

# Development Management Sub Committee

Wednesday 9 October 2019

**Application for Planning Permission 19/01970/FUL  
At 24 Westfield Road, Edinburgh, EH11 2QB  
Erection of purpose built student accommodation, ancillary  
uses and associated landscaping and infrastructure.**

Item number

Report number

Wards

B07 - Sighthill/Gorgie

## Summary

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The proposal is appropriate in design, will provide adequate amenity to future occupiers and will not be to the detriment of neighbouring amenity, in accordance with Local Development Plan policies Des 1, Des 4, Des 5, Hou 4 and the Edinburgh Design Guidance. The proposed development will not result in increased flood risk nor will it have road safety implications. The proposal accords with Hou 8 and Emp 9 of the Local Development Plan.

However the proposal is contrary to Local Development Plan policies Hou 1 and the Council's non-statutory Student Housing Guidance (February 2016) and on balance are considered to be unacceptable.

## Links

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[Policies and guidance for this application](#)

LDPP, LHOU08, LHOU04, LDES01, LDES04, LDES05, LTRA02, LTRA03, LEN21, LEN22, NSG, NSGSTU, NSGD02, LEMP09, LHOU01,

# Report

## **Application for Planning Permission 19/01970/FUL At 24 Westfield Road, Edinburgh, EH11 2QB Erection of purpose built student accommodation, ancillary uses and associated landscaping and infrastructure.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site is within the Gorgie/Dalry area of Edinburgh west of the City Centre. The site is currently occupied by a furniture showroom which has ceased trading, an office building and a car park associated with the showroom. The site covers approximately 0.31 hectares and is located on the corner of Westfield Avenue and Westfield Road.

The surrounding area is mixed use in nature. The site is bound to the north by a showroom and factory. There is a residential flatted development to the north west of the site on Westfield Avenue. The site is currently accessed via the shared vehicular access with Sainsbury's filling station which bounds the site to the north-east. A Wickes Store is situated to the south-west of the site and to the south-east lies a row of traditional tenements and Sainsbury's carpark.

The Water of Leith is west of the site and can be accessed via the Westfield Avenue housing development.

#### **2.2 Site History**

25 October 2018 - Change of Use from Class 1 Retail to Class 11 Performing Arts School (Ref: 18/02387/FUL).

22 October 2018 - Planning Permission for Erection and installation of temporary modular dance studio facility (Ref: 18/03398/FUL).

22 October 2018 - Planning Permission for External alterations forming a new link corridor and new FE exit doorway (Ref:18/03828/FUL).

### **Main report**

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

The application proposes to demolish the existing single storey furniture showroom and erect purpose built student accommodation with associated landscaping and infrastructure on the site.

The proposal provides for 394 bedrooms. Accommodation comprises of shared flats with a mixture ranging from 6-10 bed spaces, and self-contained studio accommodation with common areas, a gym, games room and study spaces.

The proposed building will be an urban block with a flat roof. It will be 6 storeys in height at the corner of Westfield Road and Westfield Avenue, rising to 7 storeys towards the rear of the building. Proposed materials include grey brick, glazing, aluminium framed grey panels, render and precast concrete coursing.

The applicant proposes indoor secure cycle parking for 360 cycles, and 40 external spaces in covered facility. Vehicular parking within the site will be limited to 4 disabled car parking spaces. The applicant also proposes the installation of an energy centre. External amenity space is provided within the site through a courtyard and landscaped areas.

Car parking, cycling parking and refuse facilities are located to the rear of the property, accessed by a vehicular access along Westfield road. Refuse collection is proposed from Westfield Avenue from the internally located refuse store.

The proposal was revised to address flood risk and drainage concerns raised by SEPA. Revised plans were submitted to reflect the changes.

### Supporting Statement

The applicant the following information in support of the application:

- Design & Access Statement;
- Planning Policy Statement;
- Pre-application Consultation Report;
- Daylight and Sunlight Report;
- Transport Statement;
- Archaeological Written Scheme of Investigation;
- Viewpoint Assessment;
- Noise Impact Assessment and Air Quality Impact Assessment with addendum;
- Flood Risk Assessment, Drainage Strategy and self-certification forms; and
- Sustainability Statement and Form S1; and
- Economic Impact Assessment.

The above supporting information is available to view on the Planning & 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 in this location;
- b) the proposed design, scale, layout and materials are acceptable;
- c) the proposal raises any issues relating to neighbouring amenity;
- d) the amenity of future residents is protected;
- e) the proposal is acceptable in terms of transport, traffic or road safety;
- f) the proposed development will not adversely impact upon air quality;
- g) the proposed development will not result in increased flood risk;
- h) there are any other material considerations;
- i) the proposal meets sustainability criteria;
- j) there are any impacts on equalities or human rights; and
- k) 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.

Local Development Plan policies Hou 1, Hou 8 and Emp 9 must be considered as well as the Council's non-statutory Student Housing Guidance (February 2016).

