

Development Management Sub Committee

Wednesday 16 December 2020

**Application for Planning Permission 20/02489/FUL
at 200 Mayfield Road, Edinburgh, EH9 3BE.
Erection of 112 bed spaces of student accommodation
(amendment to planning permission 16/04158/FUL) (as
amended).**

Item number

Report number

Wards

B16 - Liberton/Gilmerton

Summary

The proposals largely comply with the development plan, the Council's Guidance for Student Housing and the Edinburgh Design Guidance. The scale, design and materials are satisfactory. The loss of designated open space on the site is of a negligible scale, and will be counteracted by the provision of a comparable amount of amenity open space. The development will have no adverse impacts on the character of the Braids, Liberton and Mortonhall Special Landscape Area. There is no unacceptable loss of residential amenity and the proposal provides a satisfactory level of amenity for the new occupiers. There are no road safety issues. Overall, the development complies with the development plan and there are no material considerations which indicate otherwise.

Links

[Policies and guidance for this application](#)

CRPCMP, LDPP, LHOU08, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LTRA02, LTRA03, LEN06, LEN11, LEN16, LEN21, LEN22, LRS06, LTRA09, LEN12, NSG, NSGSTU, NSGD02,

Report

Application for Planning Permission 20/02489/FUL at 200 Mayfield Road, Edinburgh, EH9 3BE. Erection of 112 bed spaces of student accommodation (amendment to planning permission 16/04158/FUL) (as amended).

Recommendations

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

Background

2.1 Site description

The site measures 1101 sq m and is located on Mayfield Road, just north of the main junction of Kirk Brae/Liberton Brae with Mayfield Road/Liberton Road. It is the former site of the Braidburn Inn public house and restaurant and is currently brownfield land following demolition of the buildings on site. Liberton Road is a principal route into the city centre and provides frequent bus services, with north and south bound bus stops located within 100m of the site. Land to the immediate south of the site has recently been granted planning permission for student accommodation (20/00487/FUL).

To the rear of the site is a large earth bank known as Liberton Dam. Beyond this lies Craigmillar Park Golf Course. The land to the rear of the Liberton Dam is designated Green Belt, a Special Landscape Area and open space. The Braid Burn runs to the immediate south of the site, before being culverted under the Liberton Dam. The Braid Burn and Craigmillar Park Golf Course are designated as a Local Nature Conservation Area. The site lies opposite Craigmillar Park Conservation Area.

Two small areas of the site at the north west and south are part of a larger area of designated business amenity open space, as identified in the Council's Open Space Audit (reference AM65). The overall area of designated open space covers a total of 0.52ha, including Liberton Dam. The area of the site within the designated open space amounts to approximately 240 sq m.

There is a group of trees located within the area of designated open space in the north of the site which sit adjacent to a larger area of trees located within Edinburgh University's King's Buildings campus, which lies to the north/north-west of the site. The wider context area comprises a mix of residential uses, with some small commercial ground floor uses nearby to the south on Mayfield Road.

A small area in the north of the site is also included in the larger designated Special Landscape Area: Braids, Liberton and Mortonhall (reference SLA 21). The Special Landscape Area cover 574ha, of which approximately 160 sq m is located within the site boundary.

There is an existing proposal (T7) set out in the Local Development Plan for a footpath/cycle route located to the immediate north of the site which will connect onto Liberton Dam.

2.2 Site History

16 December 2016 - Application withdrawn for the demolition of existing building and erection of student accommodation, including all associated works. (Application reference 14/04204/FUL).

14 February 2017 - Planning permission was granted to demolish the existing public house/restaurant and the erection of purpose built managed student accommodation to the north (on the site of the Braidburn Inn). (Application reference 16/04158/FUL).

04 February 2020 - Application withdrawn for the erection of a seven-storey building comprising 138 no. units of student accommodation (application reference 19/04858/FUL).

Adjacent site

14 November 2016 - Planning permission granted for the demolition of the existing garage, office and first floor flat and to erect purpose-built student accommodation. This application did not include the site of the residential properties to the north which are now included in this application. (Application reference 16/01889/FUL).

22 March 2019 - Planning permission granted for the demolition of the existing office, garage and 224-234 Mayfield Road and to erect purpose built student accommodation comprising 148 self-contained studios (as amended). (Application reference 18/03617/FUL).

17 September 2019 - Application withdrawn for the demolition of existing buildings and erection of a part-five, part-seven storey building comprising 282 units (306 beds) of accommodation for students (Sui Generis), together with associated works. (Application reference 19/03609/FUL).

04 February 2020 - Application withdrawn for the erection of a part-five, part-seven storey building comprising 136 no. units of student accommodation at 224-234 Mayfield Road. (Application reference 19/04768/FUL).

09 September 2020 - Planning Permission minded to grant subject to referral to Scottish Ministers due to objection from SEPA as a statutory consultee for the erection of 148 bed student accommodation at 224-234 Mayfield Road. (Application reference 20/00487/FUL).

Main report

3.1 Description of the Proposal

The proposal is for the erection of student accommodation. Associated works, such as parking and landscaping, are also proposed. The proposed development is an updated scheme to the previously approved student development comprising 89 student beds (application reference 16/04158/FUL) which remains extant.

The proposed building covers a broadly similar footprint to the consented scheme, with an increase of 37 sq. m on the previously consented building footprint.

The proposed building is three to six storeys in height. The building massing steps up as the building moves northwards. The building is three storeys in height at the southern end, adjacent to the Braid Burn. It steps up in height to five storeys, and then steps again to a flat roofed sixth storey on the northern half of the building, which is set back by 1.3m to 2.7m from the front elevation of the building.

The building includes 109 student bed spaces. This includes a mix of 79 studio bedrooms (including five accessible studio rooms) and 10 three-bedroom cluster apartments with shared communal spaces. Lift access is included within the building to ensure that it is fully accessible.

A range of indoor communal spaces (116 sq m) are provided at ground floor level including a common room, gym and laundry area. Access is provided from the common room to an outdoor amenity space (210 sq m). In total, 30% of the site ground floor area is occupied by amenity space.

Administrative and operational space including an office, reception, plant area, substation and comms room are provided at ground floor level.

The building frontage is set back from Mayfield Road by 1.2m to 2.5m and will be separated by a low retaining wall with a painted steel fence. The frontage is stepped, with a central five bays projecting by 1m from the rest of the elevation. The main entrance to the building is contained within this section of the frontage.

The development proposes a zero parking approach for vehicles. 100% cycle parking is proposed, providing 112 cycle spaces.

Cycle parking is mainly provided internally at the rear of the building in two separate areas, each accommodating 52 spaces. There is a small area of outdoor cycle parking (eight spaces) provided to the south of the building. Access to the cycle parking will be via a secure gated entrance on the south of the site. Internal access is provided from one of the cycle storage areas into the main circulation space of the building, allowing for direct access for cycle users.

