

# Development Management Sub Committee

Wednesday 12 August 2020

**Application for Planning Permission 20/00619/FUL  
At 553 - 555 Gorgie Road, Edinburgh, EH11 3LE  
Erection of mixed-use development comprising residential flats, purpose-built student accommodation, associated car parking, cycle parking, landscaping and infrastructure; change of use of existing car showroom to class 1 and class 2 uses (as amended).**

Item number

Report number

Wards

B07 - Sighthill/Gorgie

## Summary

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The principle of the development in this location is acceptable and broadly complies with the Edinburgh Local Development Plan. The proposed scheme will create a sustainable mixed-use community and preserve the viability of the nearby local centre.

Its approach to design, scale and density is compatible with the surrounding area. The development will provide a good level of amenity to future occupiers and will not adversely impact upon neighbouring amenity or be to the detriment of the adjacent natural environment.

The application requires the Scottish Ministers to be notified prior to determination due to the outstanding objection from SEPA.

## Links

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[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES10, LDES11, LEN09, LEN15, LEN16, LEN21, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU08, LTRA02, LTRA03, LTRA04, LEN22, LEN03,

# Report

## **Application for Planning Permission 20/00619/FUL At 553 - 555 Gorgie Road, Edinburgh, EH11 3LE Erection of mixed-use development comprising residential flats, purpose-built student accommodation, associated car parking, cycle parking, landscaping and infrastructure; change of use of existing car showroom to class 1 and class 2 uses (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The site is 553-555 Gorgie Road, an existing mixed-use urban site with an area of 0.52 hectares and currently used for commercial and student accommodation purposes. The topography of the site falls from north west to south east towards the Water of Leith.

The existing buildings on site are utilised as a car showroom, a motorcycle workshop, motorcycle showroom and student accommodation (ELS House). The four upper floors of ELS House (formally office development) are in use as purpose -built student accommodation. These are under separate ownership and are operated as private student accommodation. The application site includes the existing ground floor of ELS House and incorporates the warehouse buildings which extend to the rear of the property to the south.

The property to the north west of the site is a four and five storey apartment building managed by Dunedin Canmore Housing Association.

Stenhouse Mill Wynd, a small road accessing the neighbouring industrial estate, runs alongside the south west of the apartment building and forms the south west boundary of the site. The industrial estate consists of several light industrial, retail and storage buildings.

The tree-lined Water of Leith winds around the north east of the site and forms the eastern boundary to the car park within Stenhouse Industrial Estate.

The site lies in proximity to the Category A-listed Stenhouse Mills built in 1623 for a Patrick Ellis.

The major thoroughfare of the A71, called both Stenhouse Road and Gorgie Road runs to the immediate north of ELS House and the apartment building.

The wider area consists of predominantly two storey post war housing. Chesser lies to the south east and Stenhouse to the north. There is a mixture of residential and commercial to the west of the site.

The site is adjacent to an Area of Importance for Flood management and a Local Nature Conservation Site (Water of Leith).

## **2.2 Site History**

13 December 2010 - Planning permission granted for a change of use of basement from car showroom to storage and distribution (planning reference: 10/02986/FUL).

9 November 2012 - Planning permission granted for a change of use from car showroom/workshop to class 6 storage and distribution (planning reference: 12/03311/FUL).

9 November 2016 - Planning permission granted for a change of use of second floor from vacant office to student accommodation (planning reference: 16/04088/FUL).

12 September 2016 - Planning permission granted of a change of use of first floor Class 4 offices to student accommodation (planning reference: 16/04087/FUL)

3 November 2016 - Planning permission granted for a change of use and alterations to existing building to form new motorist centre (planning reference: 16/04356/FUL).

6 March 2018- Planning permission granted for retrospective change of use of ground floor to a car showroom (sui generis) (planning reference: 18/00108/FUL).

## Main report

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### 3.1 Description Of The Proposal

The proposal is for the erection of a mixed-use development comprising residential flats, purpose-built student accommodation and a change of use of the existing car showroom to Class 1 and Class 2 Uses.

The site will be divided between 43% purpose-built student accommodation, 28% residential housing and 29% commercial floorspace.

The redevelopment proposals will see ELS House retained but the ground floor redeveloped in part for commercial purposes and in part for an entrance/ amenity space for a new residential development to be constructed behind, on the site of the existing motorcycle workshop and showroom. The remainder of ELS House will continue as student accommodation in its current format.

The industrial buildings will be demolished, and the rear area of the site cleared, with a student seven-storey accommodation block and a five-storey residential accommodation block erected, along with shared amenity space in the form of an external central courtyard.

The proposal will provide 217 student accommodation beds with the following mix: -

- 77 x studios;
- 7 x one bed;
- 34 x two bed; and
- 99 x three bed units.

The proposal will provide for 28 residential flats with the following mix: -

- 2 x studio (each 45sq.m);
- 8 x 1 bed flats (each 55 sq.m);
- 16 x 2 bed flats (5 x 68 sq.m and 5 x 75sq.m); and
- 2 x 3 bed flats (80 sq.m and 85 sq.m).

Eight of these residential units will be provided as affordable housing accommodation.

Three commercial units, with a total floorspace of 950 sq,m GIFA, are proposed for Class 1 and Class 2 Use with the following breakdown:-

- Unit 1 - 400 sq.m;
- Unit 2- 345 sq.m; and
- Units 3- 205 sq.m.

A total of 2147 sq. metres of external amenity space provision will be provided in the form of a shared central courtyard, an area of amenity space adjacent to the Water of Leith and an external roof terrace to be accessed by the residents of the student accommodation. The residential units will have 285 sq. metres of external space equating to 10.2 sq. metres of open space per unit. There will also be 442 sq. metres of internal amenity space for students.

A landscaped space will be formed on the eastern side of the building, adjacent to the Water of Leith. The proposal seeks to extend the public amenity between the building edge and the Water of Leith Walkway to provide a shared space, adjacent to the proposed commercial unit serving local residents and users of the Water of Leith Walkway.

The lower ground floor to the rear of ELS House will be retained as an undercroft. This will accommodate 33 car parking spaces including 7 disabled bays and 28 EV charging spaces. 264 cycle parking spaces are proposed (divided between the undercroft and other locations throughout the development).

Pedestrian access to both the commercial units and the main entrance of the student accommodation is from the primary Gorgie Road frontage on the ground floor of ELS House. Service access to the commercial units is provided via a service yard on Stenhouse Mill Wynd and vehicular and cycle access to the undercroft parking is located at the southern corner of the site.

The proposed palette is red multi stock facing brickwork and pigmented metal cladding to recessed upper levels. The proposal incorporates projecting brickwork to the lower levels to provide texture to the elevations.

### Previous Scheme

The proposal originally identified one of the three units to be utilised for Class 3 Use. However, this element was removed from the proposal and replaced with a Class 2 Use. Revised plans were submitted showing improved landscaping to east of the site, including landscaping, street furniture and vehicular curbs along the existing access road to deter any vehicular gaining access and parking.