#### **Housing**

Policy Hou 1 d) prioritises the delivery of housing on sites identified in the LDP, but also on other suitable sites in the urban area in recognition that windfall sites can contribute to land supply. To comply with Hou 1 d), proposals on sites suitable for housing should give consideration to how they might deliver housing as part of any proposals. This policy is intended to apply to all suitable sites in the urban area, including the application site which is vacant and relatively unconstrained for development. Housing has not been considered as part of the application and is not proposed on any part of the site. The application does not accord with LDP policy Hou 1 d).

## **Student Accommodation**

LDP Policy Hou 8 has two requirements for assessing student accommodation. Part a) specifies that proposals must be in a suitable location in relation to university and college facilities, and be well connected by means of walking, cycling or public transport. Part b) states that development 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 and expands upon 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 application site is in a location with good connections to public transport. The site is located on Westfield Road which offers high frequency bus and tram connections to the city and west Edinburgh. Bus stops are located on Westfield Road, 140 metres from the site, and on Stevenson Road, 125 metres from the site. The Murrayfield Stadium Tram and Balgreen Tram Stations are both within walking distance from the site, being located 480 metres and 640 metres from the site. Campuses including Edinburgh Napier, University of Edinburgh and Heriot Watt can also be accessed by bicycle. Furthermore, these campuses can all be reached by walking from the site.

The application therefore accords with LDP policy Hou 8 a).

### *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 developments to the site is located at The Mill House, Napier University Student Accommodation at Slateford Road, and Wireworks Student Accommodation.

Based on census data for the site and its immediate surrounding area, the local student population consists equates to 11% of the population. This proportion would not lead to an over-concentrated student population in the area and satisfies part b) of the policy.

Overall, the erection of student accommodation would not result in an excessive concentration of student housing in the area, and is accessible to the university and college facilities.

The proposal accords with LDP policy Hou 8 parts a) and b) however the supporting text of the policy refers applicants to further material considerations in Council guidance that must also be considered.

## *Student Housing Guidance*

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 b) student housing will generally be supported on sites with less than 0.25ha of developable area. The application site is greater than 0.25 hectares. The proposals do not accord with criteria a) or b) of the guidance.

Criteria c) of the guidance requires sites with a developable area of over 0.25 hectares to include 50% of the gross student accommodation floor area as residential housing. The application site measures 0.31 hectares and has a developable area of 0.31 hectares. No housing is included as part of the application and the proposal does not accord with criteria c).

Criteria d) of the guidance states that student accommodation should comprise a mixture of accommodation types including clusters. The proposal provides for a mix of studio and cluster accommodation. The application therefore accords with this requirement.

The applicants have submitted an Impact Statement which examines the implications of delivering a 50/50 (student/residential) on the site. The report argues that the delivery of both student and residential development on a size of the application site (0.33ha) would not be viable: financially, socially, or from a point of view of management and land use efficiency. It is further argued that the provision of 50% housing on site would reduce the total number of people accommodated on site from 394 students to 50 students and 58 non- students. The applicants consider that the proposed development would make a far greater contribution to meeting housing demand by freeing up general housing stock than a site which was to be split with residential.

The LDP and the Council's guidance seek to find a balanced approach to delivering housing and other types of accommodation across the city, and large mono-use developments on sites over 0.25 hectares are not encouraged. The application site does not include housing and therefore does accord with the Council's guidance. It is not considered that the information submitted by the applicant justifies setting aside the provision of mainstream housing on the site.

## **Employment Land**

LDP Policy Emp 9 Employment Sites and Premises applies to sites and premises in the urban area currently or last in use for employment purposes. Proposals to redevelop employment sites or premises in the urban area for uses other than business, industry or storage will be permitted provided:

- a) The introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use;
- b) The proposal will contribute to the comprehensive regeneration and improvement of the wider area; and

- c) Criteria c) applies to sites larger than one hectare.

The site is surrounded by existing residential properties and other mixed use development. The proposal will redevelop the employment site and introduce non-employment use but the new use will not prejudice or inhibit the activities of any nearby employment use. The site is less than one hectare so there is no requirement for the proposed floorspace to provide for a range of business users.

As such, it is considered that the re-development of this site would comply with criteria a) and b). Criteria c) does not apply in this case.

### **Policy conclusion**

The applicant has demonstrated compliance with LDP policies Hou 8 parts a) and b) and Emp 9. The proposal does not accord with Policy Hou 1 which prioritises delivery of housing on suitable sites in the urban area, and non-statutory guidance which requires that this site provides 50% housing and seeks to avoid large mono-use developments.

In light of this the application does not deliver housing or a mix of uses and on balance is contrary to the aims of the LDP and guidance.

### **b) Design, Scale, Layout and Materials**

LDP Policy Des 1 supports new development whose design reflects the positive characteristics of the area. LDP Policy Des 4 requires new development proposals to have similar characteristics to the surrounding urban grain, paying close attention to scale, height and positioning of buildings, whilst incorporating the wider landscape and view corridors.