An outdoor amenity area is provided to the rear of the building. This comprises 210 sq m of green and hard landscaped open space, and additional footpath and amenity space is provided around the edges of the building.

The proposed palette of building materials includes buff brick (Weinerberger Rothesay Blend) along with white precast concrete plinth and detailing. The top storey will be finished with zinc cladding.

Scheme One

The floorplan of the recessed sixth floor has been reduced resulting in the loss of three units of accommodation from 112 units to 109 units.

Additional neighbour notification for the development was undertaken on 4th November 2020 following the submission of additional supporting information including a Tree Survey and an updated Planning Statement.

The following documents have been provided in support of the application and are available to view on the planning portal:-

- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Surface Water Management Plan
- Noise Impact Assessment
- Sunlight Assessment
- Tree Survey

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the principle of development is acceptable in this location;
- b) the proposals are of appropriate scale, layout and design;
- c) the proposals have an impact on the amenity of neighbouring properties;
- d) the proposals are acceptable in terms of access parking or transport issues;
- e) the proposals will affect flooding;
- f) the proposals will affect archaeology;
- g) any other material considerations and
- h) the public comments have been addressed.

a) Principle of development

The application site has an extant permission for student housing therefore the principle of development as proposed has previously been accepted in this location. Notwithstanding this, the proposal is a stand-alone application and must be assessed against the relevant policies of the Edinburgh Local Development Plan (LDP) and supporting non-statutory guidance.

The site lies within the urban area of the adopted Edinburgh Local Development Plan (LDP) where Policy Hou 1 Housing Development states that priority will be given to the delivery of the housing land supply and relevant infrastructure. The site has not been allocated for housing on the proposals map. It is not part of business led mixed use proposal or part of a regeneration proposal. However, Criteria (d) of the policy covers other suitable sites in the urban area, provided the proposals are compatible with other policies in the plan. In this case Policy Hou 8 provides the locational justification for the site to be developed for student accommodation rather than housing.

LDP Policy Hou 8 states that planning permission will be granted for purpose-built student accommodation where:

a) the location is appropriate in terms of access to university and college facilities by walking, cycling and public transport; and

b) the proposal will not result in an excessive concentration of student accommodation (including that in the private rented sector) to the extent that would be detrimental to the maintenance of balanced communities or to the established character and residential amenity of the locality.

The Council's Guidance for Student Housing provides guidance for interpreting LDP policy Hou 8 and is a material consideration in the determination of this application. The criteria in LDP policy Hou 8 are applied to proposals for student accommodation using the locational guidance set out in the guideline. The Guidance for Student Housing also notes that where sites are over 0.25ha in area, developments for student housing will be required to provide a minimum of 50% residential development on site.

The site lies adjacent to Kings Buildings, a large campus of the University of Edinburgh. It is well served by public transport leading to other university campuses across the city and to the city centre. The Edinburgh Student Housing Guidance identifies that the site falls within an area of low student housing provision at present, with between 20% and 30% of the total population categorised as full-time students aged over eighteen. The additional provision of student housing on the site will increase the proportion of student housing in the local area, but the overall proportion of students will remain within the 20% to 30% category, and therefore will continue to be categorised as an area of low student population.

The site measures 0.11ha which falls below the threshold of 0.25 hectares in area which requires a development to provide a mixed scheme incorporating housing. Its proposed use as student housing is therefore compliant with the provisions of policy Hou 8 and the Edinburgh Student Housing Guidance and is supported.

The extant planning permission establishing the principle of purpose-built student housing on this site is a significant material consideration and there has been no change to planning policy or guidance since this application was assessed. Whilst this proposal includes an increase in the number of bed spaces proposed (109 beds, compared with 89 spaces as approved in the extant consent), the increase in numbers will not impact adversely on the overall concentration of students in the local area, as noted above.

Policy Emp 9 applies to sites previously in use for employment or business purposes and is applicable to this site due to its previous use in part as a car repair garage. The proposed development of the site for student accommodation complies with the criteria of policy Emp 9 in that it will not impact on any nearby employment uses and will regenerate an existing vacant site. The site boundary does not exceed the 1ha threshold requirement of policy Emp 9 to provide new floorspace for business or employment use. It is therefore acceptable in this regard.

Policy Env 18 Open Space Protection seeks to prevent the loss of allocated open space within the city. There are two small areas within the site boundary that are identified as open space in the LDP, an area of grass to the south of the site, and an area of trees and grass embankment in the north/ north west of the site. These both fall within the same area of designated open space, which is identified as an area of business amenity open space (reference AM65) within the Council's Open Space Audit 2016. Site AM65 covers 0.52ha in total and includes these small parts of the site alongside the Liberton Dam, which sits to the immediate west of the site.

The existing open space within the site is not publicly accessible and is noted as such in the Open Space Audit. The total area of amenity open space that is located within the site boundary and would be lost through this development is 240 sq m.

The loss of these small areas of business amenity open space will have a minor impact on the total 0.52ha area of amenity space identified in this location and a negligible impact on the overall provision of open space in the local area. The proposed scheme will provide an adequate amount of new amenity open space, including soft landscaping features across the site. The provision of new open space across the site amounts to 220 sq m, which is a similar amount to the 240 sq m that would be lost.

Given the small amount of open space being considered in this case, and the similar characteristics of the proposed private open space to the existing private business amenity open space, it is not considered necessary to apply the assessment criteria set out in policy Env 18. The loss of designated open space will be counteracted by the provision of the proposed outdoor amenity space as part of the new development and is acceptable.

Policy Env 12 seeks to prevent the removal of trees from development sites unless necessary for good arboricultural reasons. A tree survey has been submitted with the application, which assesses the value of the existing group of trees in the north of the site that is proposed for removal and impact of development on three small trees that are located close to the site boundary. The tree survey concludes that the hedge trees within the site are growing in an unsustainable position and are causing damage to the existing wall. Their removal is recommended by the arboriculturalist. The three small trees to the north of the site will not be affected by development.

The impact of development on the trees is considered to be reasonable and the removal of the trees on site is acceptable in this case.

The development is therefore acceptable in principle provided it complies with other policy requirements of the Local Development Plan.

b) Scale, Design and Materials

In assessing the scale, layout and design of the proposals, LDP policies Des 1 (Design Quality and Context) to Des 8 (Public Realm and Landscape Design) provide a robust framework along with the Edinburgh Design Guidance.

Context and Setting

LDP Policy Des 1 supports new development whose design contributes towards a sense of place and picks up on the positive characteristics of the area. The surrounding built environment is urban with a mix of building materials and styles. The proposed building creates a strong frontage onto Mayfield Road, and allows for an area of private space to be provided to the rear of the building, in keeping with the existing built pattern along the street. There is a clear separation of public and private space. The layout of the proposed development contributes to the urban form and is acceptable.

