

Development Management Sub Committee

Report returning to Committee - Wednesday 7 December 2016

**Application for Planning Permission 15/05401/FUL
At 27, 35, 37-39,, Lanark Road , Edinburgh
Change of Use to purpose built student accommodation and
erection of two new high quality, managed student
residences. Both blocks to have office/reception and
communal area with associated facilities at Ground Floor
Level, landscaping, amenity space and cycle storage (as
amended).**

Item number	5.3
Report number	
Wards	A02 - Pentland Hills

Recommendations

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

Background information

On 25 May 2016 details were provided to Development Management Sub-Committee of an application for planning permission for a proposed change of use to purpose built student accommodation and erection of two high quality managed student residences at 27, 35, 37-39 Lanark Road, Edinburgh (both blocks to have office/reception and communal area with associated facilities at ground floor level, landscaping, amenity space and cycle storage (as amended) (application no. 15/05401/FUL).

The Head of Planning and Transport gave details of the proposals and the planning considerations involved and recommended refusal of the application.

Committee resolved to continue the item for a site visit, and for the applicant to submit additional information and revise the design details.

UPDATE

A site visit was held on 1 June 2016 attended by Cllrs Milligan, Cairns and Perry. Representatives from Craiglockhart Community Council and the Water of Leith Conservation Trust were also present.

The applicant submitted revisions to the proposal on 1 July 2016. This included the following additional information:

- -A Sustainability Statement Form S1;
- -Lanark Road Tree Protection Plan dated June 2016;
- -Ecology and Tree Survey (Addendum)September 2016;
- -Post overland flow paths drawing;
- -Drainage layout drawing;
- -Daylight Privacy and Sunlight Diagrams; and
- -Revised drawings.

A Flood Risk self certification certificate was submitted dated 10 October 2016 and a schedule of drainage details.

Scheme 2

The revised plans continue with the proposal to erect two blocks of purpose built student accommodation, the number of rooms has been reduced from 247 to 220. The main change has been to block 2 on the eastern half of the site, currently occupied by the Blue Goose Public House, which has been reduced in height from five storeys down to three and two storeys at the rear.

Consultations

Consultations in respect of the revised application were sent out on 4th July 2016. In summary the consultation exercise raised no new issues. SEPA confirms that the access and egress will not be significantly compromised with predicted flooding of up to 100mm.

The Council's Flooding team accept the Self Certification Certificate. Environmental Protection recommend conditions to protect amenity of occupants and a site survey.

Representations

The application was re-advertised on 19 July 2016.

Scheme two attracted 19 letters of objection. These included an objection from Craiglockhart Community Council, Longstone Community Council and the Water of Leith Preservation Trust. These are addressed in the main report.

Main report

The key determining issues are set out in the original report presented to the Development Management Sub Committee on 25 May 2016. With regards to the revised information submitted, Committee needs to consider whether:

- a) the principle of the proposed development is acceptable;
- b) The landscape impacts and design are acceptable;

- c) The proposal will have an impact on the setting of any listed building and archaeology;
- d) The proposal will impact on the amenity of neighbouring residents and will provide sufficient residential amenity for the occupiers of the development;
- e) The proposal raises issues in terms of traffic or road safety;
- f) The proposal will affect local biodiversity;
- g) The proposal raises any flooding and drainage issues;
- h) The proposal meets sustainability criteria;
- i) Any impacts on equalities or human rights are acceptable; and
- j) Comments raised have been addressed.

a) Principle

Since the report was considered by the Development Management Sub Committee on 25 May 2016, the Local Development Plan (LDP) was adopted on the 24 November 2016.

As advised in the original application, the applicant has submitted a legal opinion, available to view on the Planning and Building Standards online services. This questions the non-statutory status of the Student Housing Guidance and also whether it is appropriate to apply this guidance to applications which were submitted before it came into effect. As stated in the original report, the guidance was approved by Planning Committee on 25 February 2016, with no phased introduction or deferred implementation date set. As such, it is appropriate that it is a material consideration in determining this application and that it is given appropriate weight. Concerning the non-statutory status of the guidance the aforementioned legal opinion states the belief that it should be in the form of Supplementary Guidance to the LDP.

An Issues Paper on Student Housing was approved for consultation at the 4 December 2014 Planning Committee. A draft revised guideline was reported to Committee on the 6 August 2015 and consulted on from 9 October 2015 to 20 November 2015.