The surrounding area is characterised by a mix of heights and form. The immediately adjacent commercial buildings range from 1 to 3 storeys in height. Surrounding residential properties include 4 storey tenements to the south of the site and the neighbouring residential development on Westfield Avenue which rise up to 7 storeys. As such, there is no prevailing height in the area.

The proposal provides for a 6 storey flat roof building at the corner of Westfield Road and Westfield Avenue, rising to 7 storeys the rear of the building which is at its highest on the western side. The urban block is appropriate in the context of the suburban area with reference to height and the layout contributes towards the urban form by creating a strong frontage along Westfield Road. Whilst the proposal will introduce a significant building on the corner site, the approach to massing and the use of materials to articulate the storeys is successful in reducing the overall massing of the building.

LDP Hou 4 Density seeks an appropriate density of development having regard to its characteristics and those of the surrounding area. The new development occupies the majority of the site with an area of external open space in the centre of the urban block. This is in keeping with density of the residential flatted development to the west on Westfield Avenue. The site is located in the urban area and close to the city centre where there are higher densities and good public transport. As such, the proposal accords with this policy.

The design is high density development resulting in a building that is will remain in keeping with the surrounding urban pattern, massing and building height, broadly in compliance with policies Des 1 and Des 4 and Section 2 of the Edinburgh Design Guidance (Designing places: buildings).

The proposed site layout provides various green spaces and the concept landscape plan illustrates areas of grass, amenity areas and footpaths. Boundary treatment proposal include soft landscaping and shrubbery along Westfield Avenue, as well as soft landscaping as a barrier between the development site and the adjacent petrol station. A 2.4m steel security fence with visibility will be erected between the development and the petrol station and the factory to the north.

The primary entrance into the building will be on the corner of Westfield Avenue and Westfield Road, with both a pedestrian and maintenance vehicle access to the landscaped courtyard being accessed on Westfield Road. The use of ground floor common areas and the office/reception will create an active frontage.

The surrounding built environment is urban with a mix of building materials and styles. The proposal provides for a mix of contextual materials such as off white render, grey and mid grey buff facing brick, sandstone, concrete and a mixture of bronze and silver aluminium cladding panels, with the colours intended to complement the existing tenement properties opposite. Curtain walling glazing along the ground floor will provide an activated frontage.

The materiality is appropriate in the context of the site. The surrounding area comprises a wide range of materials and the applicant's proposal would not be an incongruous addition to the street scene.

Overall, the proposed design, scale, layout, and materials proposal are acceptable within the context of the site and its locality and comply with LDP policies Des 1, Des 4 and Hou 4.

#### c) Neighbouring Amenity

LDP Policy Des 5 supports proposals that have no adverse impact on neighbouring developments. The property will not impact upon the outlook of neighbouring properties and will not result in any privacy concerns. The proposed windows are in compliance with Edinburgh Design Guidance.

The proposal will not adversely impact upon daylight into neighbouring residential properties, nor will the proposal result in harmful overshadowing to the detriment of neighbouring amenity. Neighbours have raised concern with regards to noise from future residents. Students residing in managed accommodation is not incompatible with the area's surrounding residential use.

A letter of representation has been received which specifically references the impact of the proposed development of the site on the operations of the commercial business to the north. These comments relate to disturbance during construction of the development and specific implications of vibrations. These matters are not considered to be material to the determination of the application.

#### d) Amenity of Future Occupiers

There are no minimum room size standards for student accommodation in the Edinburgh Design Guidance. However, the cluster rooms measure 12.5 sqm. and the studios measure 20 sq.m. These sizes are in line with other student accommodation developments in the city. Communal areas are proposed on the ground floor with outdoor amenity open space in the centre of the complex. The proposal is within walking distance to public open space. However, the proposal will provide a satisfactory level of amenity for future occupiers.

A noise impact assessment was submitted as part of the application addressing the potential impact of noise impacts from Westfield Road and the adjacent commercial and industrial uses. The site is adjacent to an existing petrol station and as such the occupiers of the proposed site will be exposed to noise sources.

The Noise Impact Assessment raised concerns with noise levels for amenity space in close proximity to the operations at the Petrol Station to the east. Environmental Protection has recommended conditions to ensure the noise levels are met for the communal open space at the flatted blocks to safeguard these as pleasant and useable spaces. Mitigation is proposed in the form of an acoustic barrier to protect the external amenity space and ground floor rooms, with acoustic glazing to protect the upper floor windows.

The applicant proposes all living accommodation being provided with mechanical ventilation with heat recovery allowing windows to remain closed with no loss of ventilation. However, Environmental Protection does not accept a closed window standard to protect the bedroom and living areas from commercial/industrial noise. In addition, the Noise Impact Assessment fails to account for the cumulative impact of activities at the petrol station and the potential impact of deliveries upon future resident's amenity. As such, further assessment was requested to be carried out and submitted to address these matters.

Notwithstanding the above, the area is characterised by a mix of existing commercial uses and residential development. As such, it is considered that the operations of the neighbouring commercial uses will not be to the detriment of future occupiers amenity given the context of the site.

