

# Development Management Sub Committee

Wednesday 8 November 2017

## Application for Planning Permission 16/04400/FUL At 22 Haymarket Yards, Edinburgh, EH12 5BH Erection of Student Housing with associated ancillary development including landscaping and access works (as amended).

Item number	8.2
Report number	
Wards	A11 - City Centre (Pre May 2017)

### Summary

---

This site is an acceptable location for student accommodation and will not result in the negative cumulative impact on the established character of this area. The design, scale and materials are appropriate to the location and the proposal will not be detrimental to the spatial character of this urban area. The proposal provides an acceptable level of amenity for the future occupiers. The proposal complies with the Edinburgh Local Development Plan and Non statutory Guidance. The proposal is acceptable subject to the attached conditions and suitable legal agreement. There are no material considerations that outweigh this conclusion.

### Outcome of previous Committee

---

This application was previously considered by Committee on 27 September 2017.

The application was continued for a site visit which took place on 2 November 2017.

---

## Links

---

[Policies and guidance for this application](#)

LDPP, LHOU07, LHOU08, LDES01, LDES05, LDES06, LEN21, LTRA02, LTRA03, NSG, NSGD02, NSDCAH,

# Report

## **Application for Planning Permission 16/04400/FUL At 22 Haymarket Yards, Edinburgh, EH12 5BH Erection of Student Housing with associated ancillary development including landscaping and access works (as amended).**

### **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 an area of vacant land located between Haymarket Terrace, Haymarket Yards and Devon Place. To the north of the site is Apex House a purpose built office accommodation constructed in the 1990's. This building has a stepped profile ranging from five to six storeys and is clad in aluminium curtain walling. To the south is two modern office developments, Interpoint building and Elgin House. Five storey residential properties lie to the north east of the site.

The topography of the site is relatively flat. There is approximately 3 metres of a difference in level between Devon Place and the south west corner of the application site.

Within 200 metres of the site is Haymarket railway station, the tram stop as well as bus stops and taxi ranks.

#### **2.2 Site History**

There is no relevant planning history for this site.

### **Main report**

---

#### **3.1 Description Of The Proposal**

##### Scheme 2

The application is for a 91 bed student residence.

The block will comprise of 84 standard studios and 7 accessible studios comprising en suite, kitchen and sleeping area. The studio rooms are 21 square metres and the accessible studios 24 square metres. The facility will also provide a reception area, laundry, cinema and gym. The block is a linear shape varying in height from four to seven storeys in height. 738 square metres of amenity space is provided to the south, south-west and north-west of the building and at the fourth floor of the building, this comprises 686 square metres of garden space and 52 square metres of terrace space offering a variety of usable space for users.

Materials proposed for the building is buff brick, curtain walling and glass panels.

A bin store and secure cycle store for 60 spaces, which is a 65% provision for the development, is to be located in a stand alone building located to the east of the main building. Two parking spaces will be provided within the site and one of these will be a disabled parking space.

The main access to the site will be from Haymarket Yards where the main entrance to the building can be accessed.

### Scheme 1

This has been reduced in number from 104 to 91. The scale and massing of the development has been reduced.

### **Supporting Statements**

The following information was submitted in support of the application:

- Design and Access Statement;
- Noise Impact Assessment;
- Daylight, Sunlight and Privacy Report;
- Updated Drainage Strategy; and
- Planning Supporting Statement.

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 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 proposed scale, design and materials are acceptable;
- c) the proposals will result in an unreasonable loss of neighbouring amenity;
- d) the proposals will affect road safety;
- e) there are any other material considerations that justify approval or refusal;
- f) the proposal have any equalities or human right impacts; and
- g) comments raised have been addressed.

#### a) Principle of Development

The site is located in the Central Area as designated under Edinburgh Local Development Plan (LDP) policy Del 2 City Centre, 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.

#### **Student Housing**

Policy Hou 8 of the LDP and the Student Housing Guidance have two requirements for assessing student housing. 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.

#### *Location of student housing*

The student housing guidance sets out the locational and design guidance to be applied to proposals for student housing. Part a) accepts student housing in locations within or sharing a boundary with a main university, or outwith criteria a) student housing will generally be supported on sites with less than 0.25ha of developable area. This application site does not share a boundary with a university or college campus and the application site is not greater than 0.25 hectares.

The site is located 200 metres from the Haymarket Public Transport Interchange. 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 1.1 miles), Edinburgh College of Art (0.8 miles) and Napier at Merchiston (1.3 miles). This application therefore complies with part a) of the LDP policy Hou 8 and the Student Housing Guidance.

