

Development Management Sub Committee

Wednesday 21 November 2018

**Application for Planning Permission 18/03365/FUL
At 236 Gorgie Road, Edinburgh, EH11 2PL
Demolition of existing (Class 1) retail store and erection of
purpose-built student accommodation (Sui Generis) with
(Class 1) retail on the ground floor (as amended)**

Item number	4.5
Report number	
Wards	B07 - Sighthill/Gorgie

Summary

The purpose built student accommodation complies with policy Hou 8 Student Housing in terms of its location and concentration in the surrounding area, and retail development is supported in the Gorgie/Dalry Town Centre area. It does not satisfy the requirement of policy Hou 1 d) to prioritise housing delivery.

The building as proposed represents a high density building which is unacceptable in terms of its massing, height, footprint and impact on the privacy and outlook of surrounding properties. The site derives the majority of its amenity value and outlook from surrounding sites which as a design solution is not supported. Whilst the site may offer potential for some development for retail use and student accommodation, the intensity of the proposed building is overdevelopment.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES04, LDES05, LEN09, LEN12, LEN16, LEMP09, LHOU08, LRET01, LRET03, LTRA02, LTRA03, LEN21, NSG, NSGD02, NSGSTU, LHOU01,

Report

Application for Planning Permission 18/03365/FUL At 236 Gorgie Road, Edinburgh, EH11 2PL Demolition of existing (Class 1) retail store and erection of purpose-built student accommodation (Sui Generis) with (Class 1) retail on the ground floor (as amended)

Recommendations

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

Background

2.1 Site description

The site, approximately 0.18 hectares in size, consists of a two storey Scotmid supermarket that fronts on to Gorgie Road and extends back across much of the site. An associated loading bay and staff parking area is located at the rear of the site and is accessed via Wheatfield Terrace.

To the north there is a church hall and back gardens for tenements on Wheatfield Place, to the west are the back gardens of four storey traditional tenements in Smithfield Street. To the east, the site adjoins the tenements of Wheatfield Terrace and their associated back gardens.

2.2 Site History

19 March 2012 - A minded to grant decision for full planning permission was issued for partial demolition of the Scotmid supermarket and erection of 9 residential flats, car parking, access landscaping and associated works. A legal agreement was not concluded for the application (Application reference: 12/00238/FUL).

Main report

3.1 Description Of The Proposal

Scheme 2

The applicant proposes to demolish the existing two storey retail store and to erect a six storey building comprising retail space on the ground floor which will be occupied by Scotmid with purpose-built student accommodation above. The building fills most of the depth and width of the site and is set back from adjoining tenements on Gorgie Road. The proposal connects to adjoining tenements at Wheatfield Terrace.

The retail element of the proposal at the ground floor will measure approximately 475 sqm including back of house and waste/plant areas. The new retail store would be serviced from a rear access at Wheatfield Terrace. A bin store and plant for the student accommodation would be serviced from this area as well.

The ground and first floors consist of a mixture of the retail store and student accommodation. The second to fifth floors are dedicated to student accommodation.

The ground floor elevation at Gorgie Road maintains the existing building line. The top floor is set back from Gorgie Road by four metres and the first, second, third and fourth floors are set back from Gorgie Road by two metres. The top floor is set back at the north elevation to provide a rooftop amenity deck space. The building is modern in appearance and has a flat roof. Small green roof features flank the building at the second floor and at the north west elevation.

The top floor roof level, which is set back, measures approximately 64 metres in height above ordnance datum (AOD). The current Scotmid building measures 57.4 metres AOD at the Gorgie Road frontage and 53.6 metres AOD at the rear across the site. Overall across the site to the rear there is an increase of approx. 10 metres.

The student accommodation comprises of 139 bedrooms in a mix of sizes as follows:

- 2 x one bedroom studios;
- 1 x four bed cluster;
- 14 x five bed clusters;
- 4 x six bed clusters;
- 4 x eight bed clusters; and
- 7 x accessible studios (5% of total rooms).

Room sizes in cluster apartments will be approximately 14.5 sqm. Studio rooms will measure approximately 21.7 sqm.

Amenity provision on-site includes a ground floor garden at the west boundary measuring 122 sqm and a rooftop amenity deck at the north of the building's roof space including wild flower planting and extending to 195 sqm. A common room measuring 77 sqm is included at the top floor of the building at the south elevation.

The proposal does not include any vehicle parking and cycle parking spaces are proposed within the ground floor amenity area at the west boundary.

Proposed materials include blonde sandstone at the north and south elevations, light coloured render at the east and west elevations. At the roof level a mixture of timber cladding with large sections of curtain walling and spandrel glazing is proposed.