LDP Policy Env 6 seeks to ensure that new development has no adverse effects on the setting or character of a conservation area. The site faces onto the boundary of Craigmillar Park Conservation Area, and therefore the setting of this area must be considered.

Craigmillar Park is characterised by a distinct pattern of detached, semi-detached and terraced mainly Victorian houses orientated towards the street frontages, set within significant gardens. The site faces an area of green space and private rear garden ground within the conservation area, which is lined with trees along the edge of Mayfield Road.

The proposed building will strengthen the terraced frontage along Mayfield Road opposite the conservation area, which will complement the existing and emerging development form of the street frontage of the western side of Mayfield Road. It will have no adverse impact on the green space within the conservation area. The proposed form and character of the building is considered to be appropriate for this setting of the conservation area and is acceptable in this regard.

LDP Policy Env 11 Special Landscape Areas protects the special character and qualities of the Special Landscape Areas across the city. A very small area of land within the north/ north west of the site (160 sq m) is located within the boundary of the Braids, Liberton and Mortonhall Special Landscape Area, cutting from the Liberton Dam to Mayfield Road. There is no access from Mayfield Road into the SLA at this location, and it's position to the east of the rising land of the Dam mean that it there is no significant visual connection between the site and the wider SLA.

The Braids, Liberton and Mortonhall SLA covers a total area of 574 ha, and the proportion of the SLA that would be developed upon is negligible in comparison to the wider area. Development of this small section of the SLA will have no detrimental impact on the special character or quality of the Special Landscape Area and is considered to be acceptable.

Scale, height and massing

LDP Policy Des 4 seeks to ensure that new development is compatible in terms of height and form in addition to scale and proportions.

The site slopes from south to north and to the rear of the building the land rises steeply. The proposed building is three to six storeys in height. The three storey element of the building sits at the southern edge of the site, adjacent to the Braid Burn corridor. This mirrors the proposed building massing of the development on the southern side of the burn.

The building steps up to five storeys, and then to a set back sixth storey as it moves northwards. The topography of the street at this part of Mayfield Road means that the new building will sit comfortably into the site as Mayfield Road rises up heading northwards. This partially hides the ground floor storey in the northern part of the site and minimises the visual impact of the sixth storey of the building on the street frontage. The overall transition of the building height from south to north fits with the development on the adjacent site, and provides a reasonable fit with the streetscape, with the gradual increase in height across the site set responding to the natural topography.

Materials and detailing

The building is finished in buff coloured brick (Weinerberger Rothesay Blend), precast concrete and zinc detailing.

The ground floor storey is finished with a pre-cast concrete basecourse which breaks up the elevation and provides definition to the frontage. The principal elevation has vertical detailing in precast concrete panelling which articulates the variation in the footprint and provides interest to the frontage.

The window pattern is appropriate to the context and presents a residential character to the street frontage. The set back sixth storey will be finished in a zinc material which minimises the visual impact of the highest part of the building on the streetscape and provides further detail to the elevation. The building is well balanced with the nearby residential properties and provides a visual coherence along the street frontage. The proposed mix of materials and detailed design of the building and boundary treatments to Mayfield Road matches the adjacent development site to the south. The proposed mix of materials and architectural detailing is appropriate for the context and is acceptable.

The detailed specification of hard and soft landscape materials and a planting schedule/ landscape maintenance strategy is not approved at this stage. A condition has been added in order for these matters to be considered in detail at pre-commencement stage.

The proposals comply with the Local Development Plan and are acceptable.

c) Amenity

Existing residents

LDP Policy Des 5 Amenity seeks to ensure that new development meets the needs of the users and occupiers, with consideration given to impacts on neighbouring properties to ensure no unreasonable noise impact or loss of daylight, sunlight or privacy.

The majority of windows from habitable rooms will face onto the principal elevations of Mayfield Road and to the embankment of the Liberton Dam to the rear. The south (gable) elevation faces towards the adjacent site, which is currently under consideration for development as student accommodation. The windows on the south elevation of the building are located within circulation spaces only, and there are no privacy concerns relating from their outlook towards the adjacent site. The north (gable) elevation is designed in a similar form with no habitable windows facing northwards and therefore will not prejudice the amenity of any potential future development of this land.

The development will have no adverse impacts on the amenity of the adjacent sites in terms of daylight or sunlight, given its distance from nearby residents. The proposal complies with the Edinburgh Design Guidance in this regard.

New Occupiers

The development proposes 109 student bed spaces, of which the majority (79) will be provided in a studio format. An additional 30 bed spaces will be provided in ten three-bedroom en-suite apartments, with shared communal space. The development proposes an acceptable mix of student accommodation types and is acceptable.

The proposed rooms are single aspect. A daylight assessment has been carried out using the recommended no-skyline method set out in the Edinburgh Design Guidance. This demonstrates that all rooms will receive an adequate amount of daylight and are compliant with the guidance.

The building has been provided with lift access to provide accessibility for all. An indoor communal area and gym is proposed on the ground floor of the development with amenity open space to the rear and side of the building. 220 sq. m of outdoor amenity space is provided which equates to 20% of the overall site area. The majority of the outdoor open space has a south/ west aspect. A sunlight assessment has been provided by the applicant which demonstrates that over 50% of the shared outdoor space will be capable of receiving sunlight for more than two hours on 21st March. This complies with the Edinburgh Design Guidance.

The site is located in close proximity to existing high quality outdoor space at Blackford Hill which provides a significant amount of open space available for general use. The provision of amenity open space within the site is an improvement on the previously consented scheme and considered to be acceptable.

Noise

A noise impact assessment has been provided in support of the application which recommends glazing as a means of mitigating road traffic noise. Environmental Protection are satisfied with this proposal and a condition is recommended to protect future residents from road traffic noise.

Overall, the proposal maintains an acceptable level of amenity for existing neighbours. A satisfactory level of amenity is provided for the new occupiers. The proposal complies with LDP Policy Des 5.

Waste

The proposed waste management strategy has been agreed with CEC waste and transport officers and is acceptable.

d) Road safety and Parking

The proposal includes zero provision of car parking which is acceptable within the current Council parking standards. The development proposes 100% cycle parking provision for the development which complies with the Council's cycle parking standards. Transportation has been consulted on this application and has recommended that direct access be provided between the cycle storage areas and the internal circulation space. The applicant has updated the ground floor plan to accommodate this access point into the proposal.

