

Development Management Sub Committee

Wednesday 12 October 2016

**Application for Planning Permission 15/03912/FUL
At 63 Calton Road, Edinburgh, EH8 8DP
Demolition of existing parking garage and erection of a
mixed use development comprising commercial space and
student accommodation.**

Item number	7.1(a)
Report number	
Wards	A11 - City Centre

Summary

Although the proposal is contrary to the development plan by virtue of part (b) policy Hou 10 because of the concentration of student accommodation that would result, this has to be balanced against the character and nature of the locality which at present is of a mixed nature and an exception to the policy is justified on this basis.

There are minor adverse impacts in relation to the setting of the Royal High School and the Outstanding Universal Value of the World Heritage Site. However, there are considerable benefits to the scheme in respect of introducing new uses and vitality to the area. The building will improve the passive security and attractiveness of Calton Road. For these reasons, the policy infringements in respect of outstanding universal value and listed building setting are acceptable.

Links

[Policies and guidance for this application](#)

LPC, CITH10, CITD1, CITD3, CITE1, CITE3, CITE6, CITE7, CITEM4, CITT4, CITT5, NSG, NSGD02, OTH, CRPOLD,

Report

Application for Planning Permission 15/03912/FUL At 63 Calton Road, Edinburgh, EH8 8DP Demolition of existing parking garage and erection of a mixed use development comprising commercial space and student accommodation.

Recommendations

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

Background

2.1 Site description

The application site is located between Calton Road and the pedestrian walkway leading to Regent Road. The ground level of the site significantly rises from the front to the rear of the site. The site currently comprises an existing single storey stone building which is utilised as a car park. This area is undergoing a significant period of change.

The site is bounded by four storey residential properties to the west. There are offices and student residences to the south. These recent developments are in a variety of architectural styles and utilise a range of materials. The Studio 24 nightclub is also directly opposite the site. To the north is a wooded embankment which forms part of the wider New Town Gardens. The Royal High School, a category 'A' listed building (LB Ref LB27987, 19 April 1966) is located further to the north on an elevated position overlooking Regent Road.

The Canongate Kirk sits on an elevated position to the south and the application site is visible from within the grounds of the Kirk. This is a category A listed building (LB Ref LB26823, 14 December 1970).

The site lies within the World Heritage Site.

The New Town Conservation Area is immediately to the north.

The land to the north of the site lies in the New Town Designed Landscape.

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

2.2 Site History

14 May 2009 - Planning application refused for a change of use to a car park (09/00434/FUL).

29 July 2009 - Planning application granted for a change of use to a car park (09/01431/FUL).

25 August 2015 - Conservation area consent for the demolition of the building currently pending consideration (15/03913/CON). This is the conservation area consent application associated with this application.

Main report

3.1 Description Of The Proposal

Scheme 2

The application is for an 84 bed student residence with a 548 square metre ground floor commercial unit (class 2) use.

The block will comprise single occupant studio apartments. Each unit comprises kitchen, sleeping area and shower room with toilet. The block varies from one to four storeys in height with a fifth floor stepped back from the front elevation. The rear elevation is four storeys in height and is stepped back 4.3 metres from the rear embankment. The front elevation has been designed with a horizontal emphasis punctuated with large windows.

Materials proposed on the front elevation are a reconstituted stone at the ground and first floor level, with a dark brown vertical cladding system to the upper levels with a PPC metal cope and green roof. The west elevation will have a mixture of render, timber cladding and reconstituted stone. The east and rear elevation will have a timber cladding and render.

No car parking will be provided on the site and the 32 racks for cycle parking will be secured within the ground floor of the building.

Pedestrian access is proposed from Calton Road where an office and reception area is also located.

Scheme 1

Scheme 1 was one storey higher than the scheme now proposed, and the design of the facades was different.

Supporting Statements

The following information was submitted in support of the application:

- Design and Access Statement;
- Archaeological Desk Based Assessment;
- Bat Survey;
- Noise Assessment;
- Sustainability and Low Carbon Development Statement; and
- Visual Survey of Rock/Stone wall.