Supporting Statement

The applicant the following information in support of the application:

- Pre-Application Consultation Report;
- Design & Access Statement;
- Planning Policy Statement;

- Application form, drawings and visualisations;
- Daylight, privacy and overshadowing analysis;
- Transport Statement;
- Landscape information;
- Historic Environment Desk Based Assessment;
- Ecology BREEAM Report;
- Noise Impact Assessment;
- Health and Safety Executive consultation response;
- Flooding, drainage and surface water information;
- Waste management information;
- Sustainability Form S1;
- Student Management Plan; and
- Arboricultural impact assessment and tree constraints plan.

Revised and new information submitted by the applicant for Scheme 2 include:

- Amended plans, drawings and visualisations;
- Design & access statement addendum;
- Revised daylight and sunlight assessment; and
- Summary of amendments.

These are available to view on the Planning & Building Standards Online Services.

Scheme 1

The original scheme was for 152 student flats and retail at the ground floor. The front elevation of Scheme 1 was set further forward facing Gorgie Road at the upper levels by 2m and the top floor by 4m. Scheme 1 was slightly greater in mass, had a larger footprint and proposed materials were honey coloured buff brick, bronze cladding and windows and red pre-cast stone. No amenity space was provided in Scheme 1 and a large willow tree to the north of the site was identified for removal.

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 in this location;
- b) the proposed design and layout of the proposal are acceptable;
- c) the proposal raises any issues relating to amenity;
- d) the proposal is acceptable in terms of transport, traffic or road safety;
- e) there are any other material considerations;
- f) the proposal meets sustainability criteria;
- g) there are any impacts on equalities or human rights; and
- h) issues raised in material representations have been addressed.

a) Principle

The application site is located in the urban area as designated in the Local Development Plan (LDP). Proposals in the urban area must accord with relevant policies in the LDP and guidance. The site is also partially located within the Gorgie/Dalry Town Centre.

Retail

Proposals for retail and other development is required to follow the sequential approach with regard to location. In this case the applicant, Scotmid, already has a presence at the ground floor and proposes to retain a presence at the ground floor. Policy Ret 1 Town Centres First Policy supports retail development within town centres and the proposal meets the sequential test. Policy Ret 3 Town Centres supports development that is within a town centre and is compatible with the surrounding area. As the retail element of this proposal is a replacement of the existing Scotmid with a newer building with a different floor area the retention of a presence in the area is supported.

Housing

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". The LDP requires that the site should be considered for housing first. The applicant has stated that only a small number of flats could be built at the site due to green space and parking requirements taking up much of the site, citing the application history of the site. Access issues and impact on nearby Air Quality Management Areas (AQMAs) are also quoted. The applicant concludes that there is a demand for student accommodation in the area; and by meeting this demand HMO flats will be released back into the general housing market.

The policy requires housing to be prioritised and the proposal does not accord with LDP policy Hou 1 d).

Student Housing

LDP Policy Hou 8 has two requirements for assessing student accommodation. Firstly, proposals must be in a suitable location in relation to university and college facilities, well connected by means of walking, cycling or public transport. Secondly, it must not lead to an excessive concentration of student accommodation or transient population in the locality to an extent that would adversely affect the area and its established residential amenity or character.

The Council's non-statutory Student Housing Guidance re-enforces the requirements of policy Hou 8 and identifies that student accommodation needs should be met in well managed and regulated schemes where possible.

Location of student housing

The student housing guidance sets out the locational and design guidance to be applied 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. While this site does not share a boundary with a university or college campus it is not greater than 0.25 ha and is therefore compliant with this aspect of the guidance.

The site is located on Gorgie Road which offers high frequency bus connections to the city and west Edinburgh. Although the site does not share a boundary and is not adjacent to a university campus it is in a location with good connection to public transport. Further buses are a short walk away at Slateford Road and Dalry Road.

Campuses can also be accessed by bicycle and in some cases by walking.

Clause d) of the guidance requires that a mix of type of accommodation is provided and the applicant meets this requirement by providing a suitable mix of unit types and sizes.

The location of the accommodation is suitable and accords with policy Hou 8a).

Concentration of student housing

Criteria b) of LDP policy Hou 8 seeks to limit the concentration of student accommodation where it would have an adverse impact on the maintenance of balanced communities or established character and residential amenity on a locality.

The nearest operational student accommodation to the site are in excess of 450 metres away at 396 Gorgie Road and Slateford Road/Weston Gait which are outwith the Gorgie/Dalry town centre.

Based on 2011 census data, approximately 35% full time students aged above 16 would be resident in the Gorgie/Dalry area if 137 additional students are added to the population figures. This proportion would not lead to an over-concentrated student population in the area and meets clause b) of the guidance. It is also noted that there is not a high concentration of other land uses which contribute to a more transient population, such as hotels.

Conclusion

The proposed uses for the application site at this location are considered acceptable in principle despite non-compliance with policy Hou 1 d).

b) Design and layout

The proposed, mostly six storey, building would not satisfy the requirement in policy Des 1 that design should be *based on an overall design concept that draws upon positive characteristics of the surrounding area*.