The proposal is therefore in compliance with policy Des 5 Development Design - Amenity and the Edinburgh Design Guidance.

#### e) Traffic, Road Safety and Active Travel

The applicant submitted a Transport Statement which was assessed by the Roads Authority.

The applicant proposes 4 parking spaces to be provided within the proposed development, two of which are reserved for disabled users, and two parking spaces for the operator of the proposed development, accessed from Westfield Avenue. The applicant proposes zero parking spaces for on-site residents, with time slot arrangements made to allow residents to move their belongings in and out of the building. There are no minimum parking standards for student housing and the Roads Authority is satisfied with this approach due to the site's location along a well-served road for public transport.

The proposal will provide for 360 indoor cycle parking spaces and 40 external spaces, within a covered and secured facility. This provision is minimum standards of the Edinburgh Design Guidance.

Having reviewed the transport statement and supporting information, the Roads Authority is satisfied that the proposed transport infrastructure will be able to accommodate the impact of the proposed development subject to the conditions/informatives attached. The site is well served by existing public transport links. Bus stops are located along Westfield Road and Stevenson Road, 140m and 125m from the site. The Murrayfield Stadium Tram and Balgreen Tram Stations are located 480 metres and 640 metres from the site, respectively, with Haymarket Tram and Rail Station located 2400 metres away.

Contributions are sought towards the Roseburn to Union Canal Contribution Zone in line with the 2018 Developer Contributions Report, along with a contribution towards the Edinburgh Tram Line in line with the approved Tram Line Developer Contributions report. These monies will be secured by condition/section 75 legal agreement if the planning application is granted.

#### f) Air Quality

LDP Policy Env 22 aims to ensure that no development will result in significant adverse effects for health, environment or air quality and appropriate mitigation measures can be provided to minimise adverse impacts. Reducing the need to travel and promoting the use of sustainable modes of transport are key principles identified in the LDP.

An Air Quality Impact Assessment was submitted as part of the application. The site does not fall within a designated Air Quality Management Area. The proposal will have no adverse impact upon any neighbouring AQMA.

The development will generate negligible vehicle movements. The development is designed to mitigate operational impacts through the provision of cycling spaces and limited car parking which is good practice.

SEPA have raised no objection to the proposal in relation to its impact upon air quality.

#### g) Flood Risk and Drainage

Policy Env 21 states that planning permission will not be granted for development that would increase a flood risk or be at a risk of flooding itself, impeded the flow of flood water or be prejudicial to existing or planned flood defence systems.

SEPA is a statutory consultee and in this instance has objected to the proposal on the grounds that the site is located within the functional floodplain of the Water of Leith.

The site is located adjacent to the Water of Leith and benefits from the Water of Leith Flood Protection Scheme (FPS). In August 2017, SEPA published a Planning Information Note 4 which sets out the position that it now takes for development behind a FPS. In summary, where a planning application will result in a land use change to a highly vulnerable use such as residential, SEPA requires the development to be protected to a 1:200 year standard including an appropriate allowance for climate change. However, SEPA is now concerned that this climate change allowance may not be sufficient and therefore objects to the principle of student housing development on the site.

SEPA has a shared duty with Scottish Ministers and other responsible authorities under the Flood Risk Management (Scotland) Act 2009 to reduce flood risk and promote sustainable flood risk management. It states that the cornerstone of sustainable flood risk management is the avoidance of flood risk. It is SEPA's view that vulnerable uses such as a residential development should be directed to alternative locations rather than incorporating mitigation measures.

However, SEPA recognises that in determining applications, planning authorities have to consider a range of material considerations as well as flood risk. There may be circumstances where applications are granted planning permission despite an objection from SEPA. The applicant has amended the proposals in order to address the comments raised in SEPA consultee response. However, the consultation response has not been amended.

Notwithstanding SEPA's objection to the principle of residential development, this proposal has been designed to mitigate potential flood risk and accords with LDP policy ENV 21 Flood Protection. The Council's Flooding team is satisfied that the mitigation proposed is acceptable.

As SEPA has objected to the application, if the Council is minded to grant planning permission, it must refer the application to Scottish Ministers prior to the determination of the application.

#### h) Other Material Considerations

##### *Archaeology*

The site is identified as being of archaeological potential. Accordingly, the aim should be to preserve archaeological remains in situ as a first option. If Committee is minded to approve this application, then a condition is recommended that programme of archaeological work is undertaken during the demolition/development of this area to fully excavate, record and analysis any significant remains that may be uncovered.

## *Waste*

Waste storage provision is proposed internally, with access to refuse vehicles located off Westfield Avenue. This will include provision for residual and segregated recycling bins. Waste Services were consulted on the proposed development and the information submitted is acceptable.

### i) Sustainability

The applicant submitted a sustainability statement in support of the application. The proposal accords with LDP Policy Des 6.

### j) Equalities

The applicant confirms that 5% accessible rooms will feature as part of the proposal. Matters relating to internal building design such as hand rails and access will be addressed through Scottish Building Regulation requirements and compliance with the provisions of the Equality Act 2010. Two accessible parking spaces are also provided at the site.