### *Concentration of student housing*

Criteria (b) of policy Hou 8 of the LDP limits concentration of student housing where it would have an adverse impact on the maintenance of balanced communities or the established character and residential amenity on a locality. The Student Housing Guidance provides further guidance in this respect.

The wider area has seen an increase in the number of purpose built student accommodation but within the immediate context of Haymarket Terrace the established character of this area is a mix of residential and commercial uses. The census data on full time student numbers illustrated within the supplementary guidance shows there is not a high concentration of students within this area. The additional student accommodation provided on this small site will not result in a negative cumulative impact on the established character of this area.

The principle of student accommodation is acceptable within this location.

#### b) Scale, design and materials

The scale and massing of the proposed building is designed to respond to the immediate context of the site, this is achieved by splitting the building's mass into four sections. The seven storey block at the eastern end provides the main entrance to the building and is accessed from the carpark off Haymarket Yards. This entrance is designed as a stepped facade with a glazed entrance link and circulation core. The central section of the building drops down to six storeys with the upper floors of the north elevation constructed in curtain walling to give the building a lighter appearance when viewed from Devon Place. The low rise section in the south west corner of the site steps down to four storeys with only three being visible from Devon Place, given the drop in levels of the site at this point. The development provides a transition between Apex House and Elgin House and makes a positive contribution to the spatial character of the area.

It is also appropriate to take into account that this is a site located within the urban area, close to the city centre with good public transport accessibility. As such, the principle of high density development is supported.

The architectural style of the building is contemporary and allows this building to sit comfortably within its context against other modern buildings.

The site has been analysed with reference to the Colvin and Moggridge skyline study of December 2010. The wider key view from Carrick Knowe Railway Footbridge demonstrates that the proposed development will be visible from this view, however, the building sits comfortably within the surrounding context.

The design and materials of the development are of a high quality and is an appropriate design solution to a challenging site. The proposal accords with policies Des 1 and Des 3 of the LDP.

c) Amenity

The applicant has submitted a Daylight, Sunlight and Privacy statement.

*Daylight and Sunlight*

The report assesses the level of daylighting to the student rooms when using the "no sky line" method. It states that eighty eight of the studios will achieve the recommended level of daylighting as set out in the Edinburgh Design Guidance. One studio located on the ground floor fails to meet the required levels and two marginally fail. An infringement to the guidance is acceptable in this instance given the majority of the studios will achieve good levels of daylighting. The daylighting of office space is not protected and has not been considered in the assessment of this application.

It has also been demonstrated that the garden areas will receive sunlight during daylight hours and at least half of the garden area will receive sunlight for more than 3 hours and accords with the Edinburgh Design Guidance.

*Privacy*

The building is positioned a minimum of 9.5 metres and a maximum of 17.3 metres from Apex House to the north and a minimum of 11 metres and a maximum of 20.8 metres to the two offices to the south. The pattern of development in an area will determine appropriate distances between buildings. It would not be expected to achieve distances similar to that found in suburban areas on this tightly constrained site within the city centre and that the distances between the buildings are appropriate within this site's context.

*Noise*

A noise impact assessment has been submitted by the applicant. This has assessed transportation noise levels and plant noise from the adjacent office buildings. It recommends that suitably specified trickle vents are incorporated into the north and south facing studios which will mitigate against external noise sources.

Environmental Protection has made no additional comments

Neighbouring residential uses within the area are located far closer to the railway and tram line and it is considered that this development will not be affected to any greater a degree than those existing properties. The previous use of the site as a railway requires the need for site investigation and contamination survey to be carried out. A condition is attached in respect of this.

#### d) Road Safety

One parking space and one disabled parking space are to be provided within the site. The site is accessible to a number of public transport routes and would not require any additional parking to be provided on site. Secure cycle parking is to be provided via a stand-alone building across from the entrance providing 60 cycle spaces. The Roads Authority has no objections to the proposal but state that the location and the number of cycle spaces provided do not meet the current standards which require one cycle space per bed. The location of the cycle storage is appropriate given the design of the building and if demand is required for additional storage numbers can be increased to accommodate this.

A contribution of £102,387 towards the Tram is required and this will be subject to a legal agreement.

#### e) Other Material Issues

##### **Archaeology**

No objections has been raised to the application.

##### **Flooding**

The site does not lie in a flood risk area.