The established urban fabric in the area consists of traditional four storey tenement buildings, including back garden spaces. Ground floor retail units front on to Gorgie Road. The proposed design and layout of the building means that a majority of the site is back-filled with a mostly six storey building. The proposal's north and south elevations broadly match the Wheatfield Terrace and Gorgie Road tenements in their elevational treatments despite being flat roofed; however the large central section of the building covering the site from north to south is not characteristic of the surrounding area.

The applicant asserts that since historic and current uses at the site including a church and associated hall which occupied most of the site (approx. 995 sqm) and the existing two storey retail use (approx. 1,107 sqm), the proposal can occupy a similar footprint at approx. 1,170 sqm.

The historical churches and existing two storey development at the site do not bring the same challenges as the proposal by virtue of their differing designs and characteristics as non-residential uses. The proposal for a six storey building, the majority of which is a primary place of residence for students, should more closely reflect the established tenement perimeter urban fabric in the area. Only approximately 8% of the application site would be soft-landscaped space at the ground level, offering little in the way of amenity. This is significantly lower than typically seen in the area for residential accommodation.

Clauses a), b) and c) LDP policy Des 4 Development Design - Impact on Setting require proposals to have a positive impact on its surroundings. The proposed building would be a high density development and this is visually reflected in its substantial massing, footprint and height. An increase in height of between 7 - 10 metres is proposed across the site. The flat roof level of the building, which measures approx. 64 metres AOD, exceeds the surrounding prevailing ridge height of surrounding tenements by two to three metres in places. For example the surrounding ridge height of tenements is between 61.5 metres and 63.4 metres AOD; the eaves of surrounding tenements are between 59 metres and 61 metres AOD. The building fills much of the depth and width of the site, and when compared to the level of adjacent garden spaces at the east and west boundaries, where ground level is approx. 46 metres AOD, the difference in height is substantial in these locations at approx. 17 metres. The proposed building would extend across much of the application site and would significantly enclose garden spaces to the west and to a lesser extent at the east by effectively creating a more enclosed urban block. The layout does not have regard to spaces between buildings seen in the area or the established height and form. The proposal does not accord with LDP policy Des 4.

Some of the proposed materials are broadly acceptable and the use of blonde sandstone and red precast stone is consistent with surrounding terrace buildings at north and south elevations. However, render and glazing at the east and west elevations do not reflect any characteristics seen in the surrounding area. The roofscape in the Gorgie/Dalry area is predominantly pitch slate whilst the proposed building is flat roofed. Timber cladding and large areas of glazing at the fifth floor that breach the established pitch height of surrounding properties is not representative of the surrounding character, and does not contribute positively to the area.

The design represents a high density development resulting in a building that does not complement the surrounding urban pattern, massing and building height which is contrary to LDP policies Des 1 and Des 4 and Section 2 of the Edinburgh Design Guidance (Designing places: buildings).

c) Amenity

Neighbours

At the west elevation over 50 new windows and further glazed areas will be introduced to face tenements, and their gardens, at Smithfield Street, some of which are single aspect flats. The six storey proposal would be between 18-21 metres away from neighbouring windows at this location. The proposed building would be located approx. 4.5 metres from the mutual boundary with the properties to the west of the site.

The existing two storey retail store currently bounds the neighbouring site to the west. Although the proposal is set-back by 4.5 metres, increasing the height to six storeys and introducing a high number of bedroom windows means the amount of passive overlooking from higher levels of the surrounding properties will increase. As a result, the proposal would lead to a loss of amenity for neighbouring residents by impacting on privacy and immediate outlook. This is contrary to the Edinburgh Design Guidance on privacy and outlook.

Additionally, the garden spaces of neighbouring properties to the west, which appear to be well used, would be exposed to views from a significant proportion of the windows and would adversely affect the ability of the occupants to enjoy their rear garden and therefore significantly reduce their amenity. Existing properties within this urban block generally enjoy a separation of around 14 metres to the boundary of their garden. The proposed development, with a much reduced figure of 4.5 metres does not protect the amenity of existing neighbours.

The above impacts arising from the proposal are contrary to clause a) of LDP policy Des 5 Development Design - Amenity and the Edinburgh Design Guidance.

The applicant's daylight and sunlight assessment confirms that almost all windows achieve the required Vertical Sky Component (VSC) criteria of either 27% or no less than 80% of existing value which is compliant with the Council's Edinburgh Design Guidance.

By stepping the building back at Gorgie Road by two metres from the first to fourth floors the applicant has sought to minimise adverse effects on designed gable windows to neighbouring properties. The daylight and sunlight study confirms that these windows do not meet the VSC test and are less than 80% of existing value. Whilst the Edinburgh Guidance notes that gables are generally not protected, in this case the windows have been designed as end gable windows in response to a former church building. The impact at this location could be avoided or reduced by further considering the site's history and context that neighbouring tenements are designed around.