There are no impacts relating to equalities.

### k) Issues raised in representations

The application attracted 30 comments which consisted of 24 objections, 5 letters of support and 1 neutral comment.

## **Material objections**

- over-provision of student accommodation in the area; addressed in Section 3 a).
- opposition to student accommodation rather than providing affordable housing; addressed in Section 3 a).
- conflicting surrounding land uses; addressed in Section 3 d).
- potential litter and anti-social behaviour from students; addressed in Section 3 c).
- height and scale of building; addressed in Section 3 b).
- impact on daylight and amenity; addressed in Section 3 c).
- loss of privacy; addressed in Section 3 c).
- impact on parking in surrounding streets; disruption from noise and increased traffic/taxis; addressed in Section 3.e and Section 3 c).
- impact upon public transport; addressed in Section 3 e).

## **Non- Material objections**

- the impact of construction works upon neighbouring properties.
- impact of vibration upon neighbouring commercial uses.

## **Support**

- inclusion of new green space/courtyard.

- trees and soft landscaping,
- positive impact upon Air Quality Management Area.
- inclusion of community meeting space.
- contribution to public art.
- promotion of an active streetscape.

## Conclusion

The proposal is appropriate in design, will provide adequate amenity to future occupiers and will not be to the detriment of neighbouring amenity, in accordance with Local Development Plan policies Des 1, Des 4, Des 5, Hou 4 and the Edinburgh Design Guidance. The proposed development will not result in increased flood risk nor will it have road safety implications. The proposal accords with Hou 8 and Emp 9 of the Local Development Plan.

However the proposal is contrary to Local Development Plan policies Hou 1 and the Council's non-statutory Student Housing Guidance (February 2016) and on balance are considered to be unacceptable.

There are no material considerations that outweigh this conclusion.

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 Hou 1 and non-statutory Student Housing Guidance as the proposals fail to deliver any mainstream housing on the site.

## **Financial impact**

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### **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**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

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

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

There have been 30 representations received in relation to the proposal, 1 of which was a late representation. 24 objections were received along with 5 letters of support and 1 neutral representation.

## **Background reading/external references**

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- 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](#)

<b>Statutory Development Plan Provision</b>	The Adopted Edinburgh Local Development Plan
<b>Date registered</b>	23 April 2019
<b>Drawing numbers/Scheme</b>	01,02,03,04B,05,06,07,08A,09A,10A,11A,12A,13A,  Scheme 2

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## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

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 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.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

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

**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.

**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.

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

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

# Appendix 1

## **Application for Planning Permission 19/01970/FUL At 24 Westfield Road, Edinburgh, EH11 2QB Erection of purpose built student accommodation, ancillary uses and associated landscaping and infrastructure.**

### **Consultations**

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#### **SEPA comment**

##### *Advice for the planning authority*

We object to this planning application on the grounds of lack of information on flood risk. We will review this objection if the issues detailed in Section 1 below are adequately addressed.

#### 1. Flood Risk

1.1 We object to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.

1.2 In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may wish to consider if this proposal falls within the scope of this Direction.

#### Technical Review

1.3 We have reviewed the information provided in this consultation and it is noted that the application site (or parts thereof) lies within the medium likelihood (0.5% annual probability or 1 in 200 year return period) fluvial flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding.

1.4 A Flood Risk Assessment (FRA) has been submitted in support of the application undertaken by Curtins. Curtins contacted the City of Edinburgh Council (CEC), who provided the 1D hydraulic Model undertaken by Arup in 2003, for the Water of Leith (WOL) Flood Protection Scheme (FPS). This also included the inflow values used for the WOL model. We would advise that the flow estimates applied in the CEC FPS model are based on the gauging station flow record up to the early 2000s. Two significant events in 1920 and 1948 are not included within the gauged record and are, therefore, not included within the analysis. Single site analysis is dependent on the length of the gauged record and the flood events that are captured within the record. Some further analysis was undertaken by SEPA using the historical information function available in WINFAP-FEH version 4, which we would advise should be accounted for in the FRA. Preliminary analysis has indicated that the April 2000 flood event may be closer to a 1:70 year return period, rather than a 1:100 year return period. FRA undertaken further upstream of the proposed development, and from the in-house analysis undertaken by SEPA at the Muarryfield gauging station located downstream of the proposed development, have indicated estimated design flows higher than proposed within the Curtin's FRA. We therefore advise that an independent hydrological analysis be undertaken for the WOL and the design flows not taken from the CEC FPS model. Any hydrological analysis undertaken along the WOL should not rely upon the flow record for the Colinton gauging station which is located upstream of the proposed site as there are uncertainties associated with the theoretical stage-discharge calibration. The flow record for the Murrayfield gauging station, located downstream of the proposed site, is more reliable and may be included within any hydrological analysis. Please note that the peak flows that the Murray Burn can discharge into the WOL are particularly difficult to estimate with any certainty as the watercourse is extensively culverted.