The applicant has submitted information with regards to Drainage and Flooding and has confirmed that the development is higher than the surrounding ground, with fall aways from the building; and that flows from the north will not enter the site. Flood Prevention has no objections to the application.

#### f) 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.

#### g) Public Comments

The materials points raised were:

- Development is out of keeping - assessed in 3.3(b).
- the development is too large - assessed in 3.3(b).
- loss of daylight - assessed in 3.3(c).
- noise impact from the development - assessed in 3.3(c).
- Overlooking - assessed in 3.3(c).
- No parking on site - assessed in 3.3(d).

## West End Community Council

- loss of daylight and privacy to adjacent buildings - assessed in 3.3(c).
- 60 cycle spaces enough for the proposal - assessed in 3.3(d).

### Conclusion

This site is an acceptable location for student accommodation and will not result in the negative cumulative impact on the established character of this area. The design, scale and materials are appropriate to the location and the proposal will not be detrimental to the spatial character of this urban area. The proposal provides an acceptable level of amenity for the future occupiers. The proposal complies with the Edinburgh Local Development Plan and Non statutory Guidance. The proposal is acceptable subject to the attached conditions and suitable legal agreement. There are no material considerations that outweigh this conclusion.

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

### 3.4 Conditions/reasons/informatives

#### Conditions:-

1. i) Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, 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 required remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- ii) 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 for the approval of the Planning Authority.
2. Prior to occupation, the development shall be carried out in line with the recommendations outlined in the KSG Acoustic Noise Impact Assessment Document Reference 1565/R1, with respect to the trickle vents on the north and south elevations.

#### Reasons:-

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. In order to protect the amenity of the occupiers of the development.

## Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded in relation to tram contributions.

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.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. 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.
5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport. The applicant should also consider the provision of car club vehicles to support the site. A contribution of £1,500 per order and £5,500 per vehicle would be required. This does not require to be included in any legal agreement; The applicant should be advised that as the development is student housing, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category F - All student housing); The applicant should ensure that the access is large enough and of a shape to accommodate any vehicles which are likely to use it, in particular refuse collection and emergency service vehicles; All disabled persons parking places should comply with the Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles, including off-street spaces. The applicant should therefore advise the Council if he wishes any off-street bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;

Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future; The developer must submit a maintenance schedule for any SUDS infrastructure for the approval of the Chief Planning Officer.

## **Financial impact**

---

### **4.1 The financial impact has been assessed as follows:**

The application is subject to a legal agreement for developer contributions.

## **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**

A total of 35 letters of representation has been received. 24 of these were received when the neighbour notification was first undertaken in September 2016, a further 11 of these were submitted when further notification was undertaken on the 21 July 2016 after amended information was submitted. One letter of support was also received.

Representations were received from the West End Community Council, Donaldson's Amenity Association.

## **Background reading/external references**

---

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)

- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

## **Statutory Development**

### **Plan Provision**

Edinburgh Local Development Plan - The site is designated as within the City Centre.

### **Date registered**

20 September 2016

### **Drawing numbers/Scheme**

01,02,05A-09A,11A,13-18,

Scheme 2

## **David R. Leslie**

Chief Planning Officer

PLACE

The 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 Local Development Plan.**

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

LDP Policy Hou 8 (Student Accommodation) sets out the criteria for assessing purpose-built student accommodation.

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

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

### **Relevant Non-Statutory Guidelines**

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

**Non-statutory guidelines** on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

# Appendix 1

## **Application for Planning Permission 16/04400/FUL At 22 Haymarket Yards, Edinburgh, EH12 5BH Erection of Student Housing with associated ancillary development including landscaping and access works (as amended).**

### **Consultations**

---

#### Archaeology

*The site lies within the historic limits of the mid-19th century railway yards attached to Haymarket Station. The site was used, from probably its inception in the 1840's, as an area for storing cattle coming into Edinburgh with cattle pens shown on site into the 20th century. As such the site is identified as occurring within an area of archaeological interest.*

*However due to the extensive nature of re-development/ground disturbance on the site, it is considered unlikely that any significant remains will have survive insitu. Accordingly it has been concluded that there are no known archaeological implications in regards to this application.*

#### Police Scotland

*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.*

#### Network Rail

*After examining the proposal Network Rail considers that it will have no impact on railway infrastructure and therefore have no comments/objections to this application*

#### Environmental Services - October 2016

*Environmental Protection has serious concerns regarding this application and the level of amenity it would provide for future residents.*