Overall, the VSC for some windows will be affected more than others and to varying degrees, however this matter is outweighed by impacts relating to the building's proposed form and design. The applicant's sunlight assessment states that the proposal does not significantly increase overshadowing of neighbouring gardens. It does not appear that the 45 degree sunlight test specified in the Edinburgh Design Guidance has been carried out.

Neighbours raise concern with regard to noise from future residents. Students residing in managed accommodation is not incompatible with the area's surrounding residential use.

The proposal will have an adverse effect on the privacy and outlook of neighbouring properties due to the height, massing and close proximity of the proposed development.

Future residents

LDP Policy Des 5 - Development Design Amenity and the Edinburgh Design Guidance consider amenity within new developments. Non-statutory guidance on Student Accommodation advises that as student accommodation is a primary place of residence, it is critical that adequate amenity is provided to occupiers to contribute to healthy and sustainable lifestyles.

Overall there is approx. 318 sqm of external amenity with planting and seating areas. There is 122 sqm ground floor amenity space at the west of the site. This space will also be utilised for bicycle storage, the layout of which has not been provided.

Combining the bicycle storage with external amenity space is likely to detract from the use-ability of this area as it is a narrow space at approx. 3.7 metres wide. This narrow space is also immediately adjoining student bedrooms and likely to create a conflict between different users.

In an attempt to introduce more external amenity space at the site the applicant has set-back the top floor at the north elevation to create a rooftop deck amenity space measuring 196 sqm. Amenity space has been included at this location as a result of the building footprint. The Edinburgh Design Guidance (page 94) states that in some cases a compromise can be deployed for example when a building is trying to adhere to the spatial pattern in the surrounding area. This approach to external amenity areas is not necessary or suitable at this site.

Room sizes in the proposal are acceptable and similar to other student accommodation developments in the city. An appropriate number of accessible rooms are also provided.

In terms of providing adequate daylight for future residents the majority of the proposal derives amenity from neighbouring gardens which lie between 1 - 4.5 metres to the West and between 1 - 2 metres to the east. Developments are expected to provide appropriate amenity within their own site and not borrow this from adjacent sites which may be subject to change.

Conclusion

The proposal seeks to introduce a mostly six storey building in place of a two storey retail store. The change in nature of the site, with the addition of student accommodation, and an increased building height will lead to significant adverse effects in relation to privacy, overlooking and immediate outlook for neighbours at the west elevation. The proposal does not accord with LDP policy Des 5 and the Edinburgh Design Guidance.

d) Transport

The applicant proposes a zero parking approach to the site with regard to motor vehicles. This is compliant with the Council's parking standards. The Roads Authority is satisfied with this approach due to the site's location along a well-served road for public transport.

Representations raise concern about parking in the area. The applicant advises that student parking on the streets surrounding the development would be controlled through conditions written into the Tenancy Agreement for future residents.

Bicycle parking spaces labelled in the ground floor plan as 'cycle stands' are provided for future occupants within the amenity space to the west of the building. It is assumed 100% provision is included based on the applicant's aspirations that were expressed in the Transport Assessment for Scheme 1, however this is not confirmed. Amended plans show that the cycle parking area would be accessed from the main entrance leading across the reception area and down a stairway to the landscaped amenity area door. Two existing Sheffield hoop bicycle stands are outside the existing Scotmid store on Gorgie Road and these would remain in situ to serve the new retail element of the proposal.

Servicing and deliveries for the Scotmid retail unit will continue to be accessed from Wheatfield Terrace.

The applicant has suggested within the supporting Transport Assessment that Car Club spaces could be provided however no confirmation on intentions were provided. Representations raise concern over conflict with 137 residents entering and leaving the building, particularly at beginning/end of term. It is not anticipated that this will be problematic in a town centre area.

In principle bicycle parking at 100% would be acceptable subject to further design details. However, it has not been demonstrated that these can be delivered on site and this would have an impact on amenity and design matters. Given that the overall development is unacceptable due to its scale, it would not be proportionate to seek resolution of this matter. With reference to LDP policies Tra 2 Private Car Parking and Tra 3 Private Cycle Parking and the Council's parking standards the proposal is acceptable.

e) Other material considerations

Health & safety

The north part of the application site is within the outer consultation zone due the proximity of the nearby North British Distillery. The Health & Safety Executive has been consulted and does not raise any safety concerns.

Flood risk & drainage

The applicant provided a flood risk assessment and surface water management report which states that the proposal is outwith an area of flood risk and in broad accordance with Scottish Planning Policy.

CEC Flood Prevention requested additional information from the applicant relating to drainage on the site, a drainage layout drawing, hydraulic modelling and submission of the Council's self-certification form A1. No further information was submitted by the applicant in response to the request. CEC Flood Prevention has not provided any further comments.

Noise

A noise assessment was provided in support of the application confirming no adverse impacts are likely, but further consideration with regard to noise transfer from the supermarket to the student accommodation should be taken at the building warrant stage.

Environmental Protection did not comment on the proposals.