The proposed development will have no adverse impact on the proposed footpath/cycle route(T7) identified in the LDP which runs through land to the north of the site. The proposal complies with LDP Policies Tra 2 and Tra 3 and is acceptable.

e) Flooding

As the site partly lies within an area of importance for flood management, LDP Policy Env 21 is relevant. LDP Policy Env 21 states that planning permission will not be granted for development that would increase a flood risk or be at risk from flooding itself. The supporting text accompanying this policy states that proposals will only be favourably considered in accompanied by a flood risk assessment, demonstrating how compensatory measures are to be carried out, and that any loss of flood storage capacity is mitigated. It notes that in some circumstances, sustainable flood management or mitigation measures may not be achievable.

Also relevant is Scottish Planning Policy (SPP), particularly paragraph 254 to 256, which relate to managing flood risk and drainage.

The applicant has submitted a Flood Risk Assessment, Drainage Strategy Report and the required Self Certification Certificate as requested. Both CEC flood planning officers and SEPA have made no objection and are satisfied with the proposed measures set out by the applicant in order for the development to conform to LDP Policy Env 21, SPP and CEC guidance in terms of flood risk.

f) Archaeology

The City Archaeologist has confirmed that the site is located in an area regarded as an area of low-moderate archaeological importance and there may be some remains of archaeological interest on the site. It is therefore recommended that a condition be attached relating to a programme of archaeological works for the site. This should include the provision of plans showing how the scheme will avoid impacting upon and conserve the historic canalised burn which forms the southern boundary of the application site.

The proposal is considered acceptable in terms of archaeology.

g) Other Material Considerations

Contaminated Land

The site is largely brownfield in nature and should be investigated to ensure that it is made safe for the intended use. A condition is recommended in this regard.

Biodiversity

The development will provide some areas of soft landscaping which provide an opportunity for an appropriate mix of native species to be provided to supporting local biodiversity. A condition is added to determine the detailed specification of the landscape mix. An informative is attached to the permission recommending that swift bricks are incorporated into the development.

Water Treatment capacity

Scottish Water has been consulted and has raised no objections to the proposed development.

h) Public Comments

Twenty public comments have been received in response to the application.

Material comments;

- Principle of student housing - addressed in section 3.3(a).
- Design aspects including scale, massing, materials, height, context, provision of amenity space - addressed in section 3.3 (b).
- Impact of the development on setting, including Conservation Area setting (addressed in section 3.3(b);
- Impact on amenity, including capacity of local facilities, noise, overshadowing of existing garden grounds - addressed in section 3.3 (c).
- Impact of development on availability of parking provision in the wider area - addressed in section 3.3(d).
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- Impact of the development on biodiversity along the Braid Burn corridor - addressed in section 3.3(g).
- Loss of setting in terms of landscape features (addressed in section 3.3(b);
- Impact of the development on existing water supply - addressed in section 3.3 (g).

Non-material comments;

- Impact of construction phase on local residents
- Loss of social entertainment building on site

Community Council

Liberton and District Community Council has made the following material comments in relation to the application;

Support

- Support for the improved mix of student accommodation provided within the development.

Objection;

- Objection to the development of student housing in principle and to the loss of existing housing on the site - addressed in section 3.3(a);
- Design aspects of the proposals including building scale, context, sunlight/ daylight provision, adaptability of use, waste servicing and internal layout of the building - addressed in section 3.3(b);
- The level of amenity provided to future residents of the development; (addressed in section 3.3(c).
- The proposed waste arrangements and potential impact on transport on Mayfield Road. (addressed in section 3.3 (c) and 3.3(d).
- Impact on the development on local healthcare provision (the site is not included in an area identified in the LDP Action Programme to provide a contribution to healthcare provision);
- Lack of vehicle parking provision within the development (addressed in section 3.3(d).
- Potential flooding concerns in relation to the development's proximity to the Braid Burn (addressed in section 3.3(e);
- Impact on the development on the provision of the proposed pedestrian/ cycle route identified in the Local Development Plan (proposal T7) (addressed in section 3.3(d).

Conclusion

The proposals largely comply with the development plan, the Council's Guidance for Student Housing and the Edinburgh Design Guidance. The scale, design and materials are satisfactory. The loss of designated open space on the site is of a negligible scale and will be counteracted by the provision of a comparable amount of amenity open space. The development will have no adverse impacts on the character of the Braids,

Liberton and Mortonhall Special Landscape Area. There is no unacceptable loss of residential amenity and the proposal provides a satisfactory level of amenity for the new occupiers. There are no road safety issues. Overall, the development complies with the development plan and there are no material considerations which indicate otherwise.

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 construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - (b) Where necessary, a detailed schedule of any remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

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

2. The development shall be completed in accordance with the acoustic requirements specified in the noise impact assessment (RMP Technical Report R-8748B-EK-RRM, dated 24 June 2020), should be installed as shown on technical drawings referenced RMP_001, RMP_002, RMP_003 and RMP_004 (drawing references 013 to 016 on the planning portal).
3. No demolition/development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (historic building recording, 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 the commencement of works on site, details of the undernoted matters shall be submitted and approved by the Council as planning authority, in the form of a detailed layout of that phase of the site and include;
 - a) A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site. This will include;

- i) Provision of a hard works plan including details and materials for all surfacing, walls, fences, gates, street furniture and any other boundary treatments. It is noted that all kerbs are required to have a minimum 50mm upstand to allow for equal access for all;
- ii) The location of all new trees, shrubs and hedges within the residential area, including details of tree trenches, tree pits and raised planters;
- iii) A schedule of plants to comprise species, plant size and proposed number/ density;
- iv) Programme of completion and subsequent maintenance of landscaping;
- v) Details of phasing of these works.

The approved landscaping scheme shall be fully implemented within 6 months of the completion of the development.

5. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.

Reasons: -

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to protect the amenity of the occupiers of the development.
3. In order to safeguard the interests of archaeological heritage.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to enable the planning authority to consider this/these matter/s in detail.

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. 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), 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;
5. The approved landscape scheme shall be fully implemented within six months of the completion of the development.
6. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
7. Swift bricks should be incorporated into the building. Proposed locations should be approved by the planning authority.
8. The applicant should ensure that following the removal of existing trees from the northern part of the site, the retained boundary wall with the King's Building Campus is made good to protect the amenity of the surrounding area.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

Public summary of representations and Community Council comments

Neighbour notification was undertaken on 29 June 2020. Twenty comments were received from members of the public objecting to the application. Comments were also received from Liberton and District Community Council. Matters raised are addressed in section 3.3 (h).

Background reading/external references

- To view details of the application, go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

Statutory Development**Plan Provision**

The site lies within the urban area of the adopted Edinburgh Local Development Plan.