*Noise from the rail line to the south and the adjacent office buildings has the potential to affect the amenity of future. In order for Environmental Protection to consider supporting the application a noise impact assessment would need to be submitted.*

*Ground conditions relating to potential contaminants in, on or under the soil as affecting the site would require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use/s. Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable).*

*The applicant has not provided any supporting material to address noise concerns. Therefore Environmental Protection recommends the application is refused.*

### Environmental Assessment

*No further comments has been made*

### Roads Authority

*Whilst there are no objections in principle to the proposed development, the proposed level of cycle parking, 60 spaces, does not meet the Council's current standard of 1 space bed, i.e. 104 spaces. Provision may be reduced where it is in "large, high quality and secure communal areas". It is considered, however, that the proposed location is both inconvenient for the building, being separate from it and some 80m from the western end of the building.*

*The location is not considered to be secure and does not appear to have a sufficient level of oversight from the building. It is therefore likely that residents will not use the provision. It is noted that the proposed car parking is more conveniently located than the proposed cycle parking. There also appears to be no indication as to the type or quality of provision.*

*Should you be minded to grant the application, the following should be included as conditions or informatives as appropriate:*

- 1. Contribute the sum of £102,387 (based on 3,346m<sup>2</sup> student accommodation in Zone 1) to the Edinburgh Tram in line with the Developer Contributions & Infrastructure Delivery Supplementary Guidance dated March 2017. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
- 2. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport. The applicant should also consider the provision of car club vehicles to support the site. A contribution of £1,500 per order and £5,500 per vehicle would be required. This does not require to be included in any legal agreement;*
- 3. The applicant should be advised that as the development is student housing, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See [http://www.edinburgh.gov.uk/download/meetings/id/39382/item\\_7\\_7](http://www.edinburgh.gov.uk/download/meetings/id/39382/item_7_7) (Category F - All student housing);*

4. *The applicant should ensure that the access is large enough and of a shape to accommodate any vehicles which are likely to use it, in particular refuse collection and emergency service vehicles;*
5. *All disabled persons parking places should comply with the Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles, including off-street spaces. The applicant should therefore advise the Council if he wishes any off-street bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
6. *Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;*
7. *The developer must submit a maintenance schedule for any SUDS infrastructure for the approval of the Chief Planning Officer.*

*Note:*

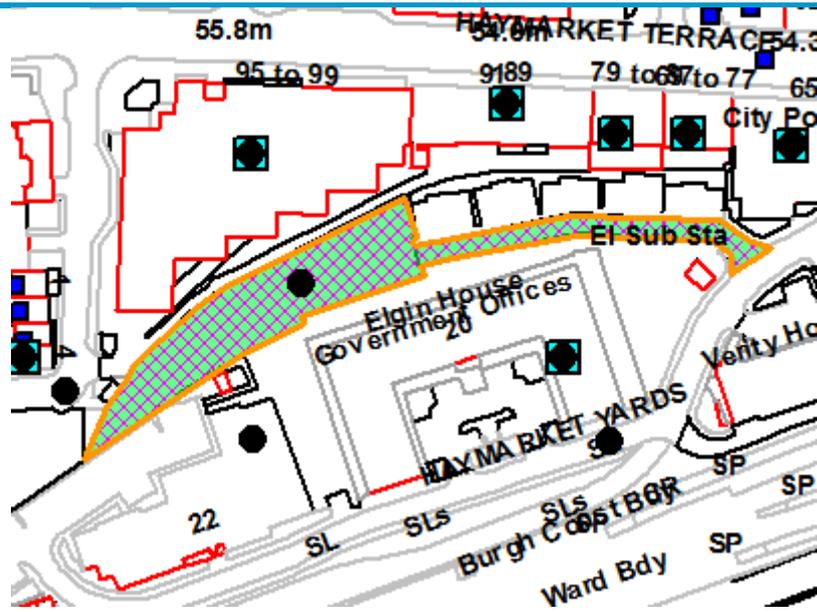
- o Current Council parking standards permit up to 1 space per 20 for disabled parking, 1 space per resident staff, and zero parking for residents. The proposed 1 disabled and 1 staff parking space is considered acceptable;*
- o The applicant should consider the safety implication a number of doors which open outwards from the property on to the private access;*

## **Flood Prevention**

*On the basis that the applicant confirms that the development is higher than the surrounding ground, with falls away from the building; and that flows from the North won't enter the site Flood Prevention have no further comment on this application and are happy to support it.*

## Location Plan

---



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420  
**END**