Protected Species

An ecology survey did not identify any bat roosts within the building that will be demolished or any suitable foraging habitat on the site. Development at the site will not result in a significant loss of habitat for nesting birds.

f) Sustainability

The applicant submitted a Sustainability Statement and the Council's Sustainability form S1 with the application. The proposal is a major development and has been assessed against Part B of the sustainability standards. The proposal scored 80/80 points.

Measures identified by the applicant as part of the sustainability form include: the re-use of a brownfield site; efficient refrigerators in the retail store; gas fired Combined Heat and Power engine to provide heating, hot water and low carbon electricity; zero car development; water saving fittings; use of materials with a low life cycle environmental impact; and, embodied energy and waste and recycling facilities.

The applicant confirms in the supporting Design & Access Statement that alternative future uses of the building have been considered in the event that conversion of the student accommodation is desired. Possible options to re-use the building would include use either as an apart-hotel or a building for co-living. Any future use would be subject to a planning application for change of use.

The sustainability measures are acceptable.

g) Equalities

The applicant outlined that seven accessible rooms will feature as part of the proposal. This applicant confirms that this provision of 5% of all rooms is consistent with Scottish Building Regulation requirements.

The ground floor retail space is accessible from the street level and the student accommodation will be accessible via an internal lift.

h) Issues raised in material representations

Representations refer to Scheme 1. Scheme 2 did not sufficiently address concerns raised in comments and further neighbour notification was not undertaken.

The application attracted 52 comments which were all objections.

Material objections

- Principle of student housing and suggestion of overprovision in the area - addressed in Section 3.3 a);
- Request social housing in the area - LDP policy does not require social housing in developments of this type;
- Impact on amenity, outlook, overshadowing, daylight and sunlight to neighbouring flats and garden's privacy - addressed in Section 3.3 b) and c);
- Impact on designed gables - addressed in Section 3.3 c);
- Urban form and density - addressed in Section 3.3 b);
- Lack of local services for increased population density and loss of post office - the proposal is in a town centre with ample services and occupancy of the post office is a non-planning commercial matter;
- Impact on parking - addressed in Section 3.3 d);
- Impact on local buses and increase in cyclists on Gorgie Road - addressed in Section 3.3 d);
- Use of brick not appropriate for the area - this was removed for Scheme 2;
- Impact on the street and footpath from students moving in and out of the main door especially at start and end of each term - addressed in Section 3.3 d);
- No community benefit included in the proposal - planning policy would not require a developer contributions in this case;
- Requests to set-back the building on the site similar to the historic church - addressed in Section 3.3 b) and c);
- Concerns relating to noise from students - the applicant submitted a management plan outlining how the facility would be managed; and
- Loss of a willow tree - this is retained in Scheme 2.

Non-material comments

- Alleged inaccuracies in the Daylight/Sunlight report - the information has been assessed by the Council as part of the application determination;
- Loss of private view - this is not a planning matter;
- Reduction in property value - this is not a planning matter;
- Lack of evidence that the development will bring economic benefit to Gorgie - this is not a policy requirement;
- Inadequate notification for neighbours of the application - neighbours were notified in line with statutory requirements; and
- Knock-on impact on rental prices in Gorgie - rent prices are not a planning matter.

Community Council

The community council did not comment on the application or request to be a consultee for the application.

Conclusion

The purpose built student accommodation complies with policy Hou 8 Student Housing in terms of its location and concentration in the surrounding area, and retail development is supported in the Gorgie/Dalry Town Centre area. It does not satisfy the requirement of policy Hou 1d) to prioritise housing delivery.

The building, as proposed, represents a high density building, which is unacceptable in terms of its massing, height, footprint, roofscape and impact on the privacy and outlook of surrounding properties. The development derives the majority of its amenity value and outlook from surrounding sites which as a design solution is not supported. Whilst the site may offer potential for some development for retail use and student accommodation or housing, the intensity of development proposed at present leads to overdevelopment at the site.

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

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to Local Development Plan Policies Des 1 Design Quality and Context and Des 4 Development Design - Impact on Setting as its overall design including height, mass, footprint, roofscape, and resultant density are incompatible with the immediate context.
2. The proposal is contrary to Local Development Plan Policy Des 5 Development Design - Amenity and the Edinburgh Design Guidance as it draws an unacceptable level of amenity from neighbouring sites and has a significant adverse impact on neighbouring properties.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Neighbours were notified of the application on 18 July 2018. Fifty two representations were received which all objected to the proposal.

A full assessment of the representations can be found in the main report in part 3.3 h) of the Assessment Section.

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**

The application site is shown to be in the Urban Area in the adopted Edinburgh Local Development Plan (LDP) and part of the site is located within the Gorgie/Dalry Town Centre area.