Date registered

22 June 2020

Drawing numbers/Scheme

01, 02C, 03B, 04A, 05A, 06B, 07A-10A, 11-16,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Julie Ross, Planning Officer

E-mail: julie.ross@edinburgh.gov.uk

Links - Policies

Relevant Policies:

The Craigmillar Park Conservation Area Character Appraisal emphasises the predominance of high quality stone-built Victorian architecture of limited height which provides homogeneity through building lines, heights, massing and the use of traditional materials, and the predominant residential use.

Relevant policies of the Local Development Plan.

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

LDP Policy 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 7 (Layout design) sets criteria for assessing layout design.

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

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

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

LDP Policy Env 11 (Special Landscape Areas) establishes a presumption against development that would adversely affect Special Landscape Areas.

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 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 RS 6 (Water and Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

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

Relevant Non-Statutory Guidelines

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

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

Appendix 1

Application for Planning Permission 20/02489/FUL At 200 Mayfield Road, Edinburgh, EH9 3BE Erection of 112 bed spaces of student accommodation (amendment to planning permission 16/04158/FUL) (as amended).

Consultations

Archaeology

Further to your consultation request I would like to make the following comments and recommendations in respect to this application for the erection of 112 bed spaces of student accommodation (amendment to planning permission 16/04158/FUL).

The site occupies the site of Liberton Dam part of, though upstream from, the small historic rural settlement of Nether Liberton, first recorded in 1369. A mill at Neither Liberton is suspected from the medieval period onwards and mill lades were certainly in operation by the end of the 16th century. Liberton Dam is recorded as early as 1682 and takes its name from the Old Scots for mill lade, being at the junction of two such features, one of which feeds Liberton Mill to the NE.

General Roy's 1750's Military Map depicts a range of buildings in this location possibly on this site. The greater detail of the 1850's 1st Edition OS map shows a group of separate buildings on this site with a mill lade forming the sites southern boundary. The settlement was also the site of a steam-pump constructed in 1788 to supply water to Edinburgh from the Braid Burn, though it is not known if this was located on this development site. The site is therefore regarded as occurring within an area of archaeological importance both in terms of late-medieval and post-medieval development of Neither Liberton and its rural industrial heritage.

Until 2018/19 the site was also occupied by bar/restaurant which has now been demolished. The site is therefore regarded as occurring within an area of archaeological importance both in terms of late-medieval and post-medieval development of Neither Liberton and its rural industrial heritage.

Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policies 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.

As stated in my response to the 2016 application the is site of Liberton Dam is regarded as being of archaeological significance primarily in terms of its post-medieval

Industrial archaeology relating to settlement, the adjacent dam and mill lades which cross(ed) the site. As such a programme of works were recommended as outlined below to occur during demolition/development.

"Given the construction of the current public house and services in the area, it is considered that on current information this proposal scheme is regarded as having a low-moderate archaeological impact. However, demolition/construction could provide important evidence as to the nature and date of the historic earthen bank/dam as well as possibly the development of Liberton Dams. It is therefore considered essential that an appropriate programme of archaeological works is undertaken during demolition/development in order to fully excavate, record and analysis any significant buried remains affected by ground breaking works."

Since this letter the former bar/restaurant has been demolished and the site levelled at some point in the last couple of years. This has occurred without the a fore mentioned, archaeological monitoring having been undertaken. It is clear, that these works have had a significant impact over much of this application site. However archaeological information may be obtained regarding the nature and date of the historic earthen bank located across the western boundary of the site and close to the existing mill lade. It is therefore recommended that a programme of work is undertaken to investigate both these areas prior to development.

In addition, as stated in 2016 detail plans should be submitted which show how the scheme will avoid impacting upon and conserve the historic canalised burn which will form the southern boundary of the application site.

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

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

Environmental Protection

Response 1 (30 June 2020)

Further to your request for a response from Environmental Protection for the above application, I would confirm the following:

As per the previous application, information was provided in support of the application which considered site contamination to ensure that the site was made safe for the proposed end use. In addition, a noise impact assessment was provided which considered traffic noise and required mitigation. Environmental Protection also subsequently requested a referenced drawing which indicates where any upgraded glazing mitigation should be installed. I cannot see either of these supporting pieces of information provided with this application. It is therefore recommended that the above information be provided to allow Environmental Protection to fully assess the application.

Should you wish to discuss, please do not hesitate to come back to me.

Response 2 (12th October 2020)

*TOWN AND COUNTRY PLANNING SCOTLAND ACT 1997 ERECTION OF 112 BED SPACES
OF STUDENT ACCOMMODATION (AMENDMENT TO PLANNING PERMISSION 16/04158/FUL) AT 200 MAYFIELD ROAD, EDINBURGH, EH9 3BE
REFERENCE NUMBER: 20/02489/FUL*

I refer to the above and would advise that Environmental Protection has no objections to the application subject to the conditions below.

The application proposes new student residential properties and proposes an amendment to an existing consent.

A noise impact assessment has been provided in support of the application which recommends glazing as a means of mitigating road traffic noise. In this regard, a condition is recommended below to protect the residents from road traffic noise.

The site should also be assessed to ensure there are no contaminants in, on or under the ground and a condition is recommended below to that effect.

Therefore, Environmental Protection offers no objections to the proposal subject to the following conditions:

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

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

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

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

2. The development shall be completed in accordance with the acoustic requirements specified in the noise impact assessment (RMP Technical Report R-8748B-EK-RRM, dated 24 June 2020), should be installed as shown on technical drawings referenced RMP_001, RMP_002, RMP_003 and RMP_004 and portal dated 12th October 2020.

Transport

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

1. 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), 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;

2. The applicant should consider providing direct access from the building to the cycle parking locations rather than external access only.

Note:

The development proposes zero car parking and 116 cycle spaces for the 112 bed accommodation.

Flooding

Response 1 (6th July 2020)

Has a Surface Water Management Plan been prepared by the applicant? Could you ask the applicant to prepare a SWMP and upload it to the portal, to support this application?

Response 2 (24 September 2020)

I have reviewed the documents on the portal and have the following comment to be addressed by the applicant:

- Could the applicant please confirm the condition and capacity of the culvert is sufficient to accommodate the proposed surface water discharge.

Response 3 (6 October 2020)

Thank you for the additional information. This satisfies CEC Flood Prevention's concerns. This application can proceed to determination, with no further comments from our department.

Waste

Response 1 (10th July 2020)

Can you confirm how many units the site holds, so I can work out the bin allocation.

As it stands the bin marked would be a problem as it blocking the entrance/ exit. However, once I know the correct allocation it might not be an issue. Also, having visited this site seems to be on a slope so they'd need to make sure the bins store meets our architects guidance on gradients.

Response 2 (28 September 2020)

Sorry it's probably me but I'm not following the comments, as long as it meets our guidance on the gradients we would have no issues on the waste side. If its out with they would need to use a private company as our operational colleagues would reject it.