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

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

In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the principle of development is acceptable;
- b) the impact on historic context is acceptable;
- c) the impact on the setting of the listed building;
- d) the proposed scale, design and materials are acceptable;
- e) the proposals will result in an unreasonable loss of neighbouring amenity;
- f) the proposals will affect road safety;
- g) there are any other material considerations that justify approval or refusal;
- h) the proposal have any equalities or human right impacts; and
- i) comments raised have been addressed.

a) Principle of Development

The site is located in the Central Area as designated under Edinburgh City Local Plan (ECLP) policy Ca 1, which supports proposals for comprehensive development schemes which accord with the provisions of the relevant site development brief or guidance. This policy also provides that the use should be suitable for the site, its characteristics, and level of accessibility.

Princes Street Block 10 Development Brief

The Princes Street Block 10 Development Brief - Approved by Planning Committee 15 May 2008 sets out the main planning and development principles on which development proposals for the area should be based. The development principles for the Royal High School and its immediate surroundings include respecting and enhancing key views to and from the area and protect the setting of the former Royal High School. This is assessed in section 3.3 (b).

Student Housing

The policy context in relation to student housing has evolved during the assessment of this application. The guidance has been updated. Subsequently, as a result of the modifications to the Local Development Plan (LDP) there have been changes to the policy.

Both ECLP policy Hou10 Student Housing and policy Hou 8 of the LDP have two requirements. Firstly, the location needs to be appropriate in terms of access to university or college facilities. Secondly, the proposal must not give rise to an excessive concentration of such uses in one locality. Criteria (b) of LDP policy Hou 8 differs from Policy Hou 10 in that it goes onto set out the circumstances where concentration requires to be limited. These circumstances are where excessive concentration would be detrimental to the maintenance of balanced communities or the established character and residential amenity on a locality.

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.

Location of student housing

Calton Road is not well served by public transport but is within easy walking distance of Princes Street which is served by a number of bus routes. Although it is not adjacent to (immediately next to) a main university campus, it is within easy walking or cycling distance to the University of Edinburgh's George Square approximately 0.72 miles and Pleasance campus approximately 0.36 miles away. This application therefore complies with part a) of ECLP policy Hou 10 and part a) of LDP policy Hou 8.

Concentration of student housing

The new student housing guidance introduces a different method of assessing the concentration of student accommodation in one locality. This application does not share a boundary with a university or college campus and in this case is not greater than 0.25 hectares. Criteria b) of the new guidance will generally support student housing on these sites with consideration being given to the cumulative impact of student housing, and other land uses which contribute to the transient population where these will have a detrimental impact on character.

The previous student housing guidance used census data zones and a 30% concentration to apply ECLP policy Hou 10 (b). The site is located in data zone S01008685, which has an existing student population concentration of 68.23%; this figure includes the purpose built accommodation at Holyrood Road. An additional 84 bed spaces will increase this to 69.39%.

A recent appeal decision at St Leonard's Street (P/PPA-230-2146) found that whilst the development resulted in a greater concentration of student accommodation it would be in an area where this is already at a high level, it would be a self contained scheme and would not result in the loss of any further family housing. It concluded that as the Edinburgh City Local Plan is encouraging more of this type of development the proposal would not result in too high a concentration of student accommodation in the area.

In relation to concentration, 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 this locality is a mixture of residential, commercial and student residences.

The proposal also accords with the policy Hou 8 of the LDP as modified. Criteria (b) of this policy limits concentration where it would have an adverse impact on the maintenance of balanced communities or the established character and residential amenity on a locality. The area is undergoing a considerable amount of change at present. There is already a high concentration of students living in the area. The small increase in the proportion of students proposed will not have an adverse impact on the character or amenity of the area.