The Student Housing Guidance was approved by Planning Committee on 25 February 2016 and is a material in determining planning applications for student accommodation.

The LDP Proposals Map identifies part of the application site as lying within the Edinburgh Green Belt. Policy ENV 10 describes that within the green belt development will only be permitted where necessary for the purposes of agriculture, woodland and forestry, horticulture or where a countryside location is essential.

The policy advises that a change of use of a building in the greenbelt may be acceptable provided that the building is of architectural merit or a valuable element in the landscape and is worthy of retention. Buildings should be of a domestic scale, substantially intact and structurally capable of conversion.

The proposed development for student accommodation does not relate to any of this identified range of uses acceptable in principle within the green belt. Furthermore, the proposal is not for a change of use of an existing building and is not related to the existing non-conforming use or building. The existing non-conforming use of the site as a public house does not justify the development of the site for any other non-conforming use. Policy ENV 10 is clear in this respect.

The proposal is contrary to LDP Policy ENV 10 with respect to development in the green belt and countryside.

The revised proposal does nothing to change the policy position, the principal of student development on this site remains contrary to the adopted LDP.

Policy Hou 1 (d) of the LDP prioritises housing delivery to meet housing land supply "on all other suitable sites in the urban area, provided the proposals are compatible with other policies in the plan." Should committee set aside the principle of the greenbelt, the site should be considered for housing first.

LDP policy HOU 2 aims to achieve a good housing mix providing a choice and range of housing and avoid large areas of housing with similar characteristics. If Committee is persuaded that an exception to green belt policy is acceptable, as it is for student housing only, the proposal fails to provide a diverse mix of housing on the site.

With regards to policy HOU 8 (a) of the LDP Student Accommodation, the proposal is accessible to public transport with the site adjacent to a number of bus services, including Lothian Bus numbers 4 and 34 to the Heriot Watt University Campus at Riccarton, and the Napier Craiglockhart Campus respectively. In this regards, the proposal is considered acceptable in relation to Policy Hou 8 (a).

Policy Hou 8 (b) seeks to ensure that the proposal will not result in an excessive concentration of student accommodation in one locality. Under the previous Student Housing Guidance, the proposed development is considered to comply with policy. The additional 220 bed spaces would fall below the 30% threshold stipulated by the previous guidance, and as such the principle complies with policy Hou8 (b) of the LDP.

The proposal remains contrary to the new Student Housing Guidance, however, as at 0.38 ha in size the only proposed use is student housing. The revised proposal fails to provide the required 50/50 split between student housing and general housing.

While the proposal will not result in an excessive concentration of student housing within the wider area, as defined by the previous guidance, it would result in a concentration within the site and would not provide the appropriate mix of use, as identified by the new guidance.

The proposal is contrary to LDP policy HOU 8 (b) and the approved Student Housing Guidance.

Conclusion

The revised development remains contrary to the LDP, in particular policy Env 10: Development in the Green Belt and Countryside.

Should Committee set aside green belt policy, the proposal fails to accord with LDP Hou 1 which gives priority to the delivery of the housing land supply on suitable sites within the urban area, provided the proposals are compatible with other policies in the plan.

Furthermore the proposed development fails to accord with LDP Policy Hou 8, with respect to student housing, and the adopted Student Housing Guidance, in terms of its failure to provide a 50/50 split between student accommodation and general housing.

b) Landscape and Design

At Committee's request the applicant has amended the proposal and has submitted additional information including an Ecology and Tree Survey with addendum (September 2016) and revised landscape plans for the site. The original report assesses in detail the impact of the proposal upon the streetscape and the Water of Leith. It assesses the impact upon the woodland setting and tree protection and upon the design of external spaces.

Revisiting each of these matters in turn, the following observations are made.

Design and Streetscape.

The revised proposals do not address the concerns raised with regards to the impact of the proposal on the streetscape and the historic context of Old Slateford Village. The proposal is unsympathetic to the topography of the site where there is a dip in the valley with the entrance to The Dell. The existing historic built form steps up following the topography as the land rises to the west. In addition, the scale of the existing blocks is broken up and varied.