### Supporting Documents

The following supporting documents were submitted as part of the application:

- Design and Access Statement;
- Transport Statement;
- Drainage Statement;
- Site Investigation Study;
- Ecological Impact Assessment;
- Extended Phase 1 Habitat Survey;
- Planning Statement;
- Landscape Design Statement;
- Landscape Management and Maintenance Plan;
- Affordable Housing Statement;
- Archaeology Assessment; and
- Flood Risk Assessment.

These documents are available to view on the planning portal.

### 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.

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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 proposed development is acceptable in principle in this location;
- b) the proposed development will impact upon the setting of a listed building;
- c) the scale, design and materials are acceptable;
- d) the proposal will provide satisfactory amenity for future residents;
- e) the proposal will adversely affect neighbouring amenity;
- f) the proposal will have an adverse effect on air quality;
- g) the proposal will result in road safety issues;
- h) the necessary infrastructure to support the development is secured;
- i) suitable affordable housing provision is secured;
- j) any flooding and surface water management issues have been addressed;
- k) the proposed development will have any adverse impact upon the ecological importance of the site;
- l) the proposed development will adversely impact upon existing trees on site;
- m) the proposal will have any archaeological implications;
- n) the proposal is sustainable;
- o) issues raised in public comments are 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.

Local Development Plan policies Hou 1, Hou 8, and Ret 6 apply, as well as the Council's non-statutory Student Housing Guidance (February 2016).

## Housing

LDP Policy Hou 1 (Housing Development) prioritises the delivery of housing land supply and the relevant infrastructure and identifies four criteria on where this can be achieved.

Policy Hou 1 d) prioritises the delivery of housing 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 must be compatible with other policies in the plan. Proposals on sites suitable for housing should consider how they might deliver housing as part of any proposals.

The site is surrounded by a mix of commercial and residential uses and is well connected by existing public transport links within the locality. The site is within cycling distance of the city centre and is an appropriate and sustainable location for housing.

LDP Policy Hou 2 (Housing Mix) promotes a mix of house types where practical to meet a range of housing needs and having regard to the character of the surrounding area and its accessibility. Edinburgh Design Guidance states that at least 20% of total number of homes should be designed for growing families, with three bedrooms or more. The proposal provides for two three-bed units (8%) which falls short of the required five units.

Notwithstanding the above, the application proposes a mix of uses for the redevelopment of the site, including both residential and student accommodation. The applicant has confirmed that the need in the private housing market in this area is for up to two-bed flats. Furthermore, the need for two-bedroom affordable accommodation in this area has been confirmed by the Council's Housing Team. The residential mix includes 29% affordable homes delivered on site and serving the social rented sector. This exceeds the policy requirement of 25%, and this is achieved by focussing on 2-bed flats to meet the need in this area.

Overall, whilst the proposal does not meet the standards set out in Edinburgh Design Guidance, the identified need in the area is a material consideration which, on balance, outweighs the guidance. The proposed mix is suitable and supported by the Council's Housing Team. It is acceptable in this context

LDP Hou 4 (Density) seeks an appropriate density of development having regard to its characteristics and those of the surrounding area, the need to create an attractive residential environment, accessibility and its impact upon local facilities.

There is no defining density characteristic of the area. Low to medium density housing is present west of the site, along Calder Road, in Stenhouse to the north and Chesser to the south east. Medium density flatted developments occupy Gorgie Road. Examples of higher density developments are being introduced within the area, through the conversion of Chesser House into 164 homes and recently approved 35 flats at 500 Gorgie Road, along with the 33 flatted development at 19 Stenhouse Mill Wynd. A 248 bed student accommodation development has permission on the opposite side of the Water of Leith, at 543 Gorgie Road.

The proposal will introduce a high-density development on this site. The development will occupy the majority of the site with an area of external open space in the centre and on the eastern edge of the site. The proposal ensures full sustainable use of the site and will create an attractive environment for its residents. A high-density development in this location will help to maintain the viability of local facilities including the Chesser Local Centre. The site has good public transport links to the city centre.

As such, introducing a development of this density is considered compatible with the higher densities being achieved on brownfield sites in the area, contributing to the viability of the local area, and complying with policy Hou 4.

LDP Policy Hou 3 (Private Green Space in Housing Development) seeks to ensure adequate provision of green space will be provided to meet the needs of future residents. In flatted developments where communal provision will be necessary this is based on a standard of 10 square metres per flat (excluding units that are provided private gardens), a minimum 20% should be useable greenspace.

The overall ratio of outdoor amenity space on site is 41%, in excess of the minimum requirements stipulated, with residential units equating to 10.2 sq. metre of external space per unit. In addition to on-site provision, the site has immediate access to the Water of Leith walkway and is within walking distance of Saughton Public Park.

Overall, the proposal provides an opportunity to provide new housing in a sustainable location, in compliance with LDP Policy Hou 1. The development proposed makes best use of this site by developing at high density whilst still being broadly compatible with LDP policies Hou 2, Hou 3, and Hou 4. Whilst the proposal falls short of the requirements of the Edinburgh Design Guidance, the infringement is justified given the constrained site and the density and mix proposed.

### **Student Accommodation**

LDP Policy Hou 8 (Student Housing) 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.

The application site is in a location with good connections to public transport. The site is located on Gorgie Road which offers high frequency bus connections to the city and west Edinburgh. Slateford Railway Halt is approximately a 14-minute walk from the site. There are a number of bus routes that run directly by the site. Routes include those to and from Edinburgh City centre, and the west towards Heriot-Watt University, the Sighthill Campuses of Edinburgh College and Napier University. The application therefore accords with LDP policy Hou 8 a).

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.

Based on census data for the site and its immediate surrounding area, the proposal will result in a 26% concentration which will not lead to an over-concentration of student population in the area. The non-statutory guidance advises that over 50% could lead to an impact on balanced communities.

The wider area has a mix of residential and student accommodation (including ELS House on the site), along with various commercial uses. In conjunction with existing and granted schemes in the wider area, including the 248 bed student development adjacent to the site at 543 Gorgie Road and 255 student bed spaces at Mill House at 396 Gorgie Road, a scheme of this scale will not result in an over-concentration of student population. It would still be below the 50% figure that would indicate a more transient character to the area. There will also be a balance of new student accommodation in this ward against approved residential developments, including Chesser House, 500 Gorgie Road, Springwell House and the existing flats on Stenhouse Mill Wynd. The surrounding area is still largely residential. As such, the development will deliver accommodation in keeping with its surrounds and will not lead to a transient population in this part of the city, satisfying 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.

### *Student Housing Guidance*

The Council's 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 out with criteria b) student housing will generally be supported on sites with less than 0.25ha of developable area. At 0.52 hectares, the application site is greater than 0.25 hectares in this instance.

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. 28% residential housing is included as part of the application. This falls short of the 50% requirement.

Notwithstanding this, the student housing guidance is not policy and is non-statutory guidance. In the appeal decision for student housing on the opposite side of the Water of Leith, the Reporter stated that limited weight can be given to this requirement. This is a material consideration and given that the applicant has provided a substantial amount of mainstream housing, this is acceptable in this context. This balance will deliver a sustainable development appropriate to the character of area, which has a substantial area of low-density housing in the surrounding area. The proposal accords with the aims of LDP Hou 8 and outweighs the infringement of guidance in this instance.