Commercial Unit

The commercial unit is located within the ground floor of the block. As the nature of the commercial use is not specified in the application description, unless restricted, a wide range of commercial uses could be taken up. Some of these, such as restaurant use, could have amenity impacts. The impacts of the space for retail use have not been submitted in support of the application. Business (Use Class 4) and Financial, professional and other services (Use Class 2) would be acceptable uses. To ensure adequate control is in place in relation to residential amenity and the safeguarding of existing retail uses, a condition which restricts the space to use classes 2 or 4 is recommended.

b) Impact on Historic context

When assessing the impact of the proposal on the historic environment there are a number of key considerations to be assessed, these include:

- demolition of the building;
- impact on character and appearance of the conservation area;
- impact on landscape setting;
- impact on views; and
- impact on World Heritage Site.

Demolition of existing building

The existing single storey stone building will be demolished. This is being considered under a separate conservation area consent application 15/03913/CON running concurrently with this application. This building will be replaced with a modern contemporary structure which will sit higher than the existing building. Whilst the loss of the building is accepted as it is of little architectural merit, the development requires to be assessed against its impact on the historic environment.

Impact on Conservation Area

The Old Town Conservation Area Character Appraisal identifies that the Conservation Area includes numerous buildings of outstanding architectural and historic importance, and international significance. This is reflected in the large number of buildings within the Conservation Area. The historic varieties of architectural forms successfully integrate with each other through careful attention to scale, design and materials. The tenement is the dominant building form within the Conservation Area. Scales are often made larger than they really are by the drama of the topography, the narrow and irregular width of feus, the apparent verticality of much development, changing viewing levels and restricted void to solid relationships. A characteristic of the Old Town is the stepped, pitched angled roofscapes articulated by narrow dormers, crow stepped gables, pediments, towners, spires, skews, chimney heads provide interest.

The area has undergone significant change over the last few years. The spatial form of this area is characterised by modern developments to the south and west, ranging in height from three to five storeys and utilising modern and traditional materials. The level of built coverage from the proposed development will only be marginally bigger than the existing footprint and achieves a density that is appropriate to the immediate site conditions and reflective of the spatial characteristics of this area. The proposed building will not sit any higher than the surrounding buildings.

The proposal will not have an adverse impact on the character and appearance of the conservation area and accords with the Edinburgh Design Guidance.

Impact on landscape setting

Calton Hill is part of the Inventory of Gardens and Designed Landscapes. The location and height of the proposed building will result in an impact on views of the landscape that provides a setting to the Royal High School. However, when considered within the wider context, including the existing developments on Calton Road, views to the form of the hill and Royal High School will be maintained and the impact on these features within this historic landscape is minor.

Views

An analysis has been undertaken of a number of views within the city and the impact the proposal will have on the setting of the Royal High School.

North Bridge

When viewed looking east there will be no impact on this view as the higher buildings in the foreground make it impossible to see the building.

Path to Regent Road

This view takes in Salisbury Crags and the Canongate Kirk. The topography of the site is on a steep incline as you move from Calton Road up towards Regent Road. At present the view of the Canongate Kirk is obscured at points by the existing retaining wall of the site and the mature trees along the path. The height of the building will result in the partial loss of views to both Salisbury Crags and the Canongate Kirk but, as this is a transient view where only glimpses of these features will be lost, this minimal impact is accepted.

Regent Road view

The building will be partially visible from this view. The proposed building will be largely screened by the trees during the summer months and the use of a green roof lessens this impact on this view during the winter months when it is more visible.

Canongate Kirk

This view includes the Royal High School building and Calton Hill. The proposed building is visible from this view but its height will not sit any higher than the surrounding buildings. When viewed within the wider context, against the Royal High School and the Designed Landscape Gardens the impact this development will have on these historic landscape features will be minor.

Queen's Drive

The building will not be visible from this view given the height of the buildings within the foreground.

Impact on World Heritage Site

The Outstanding Universal Value of the Edinburgh World Heritage Site is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

Edinburgh World Heritage objected to scheme 1 as the development is of a greater height than the character of the area which would erode the prominence of Calton Hill and the setting of the Royal High School. It also raises concerns over the large single fronted block which it considered did not relate to this part of the city.