The revised proposal drops the height to the rear on the eastern block. Whilst this may alleviate some issues with overshadowing at this part of the site, it does little to address the scale mass and footprint that would be alien to the prevailing character of the locality and would have a detrimental urbanising effect. The scale of the buildings remain inappropriate on the edge of the Water of Leith.

Overall the revised proposal remains of an inappropriate design, scale, massing and footprint and would represent an incongruous and overbearing feature within its setting and within the streetscape. It is contrary to LDP policies Des 1 Design Quality and Context in that it fails to draw on the positive characteristics of the surrounding area. The proposal is of inappropriate design, scale and massing and would be damaging to the character and appearance of the surrounding area, and the special importance awarded to the Water of Leith corridor. The proposal is contrary to Des 3 with regards to Development Design.

Waterside Development

The revised proposals do not overcome the original concerns raised with regards to satisfying LDP policy Des 10 Waterside development. The applicant has sought to address the concerns of the original report by submitting visualisations to support the conclusions of the Landscape and Visual Appraisal. These only highlight the inappropriate scale, height, massing and footprint of the proposal, emphasising how the proposals will encroach on the currently open character of the Water of Leith. The proposal fails to provide an attractive frontage to the Water of Leith.

The applicant has submitted revised landscape and planting proposals which offer amenity space including a Water of Leith walkway in the grounds of the eastern block. The stone wall and railings will be retained next to the Water of Leith and a detailed landscaping plan includes planting of extra heavy standard trees and a mix of specimen shrubs, ornamental planting areas and wildflower grassland.

The revised proposals aim to maintain and enhance the nature conservation and landscape interest of the river and its margins. There remains concern that the scale of proposals would impact upon the landscape setting of the Water of Leith, urbanising the area and changing the character of Lanark Road, a key radial route leading into the city. The revised proposal continues to block the view and enclose the wooded character of this natural feature.

Woodland Setting and Tree Protection

The applicant has provided updated information with respect to Tree Survey for the eastern part of the application site. The survey inspected all trees over 150mm diameter at 1.5m above ground level. The survey found that almost all the trees surveyed were growing outside the boundary. Sycamore is the most common species.

No tree was assessed as being in good condition, the majority were in fair condition. All but two trees were in groups and growing close together. Many of the trees exhibited crown displacement.

There are two mature trees; a sycamore and a horse chestnut. The trees are tall and substantial. The horse chestnut is in poor condition exhibiting split trunks from the base, the northern one of which is leaning north.

The survey concludes that;

"the tree stock appears unmanaged and unmaintained. It is anticipated that the condition will continue to deteriorate without management. The trees should be brought under management as soon as possible as there is a high risk of trees or parts of trees falling onto the proposed development land threatening people or property as is currently the case."

The revised Tree Protection Plan identifies that five trees will be removed as a result of the development, three of which fall just outside the application boundary of the site. A further 15 trees are recommended to be removed due to their condition, all but two of these lie outwith the application boundary and will need permission from a third party to fell.

A method statement has been submitted showing a construction exclusion zone with a line of tree protective fencing to follow the existing fence line. At the north eastern boundary of the site a root protection area is identified, temporary construction work will be carried out in this area with protection measures in place in accordance with section 6.2 of BS 50837:2012.

Despite the submission of a tree protection plan, there remains concerns that the development could impact on the existing woodland along the Water of Leith Walkway by means of the following:

- Works within the root protection area of trees to be retained to be carried out by hand in part, the impact is unknown; and
- The unsuitable relationship to the above ground constraint of the tree canopy. This is demonstrated by the daylight analysis which shows this block would not receive adequate daylight.

Many of the trees are outwith the applicant's boundary, managed by the Council. Whilst some of the height has been reduced at the rear of block two, the proposal will still remain affected by the proximity to the woodland with windows along the south and eastern boundary overshadowed by the woodland. As advised in the original report to committee, this may result in subsequent pressure upon the Council to carry out tree works or removal at a later date due to the inappropriate siting of the new development, which is not a practice supported by the Council's Tree and Woodland Strategy. The Council's Trees in the City Action Plan Policy 36 states that "The Council will generally not prune or fell a tree in Council ownership to alleviate the nuisance of overhanging branches".

The proximity of the development to the woodland and the subsequent shadow that would be cast from the resultant development may affect the health of the trees and thus detrimentally affect this entrance route to the Dell. The relationship between the proposed eastern accommodation block and trees on adjacent land remains unsuitable.