1.5 In section 4.2.12 of the FRA report, it is stated that a 1D-2D linked modelling has been undertaken. No information on the 1D domain has been provided. We assume that the CEC FPS model has been used within this 1D domain. Confirmation of this is needed. We would also advise on the need for further information on; Manning's n roughness values used, the upstream and downstream cross sections used, any additional cross sectional used in addition to the CEC FPS model cross sections, and if these are an appropriate distance upstream/downstream of the applicant site, structures included within the model and full modelled tabular output provided. Further information is also needed on the cross sectional data used and if these were taken from the CEC FPS model and checked to determine if these are still appropriate for use.

1.6 Further information is needed on the 2D domain including; the mass balance error, how the buildings have been modelled in the domain and Manning's n roughness value used for areas that are not developed. Details are given for the cross reference check of the LiDAR data against topographic survey information for the site and from the CEC FPS model cross sections, which we accept.

1.7 Appendix D of the FRA gives cross sectional profiles for cross sections 560 and 555 from the CEC FPS model. All cross sectional profiles, and long sectional profiles should be provided in future correspondence. We would also highlight that cross sections provided for the 1 in 200 year + 20% climate change section 555 is the same as 560. These should be amended within any updated FRA.

1.8 Sensitivity analysis has been undertaken in section 4.2.20. A 25% blockage scenario has been applied to the downstream bridge and the new pedestrian bridge. Justification should be given for the use of 25% blockage scenarios as no further information has been provided on these structures. Downstream boundary sensitivity analysis should also be undertaken.

1.9 As highlighted above, two significant flooding events occurred in 1920 and 1948. This has not been included within the historical flooding section 4.8 within the FRA and the FRA should be updated to include these events.

1.10 Results from the 1D-2D linked hydraulic modelling undertaken within the FRA indicates that flood levels are predicted to reach 43.510mAOD. We would note that we are not supportive of taking an average flood level between cross sections without any justification. Finished floor levels are proposed to be 400mm above the predicted flood level. We would strongly recommend that a minimum freeboard allowance of 600mm is applied. We believe these flood levels are underestimated due to the design flows being underestimated as described above. However, based on the flood levels provided within this FRA and review of the topographic level information provided we conclude that the site will be inundated during a 1 in 200 year flood event. We are therefore, unable to support this development within the functional floodplain as the proposed development would be an increase in vulnerability from least vulnerable to highly vulnerable, as defined within our Land Use Vulnerability Guidance. Therefore we request, the hydraulic model is updated, with additional hydrological analysis, and that all built development is located outwith the functional floodplain of the WOL. Demonstration that safe, flood free access/egress can be achieved. We would strongly recommend that the site remains at or a less vulnerable use than existing.

1.11 For information, CEC is currently investigating options to carry out a review of the previous flood study for the WOL and the FPS. Should information from any updated report indicate that the site is at risk of flooding then SEPA reserve the right to object to any future applications based on information we hold at that time.

1.12 If it is deemed that the proposed development is located within the functional floodplain of the WOL then we would object in principle to the proposed development due to an increase in vulnerability.

## Summary

1. In summary, clarification on the following points before we can review our objection to the proposed development:

- o An independent hydrological check be undertaken for the WOL and design flows not taken from the CEC FPS model.
- o Confirmation that the CEC FPS model has been used for the 1D domain
- o Further information on the 1D domain including;
- o Manning's n roughness values used
- o Upstream and downstream cross sections used and if these are appropriately distanced upstream/downstream of the application site
- o If the cross sections taken from the CEC FPS model are still appropriate
- o Structures included within the model
- o Full modelled tabular output

- o Further information on the 2D domain including;
- o Manning's n roughness values used for areas not developed
- o Mass balance error
- o How the buildings have been modelled
- o All cross sectional profiles and long section profile
- o Justification for the 25% bridge blockage
- o Downstream sensitivity analysis
- o Section 4.8 to include the 1920 and 1948 flood events
- o Once the hydrological analysis and hydraulic model is updated all built development should be located outwith the functional floodplain of the WOL
- o Demonstration that safe flood free access/egress can be achieved

## Caveats & Additional Information for Applicant

1.13 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km<sup>2</sup> using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

1.14 We refer the applicant to the document "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>. Please note that this document should be read in conjunction Policy 41 (Part 2).

1.15 Our Flood Risk Assessment checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process. It can be downloaded from <http://www.sepa.org.uk/media/159170/flood-risk-assessment-checklist.xls>.

1.16 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

1.17 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to the City of Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note "Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities" outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>

## 2. Air Quality

2.1 The Air Quality Impact Assessment indicates that the proposed site is suitable for residential development.

2.2 The development itself will generate negligible vehicle movements. The development is designed to mitigate operational impacts through the provision of cycling spaces and limited car parking which is good practice. The energy centre has been assessed in accordance with the provisions of the Clean Air Act to determine an appropriate stack height to mitigate the impact of emissions.