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.

Overall, the LDP and the Council's guidance seek to find a balanced approach to delivering housing and other types of accommodation across the city. An infringement of the Student Housing Guidance is acceptable in this instance.

### **Impact upon Local Retail Centre**

LDP Policy Ret 6 (Out of Centre Development) is applicable for the proposed change of use from Sui Generis to Class 1 and Class 2.

Chesser Local Centre is located 230 metres from the site. The site sits between the existing petrol station and the local centre. The proposed commercial units will service residents of the proposed development and footfall of existing residents in the locality. Given the scale of these commercial units, there will be no adverse impact upon the vitality and viability of the Chesser Local Centre. The site is accessible by sustainable modes of transport. The size and scale of proposed commercial units are suitable for local footfall and will not require parking provision. As such, the proposal accords with LDP Policy Ret 6.

### **Policy Conclusion**

Overall the proposal accords with LDP policies Hou1, Hou 8 and Ret 6. On balance, the proposal will deliver a suitable mixed-use development, which accords with the aims of the local development plan.

#### **b) Setting of Listed Building**

The site lies in proximity to the Category A-listed Stenhouse Mills built in 1623 for a Patrick Ellis.

Historic Environment Scotland's guidance on Managing Change sets out the principles that apply and how it should inform planning policies. HES's document (Managing change in the Historic Environment - Setting) states that 'setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced.

LDP Policy Env 3 (Setting) states that development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic environment, or to its setting.

The listed building is immediately surrounded by modern development of commercial and industrial character. The building is situated within its own garden ground and set against a backdrop of the existing industrial buildings along Stenhouse Mill Wynd. These buildings are one storey.

The residential flats are proposed along the western boundary. It is acknowledged that the proposed flats will be higher than the existing industrial buildings. However, the flats will be situated further back along Stenhouse Mill Wynd than the existing industrial

buildings currently sit. As such, the proposed development but will not adversely affect the setting of the listed building.

The proposals do not diminish the historical integrity or setting of the listed building.

In light of the above the proposal complies with HES guidance and LDP Policy Env 3.

### c) Design, Scale, Layout and Materials

LDP Policy Des 1 (Design Quality and Context) supports new development where the design reflects the positive characteristics of the area. LDP Des 4 (Design- impact on Setting) requires new development proposals to have similar characteristics to the surrounding urban grain, paying close attention to scale, height and positioning of buildings, materials and detailing. The Edinburgh Design Guidance (EDG) sets out key aims for new development to have a positive impact to the immediate surroundings, through its height and form; scale and proportions; positioning of the buildings and site materials and detailing.

The surrounding area is of mixed character which varies in style and material palette with no prominent architectural style in the area. There is a mix of modern, post war and older buildings in the area.

With regards to layout and form, the development has been designed to complete a block of accommodation with ESL House and the adjacent residential building forming the northern and western edges. The proposal adds student accommodation blocks to the south and east, and a residential block to the west, defining these edges and creating an urban block with a courtyard in the centre, and a landscaped amenity space running along the eastern side of the development.

The development will be permeable; pedestrian access runs from Stenhouse Mill Wynd, through the courtyard and ground floor of the student amenity space, and leads out to the amenity space on the eastern side of the building/ Water of Leith footpath.

This approach contributes to the urban form by continuing a strong active frontage along Gorgie Road and creating a more active frontage to the Water of Leith- positively impacting its immediate surroundings.

With regards to height and mass, the development has been designed in response to the existing ELS House and the adjacent flatted development. The proposed residential block will be four storeys with a fifth storey set back. It will be in keeping with the height and massing of the neighbouring apartment to the north.

The proposed student accommodation will reach six floors with a recessed seventh floor. The building will rise in height towards the rear (southern side), away from Gorgie Road. Given the falling topography southwards, the proposed buildings will visually align with the existing ELS House when viewed from along Gorgie Road, despite the increase in building height.

The recently approved student accommodation scheme immediately to east of the Water of Leith is similar in height to this proposed scheme. Permission has been

granted for a building reaching five storeys where it engages with Gorgie Road and rising to six and seven storeys to the rear of the development.

Whilst high, the proposed buildings will fit in with the existing and future context of the area.

A study of long views was submitted as part of the application and confirm that the proposal will not impact upon any protected views in line with LDP Des 11 (Tall Buildings). Furthermore, local view illustrations have been submitted to show the proposed development in the context of its surrounds, and the development will not appear visually incongruous within the streetscene.

In terms of materials, the proposed palette is appropriate for residential development and is appropriate for this area. The articulation of materials on the elevations, creating texture to the lower floors and finishing the top floors with a contrasting clad finish is successful in reducing the overall massing of the elevations of the buildings.

LDP Policy Des 3 (Development Design) requires that existing characteristics worthy of retention have been identified and enhanced through its development design. LDP Policy Des 10 (Waterside Development) states planning permission will be granted for development on sites adjoining a watercourse where the development provides an attractive frontage to the water edge, where appropriate maintains or improves public access to and along the water edge, and maintain or enhances the water environment, its nature conservation or landscape interest.

Currently, the eastern side of the site is an access road, car parking and industrial building elevations. The proposal will provide enhancements to this frontage, which front the water's edge by creating an active frontage. Student accommodation, outdoor amenity space and the Class 2 premises will overlook the Water of Leith footpath. This improves security of the existing run-down path to benefit both the residents of the development and users of the public footpath.

Overall, the design respects the surrounding urban pattern, scale and height and massing and creates an active and attractive frontage to the Water of Leith, in compliance with policies Des 1, Des 4, Des 3 and Des 10.

#### d) Creation of a Satisfactory Living Environment

Policy Des 5 (Development Design- Amenity) states that development will be permitted where future occupiers have acceptable levels of amenity.

Environmental Protection has raised concern with regards to the adjacent industrial use. This is a busy arterial route where a number of uses including residential co-exist. The proposal does not introduce new residential use to the wider area. It is unrealistic to expect residential dwellings in this location to experience the same level of residential amenity as in a residential suburb. There are many residential properties within the vicinity that could be affected by noise and disturbance similar to the application property.

As such, it is considered that the operations of the neighbouring industrial uses will not be to the detriment of future occupiers' amenity given the context of the site. However,

conditions are recommended, including the submission of details of acoustic glazing to be approved prior to the occupation, to assist in mitigating any potential noise disturbance caused by the adjacent industrial use.

In terms of privacy, an elevated ground floor level ensures the privacy of the residents on the entrance level are protected from pedestrians passing the development.

This site to the south is currently used as a car park and storage area. Redevelopment of the site for uses other than the current use is severely restricted by flood risk, as demonstrated in the submitted Flood Risk Assessment. As such its future development other than a storage use would be constrained. Revised plans were submitted to introduce a 'Sawtooth' window arrangement to the southern elevation to mitigate any issue of overlooking of the site to the south and ensure future residents' privacy is protected if this site was to be developed for residential use.