Conclusion

It is concluded that the original layout of the development should have been informed by a full tree constraints plan, taking into account above and below ground tree constraints to BS 5827:2012, not a retrospective study. It is considered that as the overall footprint of the building has not been revised, the proposal cannot be supported in terms of LDP policy Env 12, and in terms of good practice set out in the Edinburgh Design Guidance.

The proposal (as revised) is of an inappropriate design, scale, height, massing and footprint, and would represent an incongruous and overbearing feature within its setting and within the streetscape. In terms of design the proposal is contrary to the following LDP policies:

- DES 1 - Design Quality and Context -the proposal would be damaging to the character and appearance of the area, which has special importance;
- DES 3 - Development Design - The proposal is not informed by a detailed analysis of the site, it does not retain features worthy of retention on the site and the surrounding area including potential views and sense of place. The development as proposed including the loss of trees will impact upon the wider habitat and green network;
- DES 4 - Development Design the proposal will not have a positive impact on its setting, having regard to the height and form of the proposal, the scale and materials, and the position of the buildings on the site in relation to other features. The proposal will enclose the open views currently experienced of the river valley;
- DES 9 - Urban Edge Development The proposal site is situated in the Green Belt. The scale of the proposals would impact upon the landscape setting of the Water of Leith and character of Lanark Road, a key radial route leading in to the city;
- DES 10 - Waterside Development - The proposal does not provide an attractive frontage to the Water of Leith, and it does not maintain and enhance the nature of the conservation or landscape interest to the river or its margins; and
- ENV 12 - the proposal is likely to damage trees worthy of retention around the development site.

c) Listed buildings and Archaeology

The original report identified that the proposal would not directly affect the setting of the group of listed buildings to the south west. The open space is retained orientated to the former Slateford Church. The revised proposal does not further encroach upon the setting of the surrounding listed buildings. The proposal satisfies ENV3 of the LDP.

Archaeology reiterates its original comments with regards to the site. There is a range of buildings and boundary walls which appear to date back in part to the 19th century. The proposed scheme will see the demolition of these structures and walls considered to be of local archaeological interest as such this is considered as having a significant but acceptable impact subject to their recording. Should Committee be minded to grant permission a condition is required to ensure archaeological works are undertaken.

d) Amenity

The applicant has submitted additional information in respect of Daylighting.

The study shows that the proposal will not impact upon the remaining surrounding dwellings.

In order to address the fact that block 2 fails the "no sky line" as set out in the Edinburgh Design Guidance, the applicant has set the building back marginally and increased the width of the windows at ground floor level. The technical assessment highlights that adequate daylighting could only be achieved if a substantial element of woodland is removed.

The Student Guidance states

"Student accommodation is a primary place of residence and therefore it is critical that design is of a high quality with adequate amenity to contribute to healthy and sustainable lifestyles. The Edinburgh Design Guidance 2013 applies to all development and of particular relevance to amenity is section 2.9 on Daylight, Sunlight, Privacy and outlook. Where development cannot reasonably accord with the associated technical guidance, which sets out the minimum standards required, development will not be supported. "

Conclusion

The proposal will introduce new uses into the Water of Leith valley, in close proximity to established residential properties. There will be an increase in activity and lighting in the area which could impact upon neighbouring amenity. However, Environmental Protection raised no concerns regarding the impacts on the amenity of neighbouring residents through noise or air pollution.

To achieve satisfactory levels of light into the proposed student rooms, a significant amount of woodland will need to be cleared. The proposal is contrary to LDP policy DES 5(a) as the future occupants will fail to have appropriate levels of daylight and sunlight.

e) Roads Authority Issues

The revised proposal will reduce impact upon the highway network over the original scheme. There are no further road authority issues.

As concluded in the original report, the proposal is acceptable in terms of transport impacts and will not have any detrimental impact on pedestrian or road safety. Given the restricted nature of the site, the proximity to public transport, the on-road parking restrictions on the roads in the immediate vicinity of the development, the level of parking proposed is acceptable.

f) Biodiversity

The application site is located within a Local Nature Conservation Area. The proposal will result in a greater footprint of development than existing, coming close to the Water of Leith. The development will require the loss of trees in and around the site and will result in the intensive use of the site and its surroundings.

