and proposed community facilities are available next to Muirhouse shopping centre.

It is noted that the City Archaeologist has requested an archaeological investigation and this is added by condition.

b) Scale, Form and Design

Edinburgh City Local Plan policies Des1 - Design Quality and Context, and Des3 - Development Design, set out the criteria for an acceptable design.

The proposal is a contemporary design of three storeys height within an area of mixed modern styles. It is noted that the existing church rises to four storeys and the proposal is not as high as the existing church.

Due to the sloping surroundings the height fits well with flanking buildings in townscape terms, creating a more regular pattern of heights as seen from Pennywell Gardens. The form and layout is simple and relates to the surrounding urban grain. The design is similar to other buildings recently built within the area. A condition should be applied to ensure a consistent approach with buildings in the wider master plan area in respect of the proposed use of brick.

In summary, the design and materials are acceptable in this location.

c) Parking and Road Safety

The site lies within parking zone 3b for consideration of parking ratios within the Council's Parking Standards. For student housing on the scale proposed, this would seek a minimum of eight car spaces and maximum of 17 spaces.

The scheme was amended to address the over-provision of parking within the original submission. The provision of 13 car parking spaces now lies within the acceptable parameters. The revised scheme takes full recognition of likely cycle use and makes provision for both motorcycles and electric vehicles.

Parking provision lies within the policy parameters and is acceptable. No road safety concerns arise.

An informative is added to highlight that increase beyond 13 car spaces would require further planning permission.

d) Impact Upon Amenity

The proposal is 30 metres from the closest housing on its southern and eastern sides and has little impact upon neighbouring amenity in these directions.

The closest flats lie to the immediate north. These have a bank of windows currently facing into the back of the church. These will now look into open space (partly over the proposed cycle store). The layout creates a central courtyard to which the existing flats create a third enclosing side. The section of the proposal closest to existing housing is so positioned as to overshadow the pavement in front of these flats rather than the flats themselves. The cycle store has a small effect on the closest windows to the north, but this effect is less than that created by the existing church buildings. Daylight and sunlight to this side will generally increase to adjacent houses.

All impact on sunlight and daylight lies within acceptable limits.

The layout does not give rise to any privacy issues. The layout will generally improve the outlook of the neighbouring flats.

The amenity of all proposed flats will be acceptable.

e) Pennywell Master Plan

Edinburgh City Local Plan policy Des 2- Co-ordinated Development, considers the impact of development upon wider plans.

The site lies within the boundary of a wider Pennywell/Muirhouse Master Plan approved in August 2012. However the permission (planning reference: 12/00996/PPP) does not include any proposals for this site. In terms of the proposed use, layout and design, this application is compatible with the wider master plan. It therefore accords with ECLP policy Des2.

f) Archaeology

There is a potential for some archaeological fragments on site and a condition is added to address this.

g) Flood Risk

The site does not lie in a flood risk area.

Non-permeable ground coverage (in relation to existing buildings and hard surfacing) is reduced from 70% to around 35%, doubling the degree of potential rainfall attenuation, and greatly reducing flood risk due to water run-off. Therefore the proposal will not increase the risk of flooding.

A condition is recommended which requires details of SUDS and surface water management to be provided prior to the commencement of the development.

h) Public Comments

Twenty six representations (all objections) were received including an objection from Councillor Day. Tenants and Residents in Muirhouse (TRIM) originally objected but later withdrew their objection concluding that the proposal fitted in well.

Material Objections

- too much parking - addressed in section 3.3 c) of the Assessment;
- too little parking - addressed in section 3.3 c) of the Assessment;
- the application does not fit with the master plan - addressed in section 3.3 e) of the Assessment;
- affordable housing is not addressed - addressed in section 3.3 a) of the Assessment;
- loss of privacy - this is addressed in section 3.3 d) of the Assessment; and
- there is a need for family housing/Council housing in the area - this is addressed in section 3.3 a) of the Assessment.