### **Flood Prevention comment**

*We are happy for this application to be determined with no further comment from our department.*

### **Environmental Protection comment**

*The applicant proposed developing a 394 bedroom student accommodation block with 4 parking spaces with 360 indoor bike spaces. The applicant also proposes the installation of an energy centre with power output of 663Kw. The sites most recent use was a retain furniture store.*

*The development is located on a former commercial site adjacent to the Westfield Road. The site is bounded to the south by Westfield Road, to the west, by Westfield Avenue beyond which are residential flats and Wickes, to the north by Grant Westfield and the east by Murrayfield Petrol Filling Station.*

*The applicant has submitted a supporting noise and air quality impact assessment. This has investigated the potential for noise and air quality impacts from the neighbour road and commercial/industrial uses on the proposed student residential properties. The development site will be exposed to various noise sources. The applicants noise impact assessment has identified that this may adversely impact the amenity of the students unless mitigated. The applicant has confirmed that by providing an acoustic barrier with a surface density of at least 20 kg/m<sup>2</sup> will reduce the noise affecting the external amenity space and ground floor rooms.*

*The upper floors will not be protected by the acoustic barrier therefore the applicant proposes using the acoustic glazing units to mitigate the noise impacting the upper-floors*

*It is noted that the developer proposes all living accommodation being provided with mechanical ventilation with heat recovery (MVHR) allowing windows to remain closed with no loss of ventilation. It should be noted that Environmental Protection do not accept a closed window standard to protect all the bedroom and living areas from commercial/industrial noise. Environmental Protection are also of the opinion that the worst-case scenario has not been measured and fully consider in the noise impact assessment. The assessment has considered most of the noise elements from the petrol Filling Station but has not considered their cumulative impacts for example if the hoover and car wash were being used simultaneously. The Petrol Filling Station has around 4-5 deliveries of fuel by articulated tanker per week (limited to 1 in 24 hours). Each takes between 40-60 minutes. These deliveries are always out of hours mostly between 00:00-05:00. The noise impact assessment has not covered this operation which has the potential to regularly disturb the sleep of any future tenants.*

*The proposed end use may require a Houses in Multiple Occupation Licence (HMO). The applicant should contact the HMO team to ensure that what they are proposing would comply with the Housing (Scotland) Act 2006. The application site is well located with regards sustainable transport and it is noted that they propose a low level of car parking which is welcomed, however the applicant should install electric vehicle charging points for the use of staff, residents, service vehicles and taxis.*

*The applicant has submitted a chimney height calculation within the submitted air quality impact assessment.*

*Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will 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 submitted site investigation reports. They are being assessed by Environmental Protection separately and until completed we recommend a condition is attached to any consent regarding land contamination.*

*Therefore, Environmental Protection recommend that the application is refused due to the poor levels of amenity that will be afforded to the future students.*

### **Network Rail comment**

*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.*

### **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.*

### *Surface Water*

*For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not 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 taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.*

*In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, 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.*

### *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 non-domestic 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](http://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.*

### **Archaeology comment**

*The archaeological DBA by AOC Archaeology, accompanying this application, identified that in 1907 the site was developed for an early motor-engineering works for Donaldson, A & Co Ltd. As such the area was identified as being of archaeological potential and an archaeological evaluation was undertaken in March 2019 by AOC. Although the results had demonstrated that late 20th century redeveloped has had a significant impact not all the area occupied by the former works was open to investigation.*

*Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT) and Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) (2016) and Archaeology Strategy and 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.*

*The proposed scheme will also require significant ground-breaking works relating to construction and demolition. Although the evaluation results indicate that the construction of the present building has had significant affect, it is possible that elements of this early Edwardian motor-engineering works could survive below the current offices. It is therefore recommended that a programme of archaeological work (watching brief) is undertaken during the demolition/development of this area to fully excavate, record and analysis any significant remains that may be uncovered.*

*It is recommended that the following condition is attached to ensure that undertaking of the above archaeological work;*

*'No demolition/development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting and analysis) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'*

*The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.*

## **Waster Services comment**

### *Compliance with Waste Strategy (Domestic Waste Only)*

*The provision of a full recycling service is mandatory in Scotland, so developers must make provision for the full range of bins (either individual containers for each property, or communal bins for multiple properties). These must be stored off street at all times, except on the day of collection (in the case of individual bins).*

*The waste collection teams will require safe and efficient access to these from the earliest occupation, and therefore cognisance must be taken of my comments below in relation to operational viability. Should these drawings substantially change, please let me know.*

*For high density properties such as these flats, we recommend communal waste containers for landfill waste, mixed recycling for paper and packaging, glass, and food. The number of bins required is calculated on the number of properties within the development. For 394 bedrooms in a student development, this would require 19 residual bins, 15 mixed recycling bins, 4 food waste and 3 glass bins. However, it should be noted that due to changes within the service over the next three years, the bin requirements will change, and you should review these with us prior to starting work.*

*It is important to consider the British standards BS5906:2005, which states that an occupier should not be required to carry waste a distance of more than 30m from their door.*