The proposal is contrary to LDP policy ENV 15 as the resultant tree loss is likely to have an adverse impact on the flora, fauna and landscape of the Local Nature Conservation Site. The mitigation measures proposed in the revised landscape drawings are unlikely to become established in the space provided and will potentially conflict with the management of the site as amenity space for 220 students, which will limit its biodiversity value.

g) Flooding and Drainage

A self certification certificate has been submitted which advises that the site has been designed according to guidelines, apart from a deviation during extreme flood conditions in the Water of Leith when the car parking area will be flooded. The flood management measures have been agreed by SEPA and the Council's Flooding team. The Flooding team advise that they have no further comments to make on the application.

SEPA was consulted on the revised information and has no further comments subject to conditions specified in its original response.

SEPA advises that the information submitted does not indicate that safe pedestrian access and agrees will be compromised at during 1:200 year plus climate change.

The proposal therefore satisfies policy ENV15 of the LDP, however if Committee is minded to grant planning permission, appropriate conditions recommended by SEPA should be applied.

h) The proposal meets sustainability criteria

Following consideration by the Committee the applicant has submitted a detailed sustainability statement in support of the application.

The site is within walking distance of bus stop on Lanark Road and in close proximity to the Longstone centre offering a range of amenities.

In Part A the applicants have indicated that they will achieve the 30% carbon reduction, as per the 2010 Building Standards. The Carbon Reduction Declaration states that the development will include photovoltaic Panels, and either Ground Source Heating or Combined Heat and Power System.

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

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

The proposal meets the essential criteria.

The proposal satisfies policy Des 6 of the LDP.

i) Equalities and Human Rights

The revised proposals do not change the position with respect to equalities and human rights.

j) Public Comments

The application was re-advertised on 19 July 2016.

The scheme two attracted 19 letters of objection including objections from Craiglockhart Community Council, Longstone Community Council and the Water of Leith Preservation Trust.

The reasons for objection may be summarised as follows;

Material Objections

- The revisions do not address original concerns- addressed in section a).
- The Development Management Committee should not ignore the non-compliance of the proposed development with so many key policies -addressed in section a).
- Inappropriate greenbelt development - addressed in section a).
- Detrimental impact on the historic Water of Leith - addressed in section b).
- Inappropriate size, scale and materials, the proposal is too high and too big and is a gross overdevelopment of the site, five times the existing footprint of the Blue Goose and twice the height - addressed in section b).
- Inadequate number of vehicular parking spaces for 220 students for moving day and deliveries - addressed in section e).
- Increase in local traffic and impact on highway safety- addressed in section e).
- Detrimental impact upon the surrounding woodland area and Colinton Dell, loss of a tranquil area in the city - addressed in section b).
- Unacceptable change to the landscape character and natural habitat - addressed in section b).
- Unnecessary removal of 10 trees outwith the developers site, in the Dell. Will result in the clearance of healthy and valuable trees including two large oaks - addressed in section b).
- Detrimental impact upon the biodiversity of the area -addressed in section b).
- Impact on local resources such as Dr Surgeries - addressed in section a).
- Problems with waste disposal -addressed in section d).
- Flood risk -addressed in section g).
- Concerns in respect of potential landslides has not been mitigated against, concerns regarding the sloping of the land on the Blue Goose site addressed in section b).
- Loss of privacy and natural light to neighbouring properties, their gardens and the Colinton Dell Walkway - addressed in section b).
- Detrimental impact upon the streetscape, roofline doesn't respect the site contours - addressed in section b).
- Detrimental to the historic character of Slateford/urbanisation of the river valley - addressed in section b).
- Inadequate landscaping proposals with no native trees, deep shaded planting areas, inappropriate beech hedge -addressed in section b).
- Lack of affordable housing offered with the proposal -addressed in section a).
- Detrimental impact upon neighbouring B listed dwelling - addressed in section b).
- Unsafe cycle route between the site and Napier Campus - addressed in section e).

Non-Material Objections

- Alternative sites are available for student housing, such as Fountainbridge with its associated facilities.
- Increase in anti social behaviour, bonfires, vandalism and littering.
- Transient population.
- Disturbance during construction period, traffic and noise.
- A long history of refusals for this site of which this is the most overdeveloped.
- Land ownership issues.
- Housing should meet local needs for Edinburgh Citizens.