Response 3 (7th October 2020)

Yes, that seems to all check out.

Scottish Water

Audit of Proposal

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 Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

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

Waste Water Capacity Assessment

- This proposed development will be serviced by Edinburgh Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently 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 via our Customer Portal or contact Development Operations.

Development Operations

The Bridge

Buchanan Gate Business Park

Cumbernauld Road

Stepps

Glasgow

G33 6FB

Development Operations

Freephone Number - 0800 3890379

E-Mail - DevelopmentOperations@scottishwater.co.uk

www.scottishwater.co.uk

*To find out more about connecting your property to the water and waste water supply visit:
www.scottishwater.co.uk/business/connections
SW Internal
Personal*

Please Note

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

Surface Water

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

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

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

General notes:

- Scottish Water asset plans can be obtained from our appointed asset plan providers:*
- Site Investigation Services (UK) Ltd*
- Tel: 0333 123 1223*
- Email: sw@sisplan.co.uk*
- www.sisplan.co.uk*
- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area, then they should write to the Customer Connections department at the above address.*

- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.*
- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer. To find out more about connecting your property to the water and waste water supply visit:*

www.scottishwater.co.uk/business/connections

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.
- Please find information on how to submit application to Scottish Water at our Customer Portal.

Next Steps:

- All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals. Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- Non Domestic/Commercial Property:

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

- Trade Effluent Discharge from Non Dom Property:

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

If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email

TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?".

Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [here](#).

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

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

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

I trust the above is acceptable however if you require any further information regarding this matter please contact me on 0800 389 0379 or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

SEPA

Response 1 (28/07/2020)

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

1. Flood risk

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

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

Technical Report

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

1.4 A Flood Risk Assessment (FRA) has been submitted in support of the application, undertaken by JBA Consulting. Within this FRA, JBA have taken the City of Edinburgh Council (CEC) hydraulic model and design estimated flows for the Braid Burn Flood Protection Scheme (FPS) undertaken in 2003, and used this to assess flood risk at the site. It is stated within the FRA that the model has not been changed and the design flows used within the original model have been used to assess flood risk to the site. We would highlight that SEPA did not review the original hydraulic model or design flow estimates. We request that the hydrology for the Braid Burn is reviewed and updated within the hydraulic model for a more accurate 0.5% AP (1;200) flood level. In-house analysis indicates that the QMED for the Liberton gauging station, used in 2003 is approximately 18% lower than the QMED based on the longer record up to the period when the FPS was constructed. Unfortunately the FPS has impacted upon the gauging station and high flows are not reliable beyond the FPS construction date.

1.5 Due to the uncertainty of the design flow estimates used within the original hydraulic model we request either; the hydraulic model should be re-run with updated design flows and the revised 0.5% AP (1:200) flood extent provided, or the original hydrology is retained and the proposed development is outwith the 0.5% AP (1;200) flood plus 20% to account for the difference in QMED described above. The footprint of the proposed building should be limited to only the part of the application site that lies outwith the revised 0.5% AP (1:200) flood extent.

1.6 Topographic level information has not been provided for this site. Therefore, we request this information is provided in addition to revised design flows and flood

outlines. We recommend that a drawing showing the location of the building footprint overlaid with the revised flood extent is provided to demonstrate that it is outwith the 0.5% AP (1:200) floodplain. We also request confirmation of finished floor levels for the proposed development.

1.7 This detail and clarification is necessary to demonstrate that the new proposal will not be located within the functional floodplain - if it were, it would represent a clear increase in vulnerability that SEPA could not support.

Summary of Technical Points

1.8 In summary we wish to receive clarification on the following points before we would consider removing our objection to the proposed development:

We request either;

- The hydraulic model is re-run with updated hydrology and all built development and land raising is outwith the 0.5% AP (1:200) flood extent, or
- The original hydrology is retained and all built development and land raising is outwith the 0.5% AP (1:200) flood plus 20% extent.
- Topographic level information, confirmation of finished floor levels and a drawing showing the location of the building footprint overlaid with the revised flood extent for the site.

2. Standing advice

2.1 For all other matters, including drainage, we have provided standing advice applicable to this type of small-scale local development which is available at SEPA Guidance Note 8- SEPA standing advice for planning authorities and developers on development management consultations.

Caveats and additional information for the applicant

The applicant will note that we object on the basis of lack of information in relation to flood risk. Details available in Section 1 above.

3. Flood risk

3.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland.

3.2 We refer the applicant to the document entitled: "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction with Policy 41 (Part 2).

3.3 Our Flood Risk Assessment Checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process.

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

3.5 The flood risk advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1).

Regulatory advice for the applicant

4. Regulatory requirements

4.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

4.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

4.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- is more than 4 hectares,
- is in excess of 5km, or
- includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 degrees.

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

4.4 Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

4.5 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulation section of our website or by contacting waterpermitting@sepa.org.uk or wastepermitting@sepa.org.uk.

4.6 If you have any queries relating to this letter, please contact me by email at planning.se@sepa.org.uk.

SEPA response 2 (2nd October 2020)

Advice for the planning authority

Having reviewed the information provided to us, we are now in a position to withdraw our previous objection to this planning application. Please note the advice provided below and in particular the strong recommendation in paragraph 1.6.

5. Flood risk

5.1 Documents reviewed:

- Flood Risk Assessment, September 2020*
- Proposed site plan, May 2020*

5.2 We are now in a position to remove our objection to the proposed development on flood risk grounds. Notwithstanding the removal of our objection, we would expect Edinburgh Council to undertake their responsibilities as the Flood Risk Management Authority.

Technical Report

5.3 We previously objected to the proposed site in July 2020. The previous Flood Risk Assessment (FRA) included the site to the south of the Braid Burn. We requested the hydraulic model is re-run with updated hydrology and all built development and land raising is outwith the 0.5% (1:200) flood extent and topographic level information, confirmation of finished floor levels and a drawing showing the location of the building footprint overlaid with the revised flood extent for the site.

5.4 Since our previous letter JBA and SEPA have corresponded via email regarding the hydrology for the Braid Burn. SEPA have agreed a 0.5% (1:200) design flow estimate of 16.42m³/s, as used within the original hydraulic model, based on information supplied by JBA.

5.5 An updated FRA has been submitted in support of the application and excludes the site to the south of the Braid Burn. Within this updated FRA further blockage scenarios have been undertaken. It is detailed that during a 0.5% (1:200) plus 30% blockage of Mayfield Road culvert flood levels adjacent to the site vary from 55.22mAOD to 55.16mAOD.

5.6 Review of the topographic level information and Figure 3-7 within the updated FRA the proposed building is outwith the 0.5% (1:200) plus 30% blockage flood extent. Finished floor levels are proposed at 55.90mAOD, 0.7m above the 30% blockage scenario flood level. It has been demonstrated that the proposed development is outwith the functional floodplain plus a blockage scenario. Therefore, we remove our objection on flood risk grounds but strongly recommend that the proposed landscaping to the south of the proposed building remains at existing ground levels.