There are no minimum room size standards for student accommodation in the Edinburgh Design Guidance. However, the proposed room sizes are in line with other student accommodation developments in the city. Internal communal rooms/amenity space is provided for the residents of the student accommodation building.

The proposed studios, one-bed and two-bed units all comfortably exceed the minimum internal floor areas set out in guidance. It is acknowledged that the proposed three-bed units fall slightly short at 80 sq.m (81 sq.m requirement) and 85 sq.m (91 sq.m requirement) of the minimum room size standards set out within the Edinburgh Design Guidance. However, this infringement is acceptable given that overall the development delivers units that exceed the EDG standards.

In terms of daylight, submitted analysis confirms that the proposed rooms, including the student accommodation will receive an acceptable level of daylight.

In terms of waste collection and storage, the proposal does not raise any issues and is in compliance with LDP Policy Des 5.

### *External Amenity Space*

The communal courtyard to be shared by residents of both the residential properties and student accommodation will be managed by the operator of the student accommodation. The area will sub-divided broadly into spaces associated with the student accommodation, communal space associated with the residential accommodation, and a semi-private buffer to the rear of the residential accommodation, 3m deep, in line with the Edinburgh Design Guidance.

Furthermore, a rooftop terrace creates a communal social and dining space for the students on the top level of the student block.

Sunlight analysis was submitted which confirmed the courtyard and amenity space to the east will achieve a minimum of 2 hours of sunlight a day during March. Given the dense urban location and a perimeter block approach, it is accepted that the courtyard will be subject to varying levels of overshadowing throughout the day. However, given the mix of amenity space in various locations throughout the development and its accessibility to public greenspace, this is acceptable.

Overall, the proposal will result in the creation of a satisfactory residential environment and complies with LDP Policy Des 5. The proposal will provide quality amenity space for both residents and improve the safety and quality of space adjacent to the Water of Leith benefiting the wider local area, in compliance with LDP Policy Hou 3 and Edinburgh Design Guidance.

#### e) Impact upon Neighbouring Amenity

LDP Policy Des 5 (Design-Amenity) supports proposals that have no adverse impact on neighbouring developments.

In this instance, the proposed windows comply with Edinburgh Design Guidance in relation to required distance to neighbouring windows and therefore raise no privacy issues.

The proposal will not adversely impact upon daylight into neighbouring residential properties. Daylight into the existing apartments of ELS house facing on to the courtyard is not compromised.

Overshadowing analysis was carried out upon neighbouring properties and is acceptable for a site in the urban site. No residential properties will be adversely affected by the proposal.

Overall, the proposal is compliant with LDP Policy Des 5 and the Edinburgh Design Guidance and will not be to the detriment of neighbouring residential amenity.

#### f) Air Quality

The site is within a designated Central Air Quality Management Area.

LDP Policy Env 22 (Air Quality) 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 the adverse impacts. Reducing the need to travel and promoting the use of sustainable modes of transport are key principles identified in the local development plan.

Environmental Protection was consulted on the proposal. The site has excellent public transport links and so a development within an air quality management area would be expected to at the very least attempt to ensure that the development was impact neutral.

The development has been designed to mitigate operation impacts through the provision of cycling spaces and limited car parking which is good practice. The student accommodation element of the development will be promoted and operated as a car-free development. Car parking is reserved for the residential use. The proposed car parking represents just 30% of the maximum car parking allowed by parking standards. The proposal exceeds the 1 in 6 EV Charger requirement, providing 28/33 spaces and promotes cycle usage through the provision of 100% cycle parking on site.

The applicant has also committed to preparing a Green Travel Plan to distribute to residents promoting sustainable travel options.

Environmental Protection supports the mitigation proposed, and as such the proposal meets the requirements of LDP Env 22.

#### g) Road and Pedestrian Safety

LDP Policy Tra 2 (Private Car Parking) requires proposed car parking levels to not exceed the maximum levels stipulated in Council's guidance. Developers are encouraged to pursue lower levels of parking.

Car parking is to be provided underground in the existing underground storage area. The proposal will provide 33 ramped access underground car parking spaces including 7 disabled bays and 28 EV charging spaces for the residential development. The student accommodation will be car free except for accessible parking. The proposed level of car parking is justified by the sites accessibility to public transport including bus and rail services and easy access to surrounding services and amenities and complies with the Council's parking standards which could permit a maximum of 108 parking spaces for a residential and retail development of this scale in Zone 2.

LDP Policy Tra 3 (Private Cycle Parking) and LDP Policy Tra 4 (Design of Off Street Car Parking and Cycle Parking) require proposed cycle and storage provision to comply with the standards set out in council guidance.

The proposed 264 cycle parking spaces complies with the Council's minimum cycle parking requirement for the proposed development in Zone 2. Storage will be provided in the form of 2 tier storage racks and Sheffield bike stands in the underground storage area, along with the courtyard and in front of ELS House. As such, the proposal complies with LDP Policy Tra 3 and LDP Policy Tra 4.

In terms of servicing, the commercial units will be serviced via the proposed service yard accessed from Stenhouse Mill Wynd and refuse collection will take place at kerbside on Stenhouse Mill Wynd.

A transport statement has been submitted in support of the application. This has been assessed by transport officers and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network subject to the conditions/informatives attached.

#### h) Developer Contributions

This site falls within Sub-Area T-2 of the 'Tynecastle Education Contribution Zone'. A contribution of £19, 566.00 is sought for additional educational infrastructure to support the projected increase in school rolls as a result of the development. A legal agreement will be required to secure these funds.

The proposals comply with Policy Del 1 (Developer Contributions).

### i) Affordable Housing

Policy Hou 6 (Affordable Housing) in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing. 25% of the total number of units proposed should be affordable housing.

This application is for a development comprising 28 residential flats alongside purpose-built student accommodation. There is a requirement for a minimum of 25% (7) homes of approved affordable tenures.

The applicant has submitted an Affordable Housing Statement which confirms that eight affordable homes will be provided on-site. This exceeds the minimum requirement.

Eight two-bedroom flats have been identified for the on-site affordable homes. This is not entirely representative of the mix on the wider site which includes studios, one, two, and three-bedroom flats. However, the proposal is acceptable given that there are only two three-bedroom flats in the overall development, and that two-bedroom affordable units are proposed by the applicant in place of studios and one-bedroom flats, and this mix is accepted by the Affordable Housing Team.

In the interests of delivering mixed, sustainable communities, the affordable homes will be integrated in a central part of the site and "tenure blind" in appearance. The units will be contained in one block and accessed from a single stair core to allow effective management. The affordable home residents will have access to shared communal garden spaces. An equitable and fair share of cycle and vehicle parking is provided for the affordable homes and public transport links are in easy walking distance. This approach which will assist in the delivery of a mixed sustainable community.

The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal. The tenure of the affordable housing is required to be agreed by the Council and this would be outlined in a Section 75 Legal Agreement. The applicant has engaged with a Registered Social Landlord (RSL) about the affordable housing delivery, the intention is that all eight of the proposed affordable homes will be available for social rent.

The proposal is in compliance with LDP Policy Hou 6 Affordable Housing.