Date registered

16 July 2018

Drawing numbers/Scheme

1, 2, 4-7, 8A-21A, 22, 23 (Scheme 2),

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Sean Fallon, Planning Officer

E-mail: sean.fallon@edinburgh.gov.uk Tel: 0131 469 3723

Links - Policies

Relevant Policies:**Relevant policies of the Local Development Plan.**

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 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

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

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Emp 9 (Employment Sites and Premises) sets out criteria for development proposals affecting business and industrial sites and premises.

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

LDP Policy Ret 1 (Town Centres First Policy) sets criteria for retail and other town centre uses following a town centre first sequential approach.

LDP Policy Ret 3 (Town Centres) sets criteria for assessing retail development in or on the edge of town centres.

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.

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

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, parking, streets and landscape, in Edinburgh.

Non-statutory guidelines student Housing Guidance interprets local plan policy, supporting student housing proposals in accessible locations provided that they will not result in an excessive concentration.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

Appendix 1

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Consultations

Consultation comments refer to Scheme 1.

Scottish Water comment

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

There is currently sufficient capacity in the Glencorse Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure within boundary

According to our records, the development proposals may impact on existing Scottish Water assets.

150mm Combined Sewer running through site

The applicant should identify any potential conflicts with Scottish Water assets. I can confirm that I have made our Asset Impact Team aware of this proposed development however the applicant will be required to contact them directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Please find all of our application forms on our website at the following link:

<https://www.scottishwater.co.uk/business/connections/connecting-yourproperty/new-development-process-and-applications-forms>

Next Steps

Single Property/Less than 10 dwellings

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre-Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

10 or more domestic dwellings

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

Non Domestic/Commercial Property

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for nondomestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk.

Trade Effluent Discharge from Non Dom Property

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject 'Is this Trade Effluent?'.

Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link:

<https://www.scottishwater.co.uk/business/ourservices/compliance/trade-effluent/trade-effluent-documents/trade-effluent-noticeform-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com.

Archaeology comment

The current retail store is built on the site formally occupied by Tyncastle Parish Church, a late Victorian establishment demolished in 1982. However 19th century OS mapping suggests that this late-Victorian church replaced an earlier Victorian church/church-hall located to the rear of the plot of which little is known.

Accordingly, this site has been identified as occurring within an area of archaeological significance. Therefore this application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and also CEC's Edinburgh Local Development Plan (2016) Policy 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.

As stated the site overlies the site of both Tyncastle Parish Church and an earlier short lived church/ church-hall. Though affected by the demolition of the church and the construction of the current store, the site may still contain evidence for these two former church buildings and how they interacted. Accordingly ground breaking works associated with both demolition and construction are considered to have a low but potentially significant archaeological impact. It is therefore recommended that a programme of archaeological excavation is undertaken as part of the demolition process and prior/during development, in order to fully excavate, record and analysis any significant buried remains affected by ground breaking.

Therefore, it recommended that if consent is granted that the following condition is attached both the CON & FUL applications to ensure the undertaking of the required programme of archaeological works on this site.

'No development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (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.

Active Travel Team comment

- 1. This development is well positioned to take advantage of the wider investment into Active Travel links around the off road North Edinburgh Path Network. These routes add value to the development by providing safe, convenient and attractive links to Granton, Leith, and the City Centre for walking and cycling.*
- 2. It is encouraging that this new development supports the design principles of the Local Development Plan (LDP) and Edinburgh Street Guidance (ESDG) with a move away from reliance on the car, supporting residents to adopt sustainable travel options from the point of occupation through a zero-allocation of car parking.*
- 3. There's potential for more public realm to the front of the site by setting back the building line, as per the Urban Design Panel's comment. This would allow for more public cycle parking provision, and ease cycle access into the building. There needs to be 2m between any part of a parked bike and the rear of the footway, and 0.45m between the bike and the carriageway. Provision of only one Sheffield stand as presently proposed seems inadequate to cater for customers to Scotmid.*
- 4. Removal of the existing kerbside bollards could help to declutter the footway. Public bike parking or planters could serve a dual purpose instead.*
- 5. Encouraged by the level of secure cycle parking provision. It could be improved by having direct access from Wheatfield Terrace without the need to enter via a corridor. Consider creating another entrance by the fire escape stair by the plant room which would be more overlooked on the east side of the building, and have extra width for bikes passing, as well as convenient access to the upper floors via the staircase. There's a potential pinch point with cyclists entering and exiting the store in the corridor. The front entrance has a double door, while the corridor narrows and the rear door only has a single door, which could be an issue. Note potential blind spots for students with bikes emerging from the building into the external rear service area.*
- 6. More information is needed on type of internal cycle parking. There must also be adequate internal space for non-standard bikes/trailers/bikes with child seat attachments/maintenance, and sufficient provision of single storey cycle parking rather than two-tiered options.*
- 7. The proposal for developing a Travel Plan is forward thinking, and will be strengthened by appointing a travel plan coordinator.*

Flood Prevention comment

The applicant must address the following the points prior to determination as at present they do not meet the requirements.