Comment

- Welcome the lowering of building on the Blue Goose site and the re-routing of the Water of Leith but could be lowered more.

Community Council Objections

The Craiglockhart Community Council was consulted on the revisions and they raised the following objections:

The reduction from 247 beds to 220 beds does not ameliorate the community's concerns. The main reasons remain:

- Excessive scale and massing.
- Do not support the use of the site for student flats.
- Seven car parking spaces and two spaces for disabled parking appears insufficient.
- Impact on existing highway from 220 students and 12 employees, impact on pedestrian and cycle routes through the Craiglockhart Dell woodland, risk of accident to the local traffic flow system.
- Lack of proper environmental considerations, refer to Water of Leith Trust comments.
- The change in design fails to address original concerns, still too high, too big, over-bearing.
- Concern regarding the number of trees to be removed, five due to proximity to the development and 16 to so called poor condition.
- Inappropriate design, scale, height, massing and footprint, incongruous feature within the streetscape.

Longstone Community Council

Longstone Community Council oppose the application supporting the objections of Craiglockhart Community Council and The Water of Leith Conservation Trust.

SUMMARY

In line with Committee's request on 25 May 2016 the applicant has made revisions to the proposed development which aims to reduce the environmental impact and satisfy concerns with regards to design and landscaping.

The revised proposal, however, remains unacceptable in principle as it constitutes a non-conforming use within the Green Belt. Notwithstanding this the site is not suitable for student housing development.

The revised proposal is of an inappropriate design, scale, height, massing and footprint and would represent an incongruous feature within the streetscape. Furthermore, the site is in an important location being a gateway to Colinton Dell and the wooded river valley, and the proposal is unacceptable in this context within a Special Landscape Area. The proposal would also have an adverse impact on the flora, fauna and landscape of the Local Nature Conservation Site.

REASONS FOR REFUSAL

1. The proposal is contrary to the Adopted Local Development Plan Policy ENV10 in respect of Green Belt, as the site for student accommodation constitutes a non-conforming use within the Green Belt.

2. The proposal is contrary to the Adopted Local Development Plan Policy DES 1 Design Quality and Context as the proposal would be damaging to the character and appearance of the area, which is a Special Landscape Area.
3. The proposal is contrary to the Adopted Local Development Plan policy DES 3 Development Design as the proposal is not informed by a detailed analysis of the site, it does not retain features worthy of retention on the site and the surrounding area including potential views and sense of place. The development as proposed including the loss of trees will impact upon the wider habitat and green network.
4. The proposal is contrary to the Adopted Local Development Plan policy DES 4 Development Design as the proposal will not have a positive impact on its setting, having regard to the height and form of the proposal, the scale and materials, and the position of the buildings on the site in relation to other features. The proposal will enclose the open views currently experienced of the river valley.
5. The proposal is contrary to the Adopted Local Development Plan policy DES 9 Urban Edge Development as the proposal site is situated in the Green Belt. The scale of the proposals would impact upon the landscape setting of the Water of Leith and character of Lanark Road, a key radial route leading in to the city.
6. The proposal is contrary to the Adopted Local Development Plan policy DES 10 Waterside Development as the proposal does not provide an attractive frontage to the Water of Leith, and it does not maintain and enhance the nature of the conservation or landscape interest to the river or its margins.
7. The proposal is contrary to the Adopted Local Development Plan policy ENV 12 as the proposal is likely to damage trees worthy of retention around the development site.
8. The proposal is contrary to the Adopted Local Development Plan policy ENV15 in respect of sites of Local Importance in that it is likely to have an adverse impact on the flora, fauna and landscape of the Local Nature Conservation Site.
9. The proposal is contrary to the Adopted Local Development Plan policy DES 5(a) in that future occupants will fail to have appropriate levels of daylight and sunlight.
10. The proposal is contrary to the non statutory Student Housing Guidance adopted February 2016 in that the proposal does not include an element of housing and fails to achieve a balance of land uses and to contribute to the housing land need.

APPENDIX 1

Consultations in respect of the revised application were sent out on 4 July 2016. The following responses were received;

Transport

No objection to the application.

Note:

The amended application has no impact of transport matters, therefore the previous response dated 22 December 2015 still applies.

SEPA

SEPA has no further comments to make on this consultation from our previous response (6 April 2016). The information provided relates to surface water drainage requirements set by CEC which they should address.