### j) Flood Risk and Surface Water Management

Policy Env 21 (Flood Prevention) 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 prejudice to existing or planned flood defence systems.

The proposal has been designed to mitigate potential flood risk and accords with LDP Policy Env 21. The proposal includes egress through the student amenity space and is designed with the intention that the underground garage will accommodate displaced water in the event of a flood.

SEPA is a statutory consultee and in this instance has objected to the proposal on the grounds that the site encroaches within the SEPA Flood Map and will therefore be at medium to high risk of flooding from the Water of Leith. It has the potential to increase the number of persons at risk during a flood event.

The consultee response states that a hydrology and hydraulic modelling flood study of the Water of Leith is currently being undertaken. This will be the first detailed study through the city of Edinburgh since the completion of Phases 1 and 2 of the Water of Leith Flood Protection Scheme (WoLFPS). At the end of the study SEPA aim to have a better understanding of the hydrology of the catchment and the standard of protection (SOP) provided by the built flood protection scheme.

The application site is upstream of the WoLFPS i.e. not protected by the scheme. SEPA state the objection is on grounds of flood risk relating to general uncertainties in relation to the hydrology of the catchment.

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 residential development should be directed to alternative locations rather than incorporating mitigation measures.

However, 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.

Notwithstanding SEPA's objection to the principle of residential development, this proposal has been designed to mitigate the potential flood risk and accords with LDP Policy Env 21. The Council's Flood Prevention 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 notify the application to Scottish Ministers prior to the determination of the application.

In terms of Sustainable Urban Drainage, the proposal intends to incorporate underground storage tanks as a solution. The Council do not take responsibility for underground storage tanks. A condition is recommended requiring a suitable maintenance scheme for the underground tanks is submitted and approved by the Planning Authority.

The proposed buildings will incorporate green roofs to naturally attenuate water which is welcomed on a waterside development.

#### k) Ecology

The development site is adjacent the Water of Leith - Local Nature Conservation Site.

LDP Policy Env 15 (Sites of Local Importance) requires that where a Local Nature Conservation Site, the reasons for allowing development are sufficient to outweigh the

nature conservation interest of the site and that any adverse consequences have been minimised and mitigated in an acceptable manner.

Edinburgh Design Guidance states that all development (within or outwith) a flood zone should be set back a minimum of 15m beyond top of bank for ecological reasons. This aims to create opportunity to reinstate natural bank sides.

In this instance, the proposed buildings will replace existing buildings and be developed upon existing hardstanding. The site boundary does not protrude the public path or water edge and the natural banks will remain. Notwithstanding this, mitigation is necessary to ensure the proposal does not impact upon the ecological importance of the area.

LDP Policy Env 16 (Species Protection) aims to ensure development will not be to the detriment to the maintenance of a protected species and suitable mitigation is proposed. An Ecological Impact Assessment was undertaken and submitted as part of the application. This includes potential enhancement measures to improve the scheme for biodiversity e.g. inclusion of specific seed mixes, use of bat tubes and swift bricks. Best practice measures to safeguard species, such as otters during the construction phase, are also detailed.

A Bat Survey was submitted by the applicant. This was assessed and concluded that bats are not roosting on site or in adjacent trees and are therefore are not a constraint to development.

Concern was raised with regards to potential overshadowing upon the Water of Leith and its impact upon biodiversity. Sunlight analysis during March shows the majority of the overshadowing will fall within the site during the morning hours with overshadowing falling upon a section of the tree lined bank and river during the afternoon hours. The water currently receives a degree of overshadowing as a result of ELS House which is located in closer proximity to the river bank. The additional overshadowing upon a section of the Water of Leith as a result of this development is considered acceptable.

Notwithstanding this, a condition is recommended requiring the submission of a Landscape and Biodiversity Enhancement Plan prior to construction taking place. This should detail safeguarding and enhancement measure for biodiversity along the east of the site.

In light of the above, the proposal is in compliance with LDP Policies Env 15 and Env 16 by virtue of identification and proposed mitigation to safeguard the Water of Leith special ecological interest and improvements to the vicinity.

### l) Trees

LDP Policy Env 12 (Trees) ensures the protection of trees.

Whilst there are no existing trees on site, there is a line of existing mature trees that run along the banks of the Water of Leith. There is the public footpath between the trees and the application site and the proposal does not propose the removal or disturbance of any of these trees.

Whilst, a tree protection plan has been submitted to ensure the protection of the trees, a condition is recommended requiring submission of an updated Tree Protection Plan which shows the individual trees and their canopies to be included within the Tree Protection area.

New tree planting is proposed throughout the development.

#### m) Archaeology

LDP Policy ENV 9 (Development Sites of Archaeological Significance) aims to protect archaeological remains. The site lies in proximity to the A-listed Stenhouse Mills built in 1623 for a Patrick Ellis. The site should be regarded as occurring within an area of archaeological importance, in terms of both the late-medieval and post-medieval development of Stenhouse Mills and Edinburgh's (rural) industrial heritage.

Accordingly, the aim should be to preserve archaeological remains in situ as a first option. A condition is recommended that a 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.

#### n) Sustainability

The applicant submitted a sustainability statement in support of the application.

The site is located in an urban area with excellent public transport links, allowing a reduced reliance upon the car. Parking provision includes five charging points for electric vehicles and 100% on-site cycle storage further encourages sustainable modes of transport to the residents. The development's carbon footprint is further reduced through its design; incorporating features such as naturally ventilated accommodation spaces with large openable screens allowing purge ventilation and natural daylight is maximisation through floor to ceiling windows.

The inclusion of sedum roofs utilised throughout to make use of rainwater and provide enhanced biodiversity.

The proposal accords with LDP Policy Des 6 'Sustainable Buildings'.

#### o) Public Comments

##### **Material comments - objections:**

- Height. This matter is addressed in Section 3.3c;
- Proximity to the Water of Leith. This matter is addressed in Section 3.3k;
- Overshadowing of Water of Leith. This matter is addressed in Section 3.3k;
- Impact upon biodiversity. This matter is addressed in Section 3.3k;
- Density - the increased density would have adverse impact on neighbouring amenity or valuable natural heritage features. This matter is addressed in Section 3.a and 3.3k; and
- Flood risk. This matter is addressed in Section 3.3j.

## Conclusion

The principle of the development in this location is acceptable and broadly complies with the Local Development Plan. The proposed scheme will create a sustainable mixed-use community and preserve the viability of the nearby local retail centre.

Its approach to design, scale and density is compatible with the surrounding area. The development will provide a good level of amenity to future occupiers and will not adversely impact upon neighbouring amenity or be to the detriment of the adjacent natural environment.