1. *Planning Committee on 30 March 2017 approved the permanent implementation of the certification procedure in the assessment of the flooding impact of new development during the planning application process. In this process it states that both water quality improvements via surface water treatment and surface water attenuation must be implemented for new build developments. This development does not propose water quality improvements or surface water attenuation.*
2. *The applicant has not completed a self-certification checklist or declaration (certificate A1) for this application covering the flood risk assessment or the design of the surface water network. The checklist should be completed to provide a summary of the information submitted in support of the application.*
3. *The proposed discharge rates are in excess of the maximum 4.5l/s/ha rate based upon impermeable area. CEC Flood Prevention request a discharge rate equal to the 2 year Greenfield runoff rate or 4.5 l/s/ha is used, whichever is smaller. As per Sewers for Scotland Third Edition the outflow control must not be smaller than 75mm in diameter.*
4. *Please provide hydraulic modelling outputs for all underground pipework including rainfall data, manhole and pipe schedules (to mAOD), pipe surcharge report for all underground pipe connections. The manholes in the calculation should be cross-referenced to the drainage drawing to enable interpretation. The results should include the 30 year and 200 year plus climate change results. Should the model identify flood or flood risk in the system then drawings will be required to indicate where exceedence flow will be directed, how it will be contained within the site and lastly how it will be drained once the event has subsided.*
5. *Please identify proposed surface water flow paths on drawings. This can be achieved by taking the existing site survey and over-marking arrows to denote falls and then completing the same with the post-development arrangement. This should include runoff from outwith the site, from unpaved areas within the site, and from paved areas in events which exceed the capacity of the drainage system. The purpose of these drawings is twofold. Firstly to understand if there is any significant re-direction of surface flows to surrounding land and secondly to identify if surface water will flow towards property entrances.*
6. *Please provide a proposed drainage layout drawing.*
7. *It is a requirement set out in Edinburgh Design Guidance 2017 (page 110) and CEC Flood Prevention guidelines that all developments should be sustainable in design and include SuDS treatment. This is regardless of whether the site is discharging to a watercourse or combined sewer. Please confirm how SuDS treatment will be incorporated into the design.*
8. *Please stipulate who will adopt and maintain the surface water network, including any SUDS.*

SEPA comment

We have no objection to this planning application, however please note the advice provided below.

We acknowledge that the Local Authority is the lead on air quality management issues, however we have concerns with regard to the development proposals and consider these would benefit from review by the Local Authority's environmental health team. We have outlined our concerns below.

The development site is within an AQMA (Gorgie Rd) declared due to traffic emissions. As the proposed scheme is zero car, the development will not have operational phase impacts on air quality. However, exposure of new residents and impacts of construction and demolition should be appropriately assessed and mitigation measures outlined where appropriate. In addition the proposals may create a canyon effect which will impact dispersion and may worsen concentrations in the AQMA. We recommend that the Council should consider if the matter of air quality impacts on health might be required to assess the significance of this matter.

The Council should refer to EPUK & IAQM Planning for Air Quality guidance which details best practice mitigation methods for air quality. The Council should use the information submitted in any assessment to form its own view on the "significance" of the effects of air quality impacts, and thereby the priority given to air quality concerns in determining the application.

In this case which proposes a number of new residential units in an area of high pollutant concentrations, it would be reasonable to examine design and ventilation arrangements to reduce the impact of the external environment on occupants in the building. The council must also ensure the design of this development does not create a new street canyon and that users of the development can access via zero or low emission transportation methods.

Edinburgh Urban Design Panel (April 2018, pre-application stage on an earlier design)

1 Recommendations

The Panel recognised that the proposal was at an early stage in the design process and welcomed the opportunity to review the proposals at this stage.

In developing the proposals, the Panel suggested the following matters be considered:

- o Site constraints and surveys to inform the design;*
- o Building line on Gorgie Road;*
- o Height, mass, form and roofscape*
- o Materials*
- o Access and accessibility;*
- o Open space;*
- o Sustainability;*

2 Introduction

It is anticipated that an Application for full planning permission for the 'Demolition of existing (Class 1) retail store and erection of purpose-built student accommodation (Sui Generis) with (Class 1) retail on the ground floor level' at 236 Gorgie Road, Edinburgh, EH11 2PL.

The site, approximately 0.18 hectares in size, consists of a two storey Scotmid supermarket that fronts on to Gorgie Road. An associated loading bay and staff parking area is located at the rear of the site and is accessed via Wheatfield Terrace.

To the north there is a church hall and back gardens for tenements on Wheatfield Place, to the west are the back gardens of four storey traditional tenements in Smithfield Street. To the east, the site adjoins the tenements of Wheatfield Terrace and their associated back greens.

It was noted that one of the clients for the site is the convenor of the Cockburn Association's Urban Design Panel. The Panel agreed that this does not present a conflict of interest with respect to the Cockburn Association participating in this review.

This report should be read in conjunction with the pre-meeting papers.