We note that the Council has also requested clarification of safe access/egress from the applicant, as we recommended, however no further information was provided in this respect. The information provided does not indicate access/egress will be significantly compromised (depths up to 100mm and possible emergency pedestrian route to west) and as such we did not object on these grounds.

Archaeology

Further to your consultation request regarding this amended application for change of use to purpose built student accommodation and erection of two new high quality, managed student residences, I refer you to my earlier comments and recommendations below which remain unaltered.

The site occupies the eastern half of the historic village of Slateford which, as the name suggests, grew up around the historic ford across the Water of Leith at this point. Occupation around such an important ford is likely to have occurred prior to the first reference to the settlement here in the mid-17th century (Stuart Harris Place Names of Edinburgh, 1996) with the road forming main medieval route between Edinburgh & Lanark. Little is accurately known about the pre 19th century layout of Slateford, though the 17th and 18th century maps suggest that its main focus was split between the site of its mill on Logie Green Road and on the eastern bank of Water of Leith (the site of the current public house). By the mid-19th century settlement on the western bank had developed with a range of buildings shown occupying this application site on the 1st edition OS map (the remains of which are still seen in the surviving boundary wall fronting Lanark Rd).

Mills have existed on the Water of Leith at Slateford from probably the medieval period, with Slateford Waulk Mill first recorded in 1659. This 17th century mill stood on the opposite side of the Lanark Road, too the south of the Union Canal Aqueduct. The western part of this development site is known to overly the remains of the mill-lade associated with this 17th-20th century mill. Furthermore, it is recorded that a sluice gate once stood on the river boundary of the site before disappearing under a development of the car park by late 1980's. The date of the current stone weir is unknown however it is likely to date at least in part to the 17th century given its association with Slateford Mill.

The site is regarded as occurring within an area of archaeological significance relating both to the historic Settlement of Slateford and in particular its post-medieval milling industry. As such this application must be considered therefore under terms the Scottish Government Historic Environment Policy (HSEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan Policies ENV9.

Historic Buildings

The current site is occupied by a range of buildings and boundary walls which appear to date back in part date back to the 19th century. The proposed scheme will see the demolition of these structures and walls considered to be local archaeological interest, as such their loss is considered as having a significant but acceptable impact subject to their recording. Accordingly if permission is granted it is essential that prior to and during demolition that a detailed historic building survey is undertaken. This will require the production of surveyed phased plans and elevation (interior and exterior) along with detailed descriptions and photographic analysis /survey.

Buried Archaeology

As stated this site is regarded as being of archaeological significance primarily in terms of its post-medieval industrial and settlement archaeology associated with Slateford. The proposed development will require extensive excavations in terms of demolition, construction, landscaping, utilities etc. Accordingly it is recommended that a programme of archaeological excavation is undertaken post-demolition and prior to development.

In essence this will see a phased archaeological programme of works, the initial phase being an archaeological evaluation up to a maximum of 10% of both areas. The results of which would allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection of the surviving mill dams/lade and the full excavation, recording and analysis of any further surviving archaeological remains.

Archaeological Public Engagement

Further given the potential importance of these remains in terms of the local Slateford Area and the Water of Leith, it is recommended that the 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.

Accordingly it is essential that the following condition is attached to this consent to ensure that undertaking of the above elements of archaeological work are undertaken.

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

CEC Economic Development

Economic Development note the reduction in the number of beds from 247 to 221 and that this will lead to a lower spend in the area due to fewer students being housed in the development. However our original comments still stand.

CEC Flooding

12 October 2016

Further to the receipt of the Self Certification Certificate on 10 October 2016 Flooding have no further comment.

In support of the above planning application the Flood Prevention Unit reviewed the following documents as of 19 April 2016:

- *Letter from Kaya Consulting 7 March 2016, ref: KC1033, re: CEC and SEPA comments*
- *Letter from Kaya Consulting 18 March 2016, ref: KC1033/MS, re: Compensatory storage*
- *Scott Bennett Associates Flood Risk Assessment and Drainage Strategy Report November 2015*
- *Goodson Associates Flood Risk Assessment November 2015*

The applicant submitted additional information subsequently:

- *Scott Bennett Associates Flood Risk Assessment and Drainage Strategy Report December 2015*
- *Flood Risk Assessment Independent Check Certificate - 24 June 2016*

The additional information is welcome; however as per the previous memo dated 19 April 2016, there is still information outstanding.