The application requires to be notified to the Scottish Ministers prior to determination due to the outstanding objection from SEPA.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. Prior to the commencement of work, a detailed specification, including trade names where appropriate, of all proposed external materials shall be submitted to and approved in writing by the Planning Authority. Note, sample panels may be required.
2. Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish , either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and /or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
  - c) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
3. 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 and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

4. Prior to occupation, the mitigation measures as specified in Section 5 (Proposed Mitigation Measures) of the ITP Energised Noise Impact Assessment (Technical Report No. 2970) and dated 05/06/2020 shall be implemented. Those being:
  - a) The living rooms and bedrooms overlooking Stenhouse Mill Wynd will require an acoustically equivalent glazing with noise reduction of at least 33 dB and trickle ventilation specification should provide at least 28 dB+Ctr noise attenuation. Trickle ventilation should achieve Building Standards levels of ventilation and details of the ventilation should be provided and agreed with the Planning Authority in advance of the development build commencing.
  - b) Noise from the proposed commercial activities (internal) will meet NR15 in existing NSRs.
  - c) Noise from the proposed fixed items of plant will include attenuation which will meet NR25 in existing and proposed NSRs when derived assuming open window attenuation. Details of any plant attenuation (if required) should be provided and agreed with the Planning Authority prior to the plant becoming operational.
  - d) The plant room walls will be made of concrete providing at least 43 dBRw. The plant room ceiling will be made of concrete providing at least 52 dBRw. The door to the plant room will provide at least 20 dBRw.
5. Prior to commencement of development, the developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority. The approved schedule shall thereafter be implemented.
6. Prior to commencement of development, a Landscape and Biodiversity Enhancement Plan detailing safeguarding and enhancement measures for biodiversity is required to be submitted in writing for approval by the Planning Authority. The Plan shall be implemented in accordance with the approved scheduling.
7. Prior to the commencement of development, a tree protection plan showing accurate locations of all trees situated adjacent to the eastern boundary of the application site, including canopies, shall be submitted and approved in writing by the Planning Authority. The tree protection plan shall be implemented prior to construction work starting.

**Reasons:-**

1. The application shall be notified to the Scottish Ministers prior to determination.
2. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.
3. In order to enable the Planning Authority to consider these matters in detail.
4. In the interests of public safety.

5. In order to safeguard the interests of archaeological heritage
6. In order to protect the amenity of the occupiers of the development.
7. In order to enable the Planning Authority to consider this/these matter/s in detail.
8. In order to enable the Planning Authority to consider this/these matter/s in detail.
9. In order to protect any existing trees.

## **Informatives**

It should be noted that:

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

These matters are:

A total of eight two-bedroom units are proposed for Affordable Housing units, equating to 25% in accordance with LDP Policy Hou 6 'Affordable Housing'. The units will be tenure blind.

The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal. The tenure of the affordable housing is required to be agreed by the Council and this would be outlined in a Section 75 Legal Agreement. The applicant has engaged with a Registered Social Landlord (RSL) about the affordable housing delivery, the intention is that all eight of the proposed affordable homes will be available for social rent.

Prior to the commencement of works on site, a financial contribution of £19, 566.00 is sought for additional educational infrastructure to support the projected increase in school rolls as a result of the development within the Sub-Area T-2 of the 'Tynecastle Education Contribution Zone'. Note - all infrastructure contributions shall be index

linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

The applicant will be required to contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions on Stenhouse Mill Wynd as necessary for the development.

A legal agreement will be required to secure these funds.

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

## 5. Environmental Protection Informatives

Delivery operations to the three commercial premises are restricted to occur between the hours of 7am to 7pm Monday to Saturday and 8am to 6pm on Sunday.

Prior to the use being taken up, 28 (7Kw, Type 2, Mode 2) electric vehicle charging points, as show on drawing no.PL (23) 01 (Rev B) 10/07/2020 shall be installed and be fully operational prior to occupation.

It is recommended that additional Electric vehicle Charging outlet(s) are installed which are a minimum of "fast" which provide power between 7 kW and 22 kW.

Electric vehicle charging points should be installed in accordance with Transport Scotland's Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles (2013).

## 6. Roads Authority Informatives

In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

The applicant is required to provide continuous footway/reinstate footway on existing vehicular access from Gorgie Road to the proposed development.

Continues footway is required on all proposed access from Stenhouse Mill Wynd to provide pedestrian priority on the footway.

All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification.

The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;

Works affecting an adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits  
<https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

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;

## 7. Scottish Water Informatives

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.

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at [service.relocation@scottishwater.co.uk](mailto: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.

## 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 has been one representation received objecting to the proposals.

## **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](#)

**Statutory Development****Plan Provision**

The Adopted Edinburgh Local Development Plan.

**Date registered**

10 February 2020

**Drawing numbers/Scheme**

01,02,03B, 04A, 05A, 06A, 07A, 08A, 09A, 16A, 17A,  
18A, 19A,,  
20, 21, 22, 23, 24, 25, 26, 27A, 28, 30, 31A, 32, 33, 34,  
35,  
36A, 37, 38, 39, 40, 41, 42,

Scheme 2

**David R. Leslie**

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Sonia Macdonald, Planning Officer

E-mail:sonia.macdonald@edinburgh.gov.uk

**Links - Policies**

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

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

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 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

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

LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

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 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

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

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

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

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

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

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

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

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 Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

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.

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

# Appendix 1

## **Application for Planning Permission 20/00619/FUL At 553 - 555 Gorgie Road, Edinburgh, EH11 3LE Erection of mixed-use development comprising residential flats, purpose-built student accommodation, associated car parking, cycle parking, landscaping and infrastructure; change of use of existing car showroom to class 1 and class 2 uses (as amended).**

### **Consultations**

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#### **Archaeology**

*The site lies directly opposite the A-listed Stenhouse Mills built in 1623 for a Patrick Ellis. This surviving building, as described within AOC's Desk-based Assessment 25201, may have replaced an earlier mill which came into the ownership of the Stanhope family in 1511.*

*AOC's DBA provides a detailed historic account of the development of this site which demonstrates its association with the adjacent mill and later devolvement in the 1930's (forming part of a racing stadium) and latterly as commercial buildings.*

*Based upon this information I have concluded that the site should be regarded as occurring within an area of archaeological importance, in terms of both the late-medieval and post-medieval development of Stenhouse Mills and Edinburgh's (rural) industrial heritage. Accordingly, this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and Edinburgh Local Development Plan (2016) ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.*

*The construction of the current commercial properties occupying the site has, as discussed within AOC's Desk-based Assessment, had a significant impact. However, bore-hole/SI evidence suggest that archaeological remains (made ground) may survive across the site especially in areas outwith the current basement levels. Accordingly, it is essential that a programme of archaeological excavation is undertaken during demolition and prior to development to fully excavate, record and analyse any surviving archaeological remains that may be affected.*

*Accordingly, it is recommended that the following condition is attached to ensure the undertaking of the above programme of 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 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.*

### **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*

*This proposed development will be serviced by EDINBURGH PFI Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water. The applicant can download a copy of our PDE Application Form, and other useful guides, from Scottish Water's website at the following link  
[www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application](http://www.scottishwater.co.uk/business/connections/connecting-your-property/newdevelopment-process-and-applications-forms/pre-development-application)*

*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 impact on existing Scottish Water assets.*

*The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at [service.relocation@scottishwater.co.uk](mailto: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 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.*

## Next Steps

*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.*

## Flood Planning

*I have reviewed the documents on the portal and have the following comments to be addressed by the applicant. Is this considered a major development? If not, then point 3 can be ignored.*