Non-material Objections

- noise generation by students - this is dealt with under other legislation should such a problem arise;
- too many young people in the area - planning policies promote a mix but do not look at specific age demographics;
- application comes as a surprise to the community - the application was advertised in the standard way, meeting statutory requirements;
- there are no amenities for students - policy has no specific requirements in this regard, but students would enjoy the same amenities as existing residents;
- no need for student housing - policy does not look at "need" but it is noted that there is a student demand nearby at Edinburgh College;
- noise generation from construction - this is not a planning concern; and
- students will be the victim of crime - this is not a planning policy concern.

Community Council

As the proposal constitutes a local development, Muirhouse and Salvesen Community Council was not formally consulted. It did submit a representation which noted the lack of consultation and objected to the proposed student housing on the grounds that “the Muirhouse/Pennywell area is in need of social housing and this site is prime to be used for such a development”.

i) Equalities and Human Rights

The proposals raise no equalities or human rights concerns.

Conclusion

Although the proposal is contrary to ECLP policy Hou 10b) - Student Housing and the current non-statutory Student Housing Guidance, it accords with the previous guidance in place when the application was submitted. An exception to policy is justified, given the size of the site and the significant new housing proposals in the wider Pennywell area. The application is acceptable in terms of design, layout and car parking. No other considerations outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, reporting and analysis) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. 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.
3. Details of position and design of the cycle stores shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
4. Details of boundary treatments and landscaping shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
5. Sample/s of the proposed brick shall be submitted to and approved in writing by the Planning Authority before work commences on site.
6. Details of SUDS and surface water management shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Reasons:-

1. In order to safeguard the interests of archaeological heritage.
2. In order to enable the Head of Planning to consider this/these matter/s in detail.
3. In order to enable the Head of Planning to consider this/these matter/s in detail.
4. In order to enable the Head of Planning to consider this/these matter/s in detail.
5. In order to enable the Head of Planning to consider this/these matter/s in detail.

Informatives:-

It should be noted that:

1. Any increase in car-parking provision will require a further application for planning permission.
2. 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.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. 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:

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

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

Twenty-six representations were received, including objection from Cllr Cammy Day. Tenants and Residents in Muirhouse (TRIM) initially objected but later removed their objection, concluding that the proposal fitted in well. Twenty-five objections remain. A full assessment of the representations can be found in section 3.3 h) of the report.

The Community Council was not consulted but did submit a representation.

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 City of Edinburgh Local Plan shows the site as Urban Area. The site lies within a Council Master Plan Area for the local area but this plan foresaw no development on this site.

Date registered

4 December 2015

Drawing numbers/Scheme

1,2a,3-7,

Scheme 2

John Bury

Head of Planning & Transport
PLACE
City of Edinburgh Council

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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 Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effective development of adjacent land or the wider area.

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

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.

Relevant Non-Statutory Guidelines

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.

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.

Appendix 1

Application for Planning Permission 15/05556/FUL At 4 Muirhouse Avenue, Edinburgh, EH4 4UB Demolition of church and erect three, three-storey student housing blocks (as amended)

Consultations

City Archaeologist

Further to your consultation request I would like to make the following comments and recommendations in respect to this application for the demolition of church and the erection of three 3-storey student housing blocks.

The Roman Catholic Church of St Paul's was constructed in 1971. Although of relatively modern date such places of worship play an important part in the history of local communities and as such are considered to be of local historic/archaeological importance. Accordingly this application must therefore be considered under terms of the following Scottish Government policies; Scottish Planning Policy (SPP), PAN2/2011 and SHEP and also under CEC's Edinburgh City Local Plan (2010) policy ENV9.

The proposed scheme will see demolition of this church and associated outbuildings, part so which have been damaged by fire, a process which is considered to have an adverse impact. However, the loss of this Church is on the whole considered to have a low archaeological impact, given its late date and fire damage. Given its local significance, it is essential that a permanent record is made of this building prior to its loss. Accordingly it is recommended that a basic historic building survey (annotated plans, photographic and written report) linked to an appropriate level of documentary research (e.g. incorporation of architects plans if available) is undertaken prior to and during demolition.

It is recommended that this programme of works be secured using the following condition;

'No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, reporting and analysis) 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.

Roads Authority Issues

No objections to the proposed development.

Note: All doors must open inwards on to the property.

Location Plan



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