The amended scheme has now been reduced in height and the front elevation of the building is better articulated. EWH comment that the revised scheme still raises concerns and that the proposals produce a large unbroken mass that would impact on the outstanding universal value. Notwithstanding this, the proposal is surrounded by modern buildings of a similar scale. When viewed within the wider context of the World Heritage Site as a whole, this relatively small scale development would have a minor impact on the outstanding universal value.

c) Setting of Listed Building

Historic Environment Scotland does not object to the application but provides comments on the potential impact on the landscape setting of the building in some views, specifically those from the Canongate Churchyard. It considers the height, massing and horizontal nature of the proposed development would impact adversely on the landscape base of the hill and setting of the Royal High School. Whilst the impact is not significant it recommends that the development is reduced in height or separated at the upper levels to introduce landscape gaps within the long elevation.

The Royal High School site is located at a prominent, elevated position on the north side of Regent Road on Calton Hill. As has been assessed in section 3.3 b), the location and height of the proposed building will result in an impact on the setting to the Royal High School. However, when considered within the wider context, including the existing developments on Calton Road, views to the form of the hill and Royal High School will be maintained and the impact on these features within this historic setting is minor and would not merit refusal.

The Canongate Kirk is located to the south of the site. The proposed development will not impact on the views of the church or graveyard from Regent Road and will only be partially obscured by the development from the pathway.

d) Scale, design and materials

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. The positioning of the building creates a strong frontage within the street. The proposed building is of a contemporary design which respects the character of the surrounding area and buildings. This is achieved through well proportioned openings and balanced elevations. The commercial use at the ground floor will also encourages interaction and vitality to the street which is something that is lacking at present. The rear elevation is of a simpler design with an ordered window pattern, which provides surveillance to the footpath leading to Regent Road..

The Old Town uses a wide range of materials and, within the immediate context of Calton Road the surrounding buildings utilise a range of materials including render, brick and stone. The development proposes reconstituted stone, timber and render. Reconstituted stone is not considered appropriate in this context and a condition is attached requiring natural sandstone.

The design and materials of the development are of a high quality and the development accords with policies DES 1 and DES 3.

e) Amenity

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 to the properties directly opposite and the proposal does not have any windows in the east or west elevations. No privacy issues arise from the proposal.

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 demonstrates that a shadow is already cast to the rear gardens of the residential building to the west from the existing building. The proposed building will result in an additional impact to this garden. However, given the townscape of the Old Town and the close proximity of the buildings it would be difficult to achieve this within the historic context. The proposal accords with the Edinburgh Design Guidance, which seeks a balance between reasonable amenity and good townscape.

The applicant's report states that the studios will receive adequate daylight when using the Average Daylight Factor (ADF) methodology. It states that the ADFs for all the studios will be above 1%. An 1% ADF is the figure used to define adequate light in bedrooms. It should be noted however that the proposed rooms are also living spaces and have small cooking areas within them. The figures sought by the Edinburgh Design Guidance for ADFs in living rooms is 1.5%. 34% of the studios fail to meet the 1.5% figure.

While the daylight to studios at the lower level of the rear of the building would be relatively poor this is due to the topography of the site, and it will be difficult to achieve higher levels of daylight here. It should also be noted that as this is student accommodation, it would not be expected that people would reside within the development for the same duration as would be expected with non-specialised housing. Taking these factors into account, this infringement of guidance is acceptable in this instance.

Environmental Assessment has raised concerns regarding the proximity of the proposal to the Studio 24 nightclub directly across from the site. Residential uses, student accommodation and offices are all in close proximity to this venue. Given the juxtaposition of the existing residential properties to these commercial uses it is not considered that the amenity of this proposed development will be affected in any greater degree than the existing residential properties.

f) Road Safety

No parking is to be provided as part of the proposal due to the topography of the site and type of development proposed. The site is in a city centre location where it is accessible to a number of public transport routes and would not require parking to be provided on site. The Roads Authority requested an off-street disabled parking space to be provided. The constraints of the site do not allow for this and if this space was required in the future for a disabled occupant it can be provided on the street.

A draft Travel Plan and Management Agreement prior to first occupation is required which includes:

- A financial contribution towards transport promotion measures and public transport promotion measures;
- A Public Transport Real Time information should be displayed in the reception area; and
- The new student housing are not entitled to residents parking permits.