- 1. The applicant has not completed a declaration for this application covering the flood risk assessment. I have attached a copy of certificate A1, to be completed by Kaya Consulting Ltd.*
- 2. Could the applicant confirm that the proposals do not increase the flood risk to neighbouring developments and that by allowing the basement to flood, no flood plain storage is lost?*
- 3. Is this considered a major development under Planning definition? If so, then an independent consultant is required to check the Flood Risk Assessment and Surface Water Management Proposals. They must then sign the required declaration (certificate B1) to support the application.*

## **Flood Planning updated comment**

*I have reviewed the additional information. This application can now proceed to determination, with no further comments from our department.*

## **Affordable Housing comment**

### *1. Introduction*

*Housing Management and Development are the statutory consultee for Affordable Housing. Housing provision is assessed to ensure it meets the requirements of the city's Affordable Housing Policy (AHP).*

*- Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.*

*- 25% of the total number of units proposed should be affordable housing.*

*- The Council has published Affordable Housing Guidance which sets out the requirements of the AHP, and the guidance can be downloaded here:*

*<https://www.edinburgh.gov.uk/affordable-homes/affordable-housing-policy/1>*

### *2. Affordable Housing Provision*

*This application is for a development comprising 28 residential flats alongside purpose-built student accommodation. There is an AHP requirement for a minimum of 25% (7) homes of approved affordable tenures.*

*The applicant has submitted an 'Affordable Housing Statement' which confirms that eight affordable homes will be provided on-site. This exceeds the minimum requirement of the AHP.*

*Eight two-bedroom flats have been identified for the on-site affordable homes. This is not entirely representative of the mix on the wider site which includes studios, one, two, and three-bedroom flats. However, as the numbers are not large (there are only two three-bedroom flats) and the applicant has also proposed two-bedroom affordable units in place of studios and one-bed flats it is acceptable.*

*In the interests of delivering mixed, sustainable communities, the affordable homes will be integrated in a central part of the site and "tenure blind" in appearance. Public transport links are in easy walking distance.*

*The tenure of the affordable housing is required to be agreed by the Council and this would be out in a Section 75 Legal Agreement. The applicant has stated that it has had discussions with an RSL with the intention that all affordable homes will be available for social rent, the Council's highest priority tenure type. This would be supported as it would exceed the Council's aim for a minimum of 70% of affordable homes to be available for social rent. However, it should be noted that the applicant has not yet entered into*

*contract with the RSL and has not confirmed that the homes would be sold to the RSL at price that would enable social rent.*

*The design of affordable housing should be informed by guidance such as Housing for Varying Needs and relevant Housing Association Design Guides. The affordable units will be contained in one block and accessed from a single stair core to allow effective management.*

*The affordable home residents will have access to shared communal garden spaces. An equitable and fair share of cycle and vehicle parking, consistent with the relevant parking guidance, should be provided for the affordable homes.*

### **3. Summary**

*The applicant has made a commitment to provide 25% on site affordable housing. The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal. This approach which will assist in the delivery of a mixed sustainable community.*

*The proposal to deliver eight two-bedroom affordable homes is acceptable. The flats will be identical in appearance to the market housing units, an approach often described as "tenure blind".*

*The applicant has engaged with a Registered Social Landlord (RSL) about the affordable housing delivery, the intention is that all eight of the proposed affordable homes will be available for social rent. The affordable homes should be designed and built to the RSL design standards and requirements.*

### **Roads Authority**

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

- 1. The applicant will be required to contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions on Stenhouse Mill Wynd as necessary for the development;*
- 2. The applicant is required to provide continuous footway/reinstate footway on existing vehicular access from Gorgie Road to the proposed development;*
- 3. Continuous footway is required on all proposed access from Stenhouse Mill Wynd to provide pedestrian priority on the footway;*
- 4. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification;*

5. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;

6. 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;

7. Works affecting an adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

8. 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;

9. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

Note:

a) The applicant proposes 2m wide footway fronting the proposed development on east of Stenhouse Mill Wynd;

b) The proposed 264 cycle parking spaces complies with the Council's minimum cycle parking requirement for the proposed development in Zone 2.

c) The proposed 33 ramped access underground car parking spaces including 7 disabled bays and 5 EV charging spaces complies with the Council's parking standards which could permit a maximum of 108 parking spaces for the proposed development in Zone 2;

d) It is expected that the development will generate 15 two-way vehicle trips in the morning peak and 14 trips in the evening peak;

e) The commercial units will be serviced via the proposed service yard accessed from Stenhouse Mill Wynd,

f) Refuse collection will take place at kerbside on Stenhouse Mill Wynd,

g) A transport statement has been submitted in support of the application. This has been assessed by transport officers and is considered to be an acceptable 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.

## **Waste Services**

I can now confirm that this development would be accepted for waste and recycling collections at the planning stage with the waste strategy plan provided. The final

agreement letter for this development would be subject to a site visit prior to collections being agreed to confirm all aspects of our guidance had been adhered to.

As this is to be a mixed use development, Waste and Cleansing would be expected to be the service provider for the collection of domestic waste only.

I understand there are to be a total of 235 units, including 3 blocks of flats, with purpose built student accommodation (PBSA) for 217, private accommodation for 20 and assisted living for 8. The flats will be served by a full range of communal bins, from suitably accessible bin stores, and it is noted that the PSBA bins will be brought to a standpoint on Stenhouse Mill Wynd by building maintenance operatives for collection, in accordance with our schedule. While the presentation of potentially 20+ bins on the pavement is not ideal, and I have my doubts that the bins will be positioned as carefully as shown in the drawing, I note that this is not a high pedestrian traffic route, so hopefully shouldn't be too much of an issue. Therefore, I can confirm that the information provided is acceptable under Instructions For Architects Guidance.

Please note that the detailed arrangements regarding the provision of waste collection services must be agreed at later stage, particularly as 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. We can then agree a waste strategy, which would then be confirmed at completion with an inspection to confirm that all criteria are met.

Please also note that The City of Edinburgh Council do not provide a waste collection service for commercial properties, so they will need to source their own waste provider. It should be noted that the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations requires the segregation of defined waste types. More information is available here: [http://www.edinburgh.gov.uk/info/20001/bins\\_and\\_recycling/1518/trade\\_waste](http://www.edinburgh.gov.uk/info/20001/bins_and_recycling/1518/trade_waste)

It is important that I am contacted a minimum of 12 weeks prior to any waste collections being required, to allow for the developers to purchase the bins and set up the site visit for the final checks/agreement on collections, and for the necessary work to be completed to commence waste collections, ahead of residents moving in. Any waste produced on site will be the responsibility of the developer/builder until the final inspection is accepted and waste collections are in place.