6. Standing advice

6.1 For all other matters, including drainage, we have provided standing advice applicable to this type of small-scale local development which is available at SEPA Guidance Note 8- SEPA standing advice for planning authorities and developers on development management consultations.

Caveats and additional advice for the applicant

The applicant will note that we are removing our objection to this planning application. Please note the advice in the sections above.

7. Flood risk

7.1 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland.

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

7.3 The flood risk advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1).

Regulatory advice for the applicant

8. Regulatory requirements

8.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

8.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

8.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- is more than 4 hectares,
- is in excess of 5km, or
- includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 degrees.

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

8.4 Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

8.5 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulation section of our website or by contacting waterpermitting@sepa.org.uk or wastepermitting@sepa.org.uk.

8.6 If you have any queries relating to this letter, please contact me by email at planning.se@sepa.org.uk.

Liberton and District Community Council

1 The site

1.1 The site lies within the Liberton and District Community Council area.

1.2 The site and the adjacent vacant site at 224-234 Mayfield Road and 14-15 Braefoot Road are owned by Lanark Student Living Ltd based at 166 College Road, Harrow, Middlesex, England HA1 1RA.

1.3 LDCC notes that Lanark Student Living Ltd was incorporated in 2015, has Company registration no. 09651052 (England and Wales). Its last unaudited accounts for year ending 30 June 2019 were posted on 26 June 2020. The company has three directors, Thomas Knust, Sean Peter O'Driscoll and Bhavna Patel.

1.4 "LDCC notes that the Mayfield Road development features on the Crowd with Us investment website (crowdwithus.london). However, since the web site states "Due to regulatory requirements this investment is only available to our registered sophisticated and high-net-worth investors" LDCC was unable progress further investigations. The site also states that "You could lose all of your money invested in this product. This is a high-risk investment and much riskier than a savings account."

Furthermore, LDCC draws attention to its objection to the application 20/00487/FUL: the adjacent site at 224-234 Mayfield Road and 14-15 Braefoot Road: "The development is being funded with £6.195m agreed with Oblix Capital and from a further £809,728 raised by Lanark Student Living via the Crowd With Us crowdfunding platform." The platform's website states: "The site has planning permission in place for 237 beds at a current valuation of £8.85m. Enhanced planning has been submitted to increase the size by 69 beds making a total of 306 beds, at an enhanced value with planning of £11m. The developer will be working with a Tier one contractor, Meldrum Construction Services with whom they have a prior relationship to build out the scheme. Once built the projected total GDV for this scheme is £53m with £22m profit.

Once planning for the additional 69 beds is secured, the developer will refinance the scheme with Oblix Capital, the senior lender, at 65% LTV and repay the CWU Bondholders early (minimum term 6 months). Considering the developer has already received planning on the two adjacent sites, this is believed to be the most likely outcome. Expected Valuation based on £36k per bed therefore $306 \times £36k = £11m$. 65% of $£11m = £7.15m$. This should provide sufficient lending to pay out CWU investors."

1.5 LDCC notes the withdrawal of an earlier application 19/03609/FUL for a single development on the larger combined site, and the subsequent withdrawal of later applications 19/04858/FUL and 19/04768/FUL. LDCC also notes that application 20/00487/FUL for the adjacent site for 148 units is still under consideration.

1.6 LDCC feels strongly that this application should be dealt with together with application 20/00487/FUL, as one development (as illustrated in the Design & Access Statement and The Edinburgh Flood Risk Assessment), and believes that Lanark Student Living Ltd has submitted separate applications in an attempt to avoid the obligations attached to developments over 0.25 ha. This is not in keeping with the location and design guidance given in the CEC's Student housing guidance (p.8) which states that "sites with greater than 0.25ha developable area must comprise a proportion of housing as part of the proposed development, to balance the mix of land uses and to contribute to housing land need. On these sites the new build residential gross floor area shall represent a minimum of 50% of the total new build housing and student accommodation gross floor area." Taken together the applications are contrary to Edinburgh's Local Development Plan, 2016 (LDP) policy Hou 1 (d) (p.114).

1.7 Lanark Student Living Ltd makes much of the approval of applications 16/04158/FUL at 200 Mayfield Road, and 18/03617/FUL at 224-234 Mayfield Road. However, given the withdrawal of application 19/03609/FUL for the combined site, LDCC believes that the approved applications be viewed as a single development, and subject to the obligations referred to in 1.6 above.

1.10 Consequently, LDCC objects to the intended development of the site exclusively for speculative student accommodation, and contrary to the Local Development Plan policy.

2 Progression of application

2.1 An application for a development of fifty student bedrooms on the site of the former Braidburn Inn (Block A), with seven car parking spaces (Ref: 14/04204/FUL) was not supported by a planning statement and withdrawn.

2.2 A later application (Ref: 16/04158/FUL) for 89 self-contained studio flats on five levels at Block A was granted planning permission in 2017.

2.3 Planning consent was granted subject to certain legal requirements for 83 self-contained studio flats with no parking spaces on the site of the former garage (Block B) in 2016 (Ref:16/01889/FUL).

2.4 In 2018, an application (Ref: 18/03617/FUL) expanding this site following the demolition of the present residential housing (Block C) to 148 student flats was granted planning permission.

2.5 Two applications (19/04858/FUL and 19/04768/FUL) proposed a two block development: Block A providing 124 self-contained studio rooms and 12 'twodios' giving 148 beds; Block B [and Block C] providing 126 self-contained studio rooms and 12 'twodios' giving 150 beds. The applications for the essentially single development were withdrawn.

2.6 Application 19/03609/FUL for the combined development [of Blocks A-C] for 306 beds was withdrawn.

2.7 Application 20/00487/FUL which purports to be an amendment of application 18/03617/FUL for 148 bed spaces is currently under consideration.

2.8 The current application 20/02489/FUL for 112 bed spaces purports to be an amendment of application 16/04158/FUL for 89 bed spaces which was approved.

3 Building visual impact

3.1 The development is a six-storey building with a raised ground level.

3.2 LDCC notes the changes to the appearance of the Mayfield Road elevation. The development rises to six storeys, with a raised ground floor. The Design & Access Statement drawing (p.24) shows a taller building in the revised application. The CEC's Student Housing Guidance (2016) (p.7) states that "Large mono-use development has significant potential to harm the character of an area." The Planning Statement implicitly acknowledges this at (3.1) with the statement: "The southern end of the upper storeys is set back from the development to reduce the appearance of the building mass." LDCC disagrees that the building mass is reduced and maintains that the proposed development is a direct contravention of of LDP policies Des 7 and Des 9 (pp.96-97). It does not respect local context and street pattern, or, in particular, the scale and proportions of surrounding buildings. It would be out of character with the area, and to the detriment of the local environment on the edge of the green belt. LDCC believes that a further reduced scale of building would be more in keeping with the character of the area.