Secure cycle storage is provided within the ground floor of the block subject to a proposed legal agreement. There are no road safety implications raised as part of this proposal.

g) Other Material Issues

Archaeology

No objections have been raised to the application subject to the conditions being applied relating to a written scheme of investigation being applied to any consent for the site.

Security

Police Scotland has indicated that due to the crime profile around this area, it is essential that the development is completed to a high security standard.

The Police makes a number of recommendations in relation to the installation of CCTV, lighting and planting and other matters. Whilst not possible to control through planning, an informative is recommended in relation to these matters.

The proposal is acceptable in terms of safety and security.

Flooding

The site does not lie in a flood risk area.

The applicant has submitted information with regards to Drainage and Flooding. This was reviewed by the Flood Prevention service and addresses all of its concerns. The applicant requires confirmation from Scottish Water that it can discharge to combined sewer and this has been added as an informative.

Protected Species

A bat survey was undertaken and submitted as part of the planning application. The assessment found no direct physical evidence of roosting bats, no evidence of structures that could be used by bats and trees adjacent to the site do not include any potential bat roost features. There are no further matters required as part of this application concerning bats.

There are no trees on the site itself but a number of trees lie to the north and along the eastern edge of the site. The proposal does not include the removal of any of these trees and any proposed works by way of lopping, topping or felling would require separate consent.

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 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) Public Comments

The materials points raised were:

- Over provision of student accommodation - assessed in 3.3(a).
- Impact on the Royal High School - addressed in 3.3 (b).
- Not a mixed community - addressed in 3.3 (a).
- Overdevelopment of the site - addressed in 3.3 (b).
- Inappropriate design - addressed in 3.3(c).
- Parking problems - addressed in 3.3 (e).

Conclusion

Although the proposal is contrary to the development plan by virtue of part (b) policy Hou 10 because of the concentration of student accommodation that would result, this has to be balanced against the character and nature of the locality which at present is of a mixed nature and an exception to the policy is justified on this basis.

There are minor adverse impacts in relation to the setting of the Royal High School and the Outstanding Universal Value of the World Heritage Site. However there are considerable benefits to the scheme in respect of introducing new uses and vitality to the area. The building will improve the passive security and attractiveness of Calton Road. For these reasons, the policy infringements in respect of outstanding universal value and listed building setting are acceptable.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Notwithstanding the approved drawings show the use of re constituted stone as a treatment on the external facades, this material is not approved as an external finish for the building.
2. Prior to the commencement of works on site, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, and submitted for written approval by the Head of Planning & Strategy.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work (Excavation, historic building recording, reporting and analysis, publication, Interpretive plaque) in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority.
4. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 as amended, in accordance with the approved ground floor plan drawing number PL(0)0003, our reference 04A, the area shown blue shall be used solely for class 2 use or class 4 use and for no other purpose.

Reasons:-

1. In order to ensure the development integrates satisfactorily into the surrounding context of the built environment.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to safeguard the interests of archaeological heritage.
4. In order to protect amenity of neighbouring properties.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to transport infrastructure.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

5. Due to the high crime profile around this area, it is essential that the development be completed to a high security standard.

The following areas should be addressed:

- The standard of doors and windows should meet at least PAS24 standard.
 - There should be a comprehensive lighting strategy to ensure all paths and entrances/exits to buildings are illuminated to an adequate level.
 - There should be a CCTV strategy developed in partnership with City of Edinburgh Council.
 - There should be a "service/trades" button on the door access system and letterboxes should not be on each individual door. Secure letterboxes should be positioned in an airlock at the main entrance or delivery should be "through the wall" into a secure area.
 - Green/shared spaces should benefit from as much natural surveillance as possible. Landscaping should be designed and maintained with this in mind.
6. The applicant will require to obtain confirmation from Scottish Water that they can discharge to combined sewer.
 7. Residents of new student housing are not entitled to residents parking.

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 11 September 2015 and eleven letters of representation were received. Nine of these are neighbouring residents, one is from the Cockburn Association and one from the Residents Association.