## **Environmental Protection**

*Environmental Protection has no objections to the application.*

*The application proposes the erection of 28 new residential properties situated along Stenhouse Mill Wynd with student accommodation situated along the Water of Leith. Three commercial premises and the entrance to the student residences are proposed on the ground floor under the existing student residences along Gorgie Road.*

## **Noise**

*A noise impact assessment (NIA) has been provided in support of the application which considers existing noise levels from road traffic, industrial premises on Stenhouse Mill Wynd, retail operations, external plant, delivery noise and plant room noise.*

*Mitigation in the form of a suitable glazing specification will ensure that any properties close to Gorgie Road have suitable internal noise levels from associated road traffic noise. Internal plant noise and retail operation noise from the ground floor retail premises will be encapsulated by suitable ceiling and wall insulation and external plant maximum noise levels have been recommended to ensure noise will not impact upon the amenity of the proposed residences. In addition, the noise impact assessment advises that all proposed external amenity areas will have acceptable levels of noise intrusion.*

*Deliveries to the proposed retail premises are proposed to occur off Stenhouse Mill Wynd adjacent to the proposed residential properties. The NIA highlighted that delivery noise to the retail premises is likely to impact upon the amenity of the proposed residences should the deliveries be undertaken into the evening and night time. To address this issue, Planning has advised that they will impose a condition which restricts the hours of deliveries to the Class 1 premises. A suitable condition is recommended below.*

*Opposite the proposed residential properties on Stenhouse Mill Wynd are a number of industrial units. The assessment indicated that noise from the units is likely to impact upon the occupant's amenity by way of noise. Therefore, the applicant has recommended that a glazing specification (i.e. use of closed windows) in association with trickle vents, to ventilate the properties to Building Regulations standards, be a solution to address the issue. Environmental Protection can only support the use of closed windows as a means to mitigate commercial noise if another form of ventilation is provided and it complies with Building Regulation levels and standards. The applicant has agreed to provide trickle ventilation which they advise will meet Building Regulations standards but has, to date, not provided any details of the trickle ventilation. However, Planning has advised that this issue can be conditioned to allow the information to be provided in advance of the build.*

### *Air Quality*

*The application proposes 33 parking spaces to serve 28 residential flats in an area with air quality issues of concern. The site is in fact within the Central Air Quality Management Area (AQMA) which was designated due to nitrogen dioxide. Nitrogen dioxide stems from traffic and spatial heating pollutants so both sources should be limited in this area. As the site fronts directly onto Gorgie Road and the AQMA, it is therefore likely that this area will be detrimentally affected by any vehicular trips from this development should they be fossil fuel based.*

*The site has excellent public transport links and so a development within an air quality management area would be expected to at the very least attempt to ensure that the development was impact neutral. Environmental Protection would expect a significant level of mitigation to be included within the development. In this regard, the applicant has added 28 parking spaces with electric vehicle charging points out of a possible 33 which is more than the parking standards require and viewed as a good mitigation measure provided by the applicant.*

*The agent for the application has confirmed that the spatial heating for the development will be by electric boiler. This is supported as the development will then not include biomass or gas as these can further increase background nitrogen dioxide levels in the atmosphere.*

*Whilst Environmental Protection would prefer to see less car parking spaces provided at this site, the additional charging points coupled with the electric boiler are seen as good measures to off-set any air quality impacts from the development.*

*In addition to the above, the applicant has included cycle parking to assist with the resident's utilisation of sustainable travel measures.*

### *Ventilation*

*The application originally included a Class 3 premises on the ground floor. It is understood that this has now been deleted from the application and a Class 2 office now proposed. Therefore, no cooking odour ventilation information is now required.*

### *Site Remediation*

*For this application the site investigation is at preliminary phase 1 (desk study) stage whereby further ground investigation will be required and is being recommended within the preliminary risk assessment report. Therefore, to allow the development to proceed, the standard planning condition is recommended.*

*Therefore, Environmental Protection offers no objection to the development subject to the following conditions:*

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

*a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and*

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

*ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.*

*2. Prior to occupation, the mitigation measures as specified in Section 5 (Proposed Mitigation Measures) of the ITP Energised Noise Impact Assessment (Technical Report No. 2970) and dated 05/06/2020 shall be met. Those being:*

*a. The living rooms and bedrooms overlooking Stenhouse Mill Wynd will require an acoustically equivalent glazing with noise reduction of at least 33 dB and trickle ventilation specification should provide at least 28 dB+Ctr noise attenuation. Trickle ventilation should achieve Building Standards levels of ventilation and details of the ventilation should be provided and agreed with the Head of Planning in advance of the development build commencing.*

b. Noise from the proposed commercial activities (internal) will meet NR15 in existing NSRs.

c. Noise from the proposed fixed items of plant will include attenuation which will meet NR25 in existing and proposed NSRs when derived assuming open window attenuation. Details of any plant attenuation (if required) should be provided and agreed with the Head of Planning prior to the plant becoming operational.

d. The plantroom walls will be made of concrete providing at least 43 dBRw. The plant room ceiling will be made of concrete providing at least 52 dBRw. The door to the plant room will provide at least 20 dBRw.

3. Delivery operations to the three commercial premises are restricted to occur between the hours of 7am to 7pm Monday to Saturday and 8am to 6pm on Sunday.

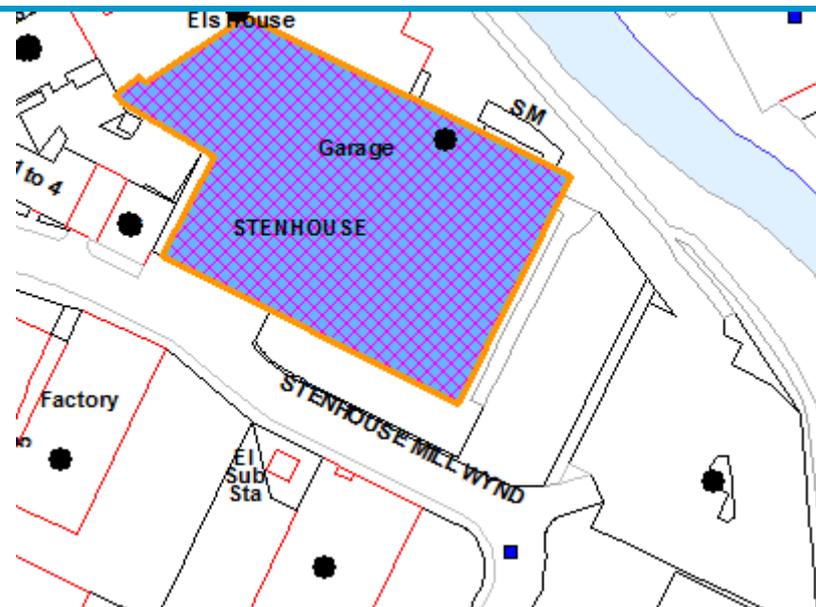
4. Prior to the use being taken up, 28 (7Kw, Type 2, Mode 2) electric vehicle charging points, as show on drawing no.PL (23) 01 (Rev B) 10/07/2020 shall be installed and be fully operational prior to occupation.

#### Informatives

1. It is recommended that additional Electric vehicle Charging outlet(s) are installed which are a minimum of "fast" which provide power between 7 kW and 22 kW.

2. Electric vehicle charging points should be installed in accordance with Transport Scotland's Switched On Scotland: A Roadmap to Widespread Adoption of Plug-in Vehicles (2013).

## Location Plan



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