This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view at the proposals at a later stage.

3 Planning Context

The site is located within the Urban Area as identified in the Local Development Plan (LDP). Part of the site is also located within the Gorgie/Dalry Town Centre designation. The site must be assessed against all relevant policies within the LDP including Policy Hou 8 Student Accommodation and Policies Ret 1 Town Centres First Policy and Ret 3 Town Centres. Supplementary planning guidance, such as the Student Housing Guidance (2016) and the Edinburgh Design Guidance (2017), will also need to be considered by the applicant.

19 March 2012 - Full planning permission was granted for partial demolition of the Scotmid supermarket and erection of 9 residential flats, car parking, access, landscaping and associated works. A legal agreement was not concluded for the application (Application reference: 12/00238/FUL).

A number of minor planning and advertisement applications associated with the supermarket have been submitted in recent years. These are not relevant to the current proposals.

4 Panel Comments

The Panel welcomed the opportunity to review the proposals and acknowledged that it is an early stage in the design process.

Land Use

The Panel noted that this could be an appropriate site for student accommodation, being in a town centre and potentially adding to the population supporting local services.

Site Constraints and surveys

HSE COMAH: The site lies within a COMAH area. The Panel urged the design team to ascertain as soon as possible comments from the HSE regarding their development as this could have a significant effect on the proposals for the site.

Residential amenity: The Panel noted the proposal could impact on existing residential amenity and recommended that the appropriate studies with respect to daylight, sunlight and privacy are carried out as soon as possible and used to inform an appropriate design for the site.

Tree Survey: The Panel noted that there are mature trees close to the site boundary and therefore a tree survey will be required. The results of the tree survey will be required as there are mature trees in close proximity to the boundary of the site.

In summary the Panel noted that the above site constraints and surveys should be used to inform a design for the site. It was noted that to date the proposal is not informed by the above.

Townscape and layout

The Panel suggested that as an alternative to the building line referencing the adjoining tenements, the new development could follow the historic building line of the church which was set back. This would increase the public space in front of the building which could provide enhanced access to the building. Also, this could assist with the design with respect to what looks like designed tenement gables which have windows. It was also suggested by the Panel that a check should be carried out as to whether these windows were part of the original building design or have been added without permission.

The 'northern arm' of the proposed block appears very close to the existing western tenement. The Panel suggested that the realignment of this part of the development could achieve a more respectful relationship with the existing tenement.

Height, Mass and Form

The Panel noted the site analysis.

However, the Panel were of the view that the emerging height (approximately 400mm above the adjacent ridgeline) and mass on Gorgie Road appears out of context for the street, both in height and mass and therefore is not supported in its current form. The Panel suggested an appropriate height for Gorgie Road could be three storeys of residential/student over one storey of retail.

Also, the Panel advocated an articulated roofscape for this site given the existing pitched roof forms in the street and urged the design team to revisit the roof design to reflect the character of the context. This may require a different material at roof level. However, the Panel also supported a contemporary design for the site.

Amenity/Open Space

The Panel noted that very little external open space is being provided as part of the proposal. The use of a deck to provide some external open space was not generally supported by the Panel as this approach generally does not provide good quality space and could result in affecting the amenity of the neighbouring tenements. The Panel advocated that good quality open space should be provided for this use.

The Panel noted that most of the proposed amenity space is internal. The panel suggested that the use of terraces could provide some external space.

The Panel noted the design team's observation that the adjacent communal garden areas are over grown and not well used by the residents of the tenements. The Panel suggested that the developer could engage and work with the residents to bring these space back into use which could benefit both the existing residents and this development.

Access

The Gorgie Road frontage provides access to both the retail unit and the residential/student accommodation. The Panel noted that a management strategy will be required at the start and end of each academic semester to accommodate the volume of students changeover at the building from Gorgie Road.

The Panel raised concern regarding the access arrangements to the residential/student accommodation particularly with respect to how easy it will be to access the cycle storage areas.

Materials

The Panel noted the proposed material for Gorgie Road is buff brick. The Panel expressed concern as to the appropriateness of this material given the context of the street which is predominantly sandstone. If this material is to be pursued a robust justification will be required given the context.

Landscape and Public Realm

The Panel encouraged the engagement of a Landscape Architect at this stage of the design process to assist with the design of both the public realm and external open space.

Cycle Provision

The Panel supported 100% cycle storage for the residential/student accommodation and it was noted that cycle provision for the retail should be provided.

Security

The Panel advocated early engagement regarding site security particularly with respect to access to the residential/student accommodation and secure cycle storage.

Sustainability

The Panel advocated a bold approach to sustainability for the site which should include both the retail and residential/student uses. It was suggested that a combined system could be considered for example recovered heat from the retail unit being used by the residential in the evening.

A design for all

The Panel advocated that any design coming forward should ensure that is suitable for everyone. Particularly the residential/student accommodation where the entire building should be designed to be fully accessible.

Location Plan



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