Community Council

No comments were received.

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

Edinburgh City Local Plan - The site is designated as the Central Area and World Heritage Site.

Date registered

25 August 2015

Drawing numbers/Scheme

01a-08a, 10a-14a,15-20,

Scheme 2

John Bury

Head of Planning & Transport
PLACE
City of Edinburgh Council

Contact: Lynsey Townsend, Senior Planning Officer
E-mail:lynsey.townsend@edinburgh.gov.uk Tel:0131 529 3905

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 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 Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its settings.

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

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

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

Policy Emp 4 (Employment Sites and Premises) sets out criteria for development proposals affecting business & industry sites and premises.

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.

Other Relevant policy guidance

The Old Town Conservation Area Character Appraisal emphasises the survival of the original medieval street pattern; the wealth of important landmark buildings; the survival of an outstanding collection of archaeological remains, medieval buildings, and 17th-century town houses; the consistent and harmonious height and mass of buildings; the importance of stone as a construction material for both buildings and the public realm; the vitality and variety of different uses; and the continuing presence of a residential community.

Appendix 1

Application for Planning Permission 15/03912/FUL At 63 Calton Road, Edinburgh, EH8 8DP Demolition of existing parking garage and erection of a mixed use development comprising commercial space and student accommodation.

Consultations

Historic Environment Scotland

We have considered it for our historic environment interests. That is world heritage sites, scheduled monuments and their setting, category A-listed buildings and their setting, gardens and designed landscapes (GDLs) and battlefields in their respective Inventories.

Our Advice

We offer the following advice.

We have made no comments regarding the concurrent conservation area consent (CAC) for the demolition of the existing single-storey building on the site, on the basis it makes a neutral contribution to the conservation area, despite its use of stone.

We understand your consultation on the planning permission relates to the impact the development may have on The New Town Gardens Inventory site and adjacent Category A listed buildings, specifically the former Royal High School on Regent Road, directly above the proposed development site.

The Royal High School was built in the 1820s on a specially created ledge on a mid-point up the Calton Hill. The building's setting includes its wider landscape setting against the Calton Hill, a designated garden and designed landscape.

Development on Calton Road has the potential to impact on the landscape setting of the building in some views, specifically the much published contemporary viewpoint of the school from the Canongate Churchyard. This view is shown in the applicant's submitted Key View Analysis. Whilst there is already a level of more recent development on Calton Road, their form and massing consists mainly of individual buildings, allowing landscape views of the hill between.

The proposals would introduce a long horizontal flat-roofed building (unrepresentative of the wider conservation area) at the base of the Calton Hill, most visible in the view from Canongate Churchyard. We consider that the height, massing and horizontal nature of the proposed development would impact adversely on the landscape base of the hill and the setting of the Royal High School. Whilst the impact would not be significant, we would recommend that the development is reduced in height or, at least,

separated at upper levels and modulated to reduce its horizontality and to introduce landscape gaps within the long elevation.

Our advice can be used by you to inform your decision. The proposals do not raise issues of national significance. Our letter is advisory and is not an objection.

Our decision not to provide detailed comments and not to object should not be taken as our support for the proposals. You are the primary decision maker and assess proposals against local and national historic environment policy and guidance.

This response applies to the application currently proposed, an amended scheme may require another consultation with us.

Roads Authority

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

- 1. Consent should not be issued until the applicant has entered into a suitable legal agreement to provide:-
 - a. A financial contribution to transport promotion measures, including contributions to or provision of public transport season tickets. The provision of a public and sustainable transport information pack, in order to help embed public transport habits and encourage modal shift;**
- 2. Submit a draft Travel Plan and Management Agreement prior to first occupation and a final Travel Plan within 3 months of that date. The Travel Plan to be monitored on a 6 monthly cycle for 2 years and to include financial contribution to transport promotion measures, including contributions to, or provision of, public transport season tickets and the provision of a public and sustainable transport information pack. Reason - To encourage more sustainable travel modes in line with the Local Transport Strategy policy LU 3;*
- 3. Residents of new student housing are not entitled to residents parking permits*
- 4. A monitor capable of receiving an internet connection to display Public Transport Real Time information should be displayed in the reception area. (Reason to advise residents of public transport);*
- 5. The proposed cycle parking to be to the Council's satisfaction regarding specification, design, security and location. Cycle stand products should meet the criteria of ease of use and provide secure locking points for wheels / frame;*
- 6. The visitor cycle parking for the development to be located at convenient locations, near the main entrances;*
- 7. Provide 1 No disabled off street parking space (Reason the proposals make provision through design for a disabled apartment and this provision in line with current parking standards may be required for future occupants of this apartment)*