In order to better inform the planning application process further information is required with respect to drainage.

- 1. The applicant has not completed a self-certification checklist for this application. This should be completed to provide a summary of the information submitted in support of the application.*
- 2. The applicant has completed an independent check for the flood risk assessment, however has not completed the self certificate for the flood risk assessment or for the surface water management plan. The signatures on the independent check for the flood risk assessment certificate are obscured, please can the applicant provide a clear copy.*
- 3. Please confirm the impermeable area of the proposed development.*
- 4. Please provide details of the proposed outfalls to the Water of Leith. Prior to construction, details of the proposed outfall to the Water of Leith should be submitted to CEC Flood Prevention so that we can confirm the design is in line with best practice and SEPA's Controlled Activities Regulations General Binding Rules.*

5. We would also require the design to include allowance for a high water level in the Water of Leith during the extreme design scenario preventing discharge of drainage. As a result an update of the micro drainage calculations will be required, with the surcharged outfall scenario modelled as worst case for attenuation volume calculation.

6. As noted by SEPA in section 1.4 of their letter dated 8 April 2016, please demonstrate that safe pedestrian access and egress can be maintained at all times during the 1:200 year plus climate change event.

Police

I write on behalf of Police Scotland regarding the above planning application. We would welcome the opportunity for one of our Police Architectural Liaison Officers to meet with the architect to discuss Secured by Design principles and crime prevention through environmental design in relation to this development.

Environmental Health

The application proposes erection of two blocks of managed student residences at 27, 35 and 37-39 Lanark Road. The site is divided by the Water of Leith (running north-south) with a licensed restaurant/public house on the eastern half and car garage on the western side. The site is bordered on its northern edge by the busy Lanark Road with areas of mature trees along the river to the east and south. A public house is within 5m to the west.

Environmental Assessment has concerns with this proposal regarding the potential impact to amenity from noise created by road traffic and the nearby public house. The agent has submitted a noise impact assessment which has measured these noise sources and predicted the likely resulting internal levels. The study finds that road traffic noise will need to be attenuated by a mitigation strategy including enhanced glazing and acoustic ventilation to meet acceptable standards; noise break-out from the public house was found to be of no concern due to the high background level created by road traffic. A condition is recommended.

The current (and previous) uses of the site indicate that the land could have become contaminated; the site should therefore be investigated to ensure that it is made safe for the intended end use. A condition is recommended in this regard.

Revisions to this application were received in July 2016; however these changes cause no concern. Environmental Assessment has no objections to this proposed development, subject to the following conditions:

1. Prior to the commencement of construction works on site:

a. A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b. Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

2. The enhanced glazing and ventilation strategy, as detailed in sections 4.6, 4.7 and 4.8 of the RMP Noise Impact Assessment: Lanark Road, Edinburgh (Technical Report No. R-7301-ST1-RGM) dated 22nd December 2015, shall be implemented in full prior to the first use of the blocks as residences. These enhancements are:

a. Façades closest to Lanark Road (appendix 2)

i. Glazing of 10/12/6.4mm Stadip Silence or equivalent to provide a minimum value of $Rw+CTR$ 35dB

ii. Passive ventilation to provide a minimum reduction of $D_{n,e,w}$ 41dB

b. Façade closest to the Water of Leith (appendix 2)

i. Glazing of 4/12/16mm or equivalent to provide a minimum value of $Rw+CTR$ 28dB

ii. *Passive ventilation to provide a minimum reduction of $D_{n,e,w}$ 34dB*

BAA

Original comments stand

Links

Policies and guidance for this application

LPC, CITD1, CITD3, CITD5, CITE8, CITD9, CITE3, CITE10, CITE12, CITE15, CITH10, CITT1, NSG, NSBUS, NSGD02, NSGSTU,

A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idxpa-web/applicationDetails.do?activeTab=documents&keyVal=NYDFUKEWK8D00>

Or Council Papers online

John Bury

Head of Planning & Transport

PLACE

City of Edinburgh Council

Contact: Jennifer Paton, Senior Planning Officer

E-mail:jennifer.paton@edinburgh.gov.uk Tel:0131 529 6473