*Developers can either source their own bins in line with our requirements, or can arrange for us to do so and recharge the cost - this will probably be most convenient for them.*

*We will also require the bin store to be within 10m of the vehicle.*

*We require a swept path analysis showing the 12m refuse collection vehicle pulling in safely and not obstructing traffic, and turning without any overhang.*

### *Waste Management Responsibilities*

*The Waste and Cleansing Services will be responsible for managing the waste from households and any Council premises only. I am assuming this would include this development.*

*Regarding the commercial aspect, it would be the responsibility of any third party commercial organisations using the site to source their own trade waste uplifts. Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be storage space off street for segregated waste streams arising from commercial activities. This would have to be separate from the residential bin storage area.*

*Any appointed waste collection contractors, appointed to manage commercial waste, could be expected to have similar requirements to the Council in terms of their need to be able to safely access waste for collection.*

### *Operational Viability*

*Developers need to ensure that services are accessible so that our collection crews can provide the service in a safe and efficient manner, taking account of turning circles, length and width of vehicles, distance bins must be pulled, surfaces, slopes and so on.*

*Obviously sufficient capacity must also be provided to allow successful collection of each segregated waste stream. Initial information on the requirements for waste services is available in the Architect and Developers Instructions, which can be provided for reference.*

*I would recommend further contact with me to ensure adequate provision of segregated household waste bins include all of the above and suitable access for the refuse collectors is arranged.*

### **Roads Authority Issues**

*No objections to the application subject to the following being included as conditions or informatives as appropriate:*

- 1. The applicant will be required to:*

- a. *Contribute the sum of £109,138 to the Roseburn to Union Canal Contribution Zone in line with the 2018 Developer Contributions Report;*
  - b. *Contribute the sum of £1,003,910 (based on 394 bedrooms in Zone 1 minus the previous use) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment.*
2. *In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;*
  3. *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;*
  4. *11 motorcycle parking spaces to be provided;*
  5. *All disabled persons parking places should comply with 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. The applicant should therefore advise the Council if he wishes the 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 the SUDS infrastructure for the approval of the Planning Authority.*

*Note for information:*

*The application has been assessed under the 2017 parking standards. These permit;  
For Zone 2 Student Accommodation;*

*Car Parking Spaces - A maximum of 1 per 6 beds (394 rooms = 66 spaces) 4 spaces proposed.*

*Cycle Parking Spaces - A minimum of 1 per bed (= 349 spaces) 400 spaces proposed.*

*Motorcycle Parking Spaces - A minimum of 1 per 25 beds( = 16 spaces) 11 spaces proposed.*

*Transport Statement;*

*A transport statement has been submitted in support of the application. This has been assessed by transport officers and is considered to be a reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network.*

*The submitted document is generally in line with the published guidelines on transport assessments.*

#### *Tram Contributiion*

*This has been calculated as follows;*

*The development is approximately 190m from the tramline (zone 1).*

*For a 394 bedroom student accommodation block (a major development), this would attract a gross tram contribution of £1,185,426.*

*From this amount, the previous use is to be deducted, as follows;*

*Previous retail (1385 sq.m GFA) = £127,420*

*Previous office (588 sq.m GFA) = £54,096*

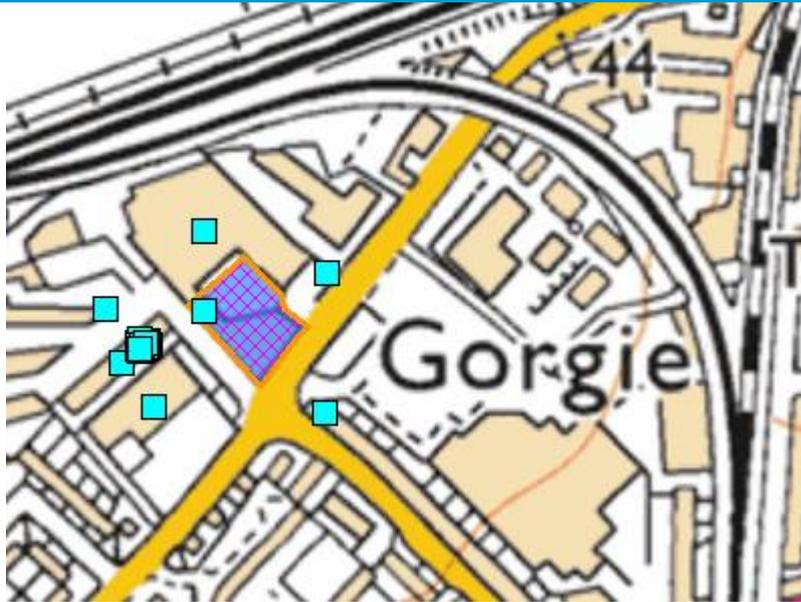
*Therefore the nett tram contribution is (£1,185,426 - £127,420 - £54,096) = £1,003,910*

#### *Roseburn to Union Canal Contribution Zone*

*The amount per student bed is £277 (x 394 beds) = £109,138*

## Location Plan

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