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning these linked applications for the demolition of existing parking garage and erection of a mixed use development comprising commercial space and student accommodation.

The site lies within the medieval Burgh of the Canongate established c.1128 and a core part of the UNESCO World Heritage site. Although on the opposite side of Calton Rd to the main burgh archaeological and historic evidence indicates that the site has been occupied since the past-medieval period in particular gradually developed since the earl/mid-18th century. Principally from the 18th century the site was occupied by the former Calton Hill Brewery, the partially demolished remains of which form the walls of the current garage.

This application must be considered under terms of the Scottish Government's Scottish Planning Policy (SPP), PAN2/2011 and Scottish Historic Environment Policy (SHEP) and also CEC's Edinburgh City Local Plan policies 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.

Historic Building

As stated in accompanying archaeological Desk-based Assessment by AOC, the existing garage comprises the remains of the former historic Calton Hill Brewery. However given the truncated nature of these surviving walls, it is considered that their loss would only have a moderate archaeological impact. It is recommended therefore that the programme archaeological historic building survey (level 2 annotated plans/elevations, photographic and written survey) as proposed by AOC is undertaken prior to its demolition. This is in order to provide a permanent record of this surviving industrial building.

Buried Archaeology

The site lies within the medieval burgh of the Canongate. Excavations along Calton Road have indicated that deep archaeological remains can survive dating back to the medieval period, in addition AOC's report indicates the potential for 18-10th industrial remains latterly associated with the Calton Hill Brewery. Given the potential significant archaeological implications of development it is essential that an archaeological mitigation strategy is agreed prior to demolition/development.

This will require the demolition of the existing building to ground level in the first instance and the subsequent undertaking of a programme of archaeological investigation. Having assessed the potential I disagree with AOC's recommended mitigation of a watching brief as the potential for significant remains is much greater. Accordingly it is recommended that a phased strategy is adopted, the first phase of which will be the undertaking of an archaeological evaluation (c.10%). The results of which would allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or excavation, recording of any surviving archaeological remains prior to construction commencing.

Interpretation

Given the potential importance of these remains it is essential that the excavations 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.

In addition, given the sites association with the important Calton Hill Brewery it is essential that an interpretative plaque/board is attached to the development (Calton Rd Street frontage) to commemorate this site.

It is recommended therefore that the following condition is attached to both the FUL & CON applicants to ensure that the above programmes of works are secured and undertaken as follows;

'No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Excavation, historic building recording, reporting and analysis, publication, Interpretive plaque) 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.

Flooding

The updated information this addresses all of flood preventions concerns.

They still require confirmation from Scottish Water that they can discharge to combined sewer- but this can be added as a condition of approval.

Environmental Assessment

The application proposes to demolish an existing garage and erect a mixed use development comprising student accommodation above commercial (Class 1, 2 or 4 proposed). Studio 24 nightclub is directly across the road along with student residences to the east and offices to the west. Residential flats are situated further to the west of the application.

This application proposes to introduce student residences immediately across the road from Studio 24 night club which operates until 3am. As the crow flies, this site is not bringing noise sensitive properties any closer to the actual night club building than already exists as student residences at 32 Calton Road are already situated immediately adjacent to the east. However, Environmental Assessment is of the opinion that this application is highly likely to further impact upon the operations of Studio 24 night club due to the siting and orientation of the application premises. The night club will become further surrounded by noise sensitive properties likely adding detrimental pressure onto the club's operations.

The application premises will be around 9 metres from the club entrance with windows facing directly onto the building entrance where the music noise is most likely to be able to escape and be at its most disturbing. A noise impact assessment has been provided in support of the application and music noise from the club was measured at the application premises. In this regard, music noise escape from the club is most likely to occur when the club doors open each time patrons enter and exit the premises. The

music noise is likely to travel directly across the road to the application site on each occasion. The noise impact assessment advises that closed window standard will be required for the application properties in order to gain a suitable internal environment. It is debatable whether the use of closed windows will ensure that low frequency bass beat noise from music will be fully mitigated and as soon as the windows are opened, music noise will be internally audible. It should be noted that bedrooms are proposed to be sited on the facade facing Calton Road and are most likely to be affected.

In addition to the music escape issue, most recent club noise complaints received by the Council relate to external noise which is occurring during and after the operation of the club opening hours. This will be during the very late hours when the background noise has reduced to its lowest level, providing limited levels of masking to the club noise and making patron noise all the more noticeable and disturbing. The Council is in receipt of a number of noise complaints relating to patrons outside the club. Such complaints relate to noise while patrons queue to enter, loud voices when patrons leave throughout the evening and night, patrons loitering after closing time, club shutters being closed at the end of the night, consumption of alcohol in the street immediately in front of and adjacent to the application site, antisocial behaviour within the car park/courtyard of adjacent residential properties and smoking in neighbouring residential doorways and obstruction of the highway by patrons at closing time. Such behaviour is incredibly difficult to control by club security and door staff and similar behaviour is likely to impact upon the proposed properties to the detriment of their amenity.

In addition to the noise information provided in support of the application, no assessment has been provided which considers vibration from the railway line and associated tunnel to the north. Information relating to railway line noise is also scant and does not provide sufficient detail to allow Environmental Assessment to consider whether it could be an issue of concern or not.

In conclusion, Environmental Assessment is concerned that the amenity of the occupants of the proposed student residences will be affected by the operations of the club immediately across the road to the south. This section is also of the opinion that complaints are highly likely to be received by the Council from occupants of the proposed residences. Should this occur, it is highly likely that the operations of the club will continue to be squeezed and detrimentally affected. It is clear from complaints already received by the Council that additional burdens have already been shouldered by the club due to new noise sensitive properties being built in close proximity to the club premises. Granting of this application is highly likely to continue to make those burdens worse on the club with the operations of the club potentially affected.

Edinburgh World Heritage

Thank you for consulting EWH on the application for a large block of student housing on Calton Road. We were surprised at this application's almost complete failure to take the outstanding value of the World Heritage Site into consideration. It proposes the sort of standard large block of student accommodation that would be built in the non designated part of almost any city.

At no point in the development of the proposals was EWH consulted, and the justifications provided for it make only passing reference to World Heritage status, with no useful attempt to analyse the character and architecture of the area or to assess the impact of the proposals on the surrounding area and the World Heritage Site (other than a statement that the proposals are "in keeping" with the area). The thinking behind the proposals appears deeply flawed, for example discussing "the relatively flat nature of the land in and around the development" when the land immediately around the site rises steeply.

In terms of outstanding universal value, the key elements impacted on by the proposals are the relationship between the built environment and topography, the setting key buildings in the World Heritage Site, and finally, Calton Hill.

The proposals ignore the way in which the buildings of the area relate to its topography, building to a greater height than the ambient character of the area. The scale of the block presenting a large single front to Calton Road, does not relate to the weft and weave of this part of the city. Instead it relates more to the New Town, working against the important notion in the World Heritage inscription of the juxtaposition of these two fundamentally different urban forms. In building to a greater height than the ambient, the prominence of Calton Hill and the countryside setting of the Royal High School in key views are, in our judgement, eroded. All of these factors contribute to the proposals having a negative impact on the outstanding universal value of the World Heritage Site.

Edinburgh World Heritage - Updated comments 30/09/2016

Although the applicants have reduced the building's height by a story, the proposals would still produce a large and unbroken mass, which would be the largest building on the north side of the Calton Road. We remain concerned at the impact this would have on outstanding universal value, as per our previous letter.