4 Building design and amenities

4.1 LDCC is pleased to note the improved mix of accommodation provided in the revised developments, particularly the provision of accessible studios, but is perturbed by the increased density of accommodation.

4.2 LDCC can find no dimensions given for the studios, accessible studios and three bedroom apartments. The studios appear small and the three bedroom studios are even smaller, albeit with a shared communal space. The previous development (16/04158/FUL) proposed 89 beds; the revision increases the density to 112 beds. LDCC believes that the changes appear to give greater priority to maximising rental values than to providing for student needs.

4.3 Several of the future occupiers of the proposed developments will not have acceptable levels of amenity in relation to daylight, sunlight, privacy or immediate outlook. The development is overcrowded, with many of the lower rooms appearing to offer inadequate sunlight due to the large stone and turf dam to the west of the development. These shortcomings are contrary to LDP policy Des 5 (p.95).

4.4 LDCC commented in previous applications that communal social spaces within the development(s) appeared insufficient for the number of residents. Whilst the application increases the indoor amenities by 30 square metres with the addition of a small gym, the outdoor space is reduced by 43 square metres and includes a narrow corridor in the lee of the bund to the west. Planting has been removed. There are no communal areas provided on the floors 1-5.

4.5 The Design & Access statement makes reference to the provision of kitchens, but there appear to be no kitchens provided in the accommodation. This effectively means that future occupants will be expected to eat out, bring meals back to their accommodation, or purchase cooking equipment for use in their room or shared apartment space. LDC believes strongly that this is unacceptable.

4.6 LDCC notes the provision of laundry facilities. The absence of such facilities on the application for the adjacent strongly suggests that this facility will be shared, and further enhances the view that the two developments should be treated as one.

4.7 LDCC notes that waste collection bins will be retrieved from the store and parked at the front of the development, to be emptied by vehicles parked close to a busy junction. LDCC has already raised a number of issues relating to this junction and the design of the development will exacerbate difficulties for vehicles, cyclists and pedestrians.

4.8 The Edinburgh Flood Risk Assessment makes no reference to the risk of flooding from a failure of the circa 1876 22" diameter water main in the embankment at the rear of the proposed developments. The top of this embankment is approximately 7 metres above the ground floor levels. A failure of this pipe would probably cause a failure of the earth bank.

4.9 The Cameron Toll shopping centre, the GP surgery on Liberton Road and the private dental practice at the foot of Liberton Brae are referred to as local services. There is no statement of the two health services' capacity to register up to 112 additional patients.

4.10 With reference to the CEC's Student housing guidance LDCC suggests that the development would not contribute "to healthy and sustainable lifestyles" (p.8) and observes that according to research on the impact of accommodation on student health, lack of social space and opportunities for interaction with other students would be detrimental to student well-being.

5 Adaptability

5.1 The Edinburgh Design Guidance (October 2018) stipulates that buildings should be adaptable to the future needs of different occupiers. This is of special importance where purpose-built accommodation is proposed such as student accommodation where markets and demand can change quite quickly. Furthermore this market is an

unregulated one, which does not have to meet the standards of residential housing. These applications should demonstrate how what is proposed could be adapted to meet future needs such as housing and be compliant with the requirements for housing, such as open space.

5.2 The CEC's Student housing guidance (p.4) states "It is acknowledged that developer-led student accommodation will only be developed in places which are financially viable, giving due consideration to the projected occupancy rates during and outwith the term times." The application documents make little reference to out-of-term use, and consequently provide no consideration of the impact of such use.

6 Transport

6.1 The application claims to be a car free development, and therefore assumes no requirement for off-street parking. This assumes therefore that students' cars, or vehicles visiting the development will be parked outside the development or in the nearby streets. Parking in the vicinity is already overcrowded due to residential and commuter parking.

6.2 The LDP Proposals Map shows a protected cycleway and footpath safeguarded route adjacent to or along the western boundary of these sites. It needs to be made clear what impact this safeguard might have on these sites. In any case it would be beneficial in creating a safe and dedicated access to King's Buildings Campus if part of this route could be established in conjunction with these applications if planning approval is considered. LDCC notes that "contributions will be sought from developers towards the cost of new pedestrian/cycle links" (Planning Statement 2.3.3)

6.3 LDCC has already made representations to the CEC regarding the safety of cyclists and pedestrians at the busy junction at the southern end of Mayfield Road. The anticipated increase in cyclists close to this junction will exacerbate these concerns. (See also 4.8 above)

7 Student housing

7.1 LDCC notes that, apart from a reference to a travel study undertaken by the University of Edinburgh, there appears to be little evidence of consultation with any of the city's academic institutions about this development. Since the potential occupants will likely be dependent on facilities within the University of Edinburgh's King's Buildings to provide some of the services and amenities that the development lacks, LDCC feels this is a significant omission.

7.2 LDCC feels that the illustrations of the Edinburgh University central buildings in the Design & Access Statement (p.4) are misleading, suggesting that the students will be in George Square & Old Quad, which is two miles distant. Also misleading is the plan of the King's Buildings and the graphic of the proposed development along with the legend "2030 Masterplan for redevelopment and expansion of existing facilities" (p.20). There is no evidence in the documentation that the development is part of the University's Masterplan.

7.3 Whilst not a current requirement for student housing, LDCC notes the aspiration in City Plan 2030 that student accommodation should look after students' wellbeing, and

"be built for, and managed by, one of Edinburgh's universities or colleges". This development meets neither of these criteria.

7.4 More generally, LDCC is concerned at the growth of unregulated and speculative student housing across the city. In addition to the current proposals, there are student accommodation projects proposed at Peffermill (19/05923/FUL), the Northfield House site on Lasswade Road (20/02562/FUL), Duncan Street, and on the site of the Royal Hospital for Sick Children.

7.5 LDCC suggests that CEC should consider the potential impact of the Covid-19 pandemic on the delivery of University courses before progressing student accommodation applications. We may see a reduction in numbers of students requiring residential accommodation. Purpose-built developments that cannot be readily adapted to alternative use, such as the current application, would be seen as a poor use of land, and of the planning provisions.

8 Conclusions

8.1 LDCC does not object to the provision of student accommodation where needs are established.

8.2 LDCC feels that this and the adjacent development should be assessed as one, with the consequent obligations of the larger site applied. LDCC believes that the developer submitted two applications in order to avoid these obligations.

8.3 LDCC objects to the size and appearance of the development on the grounds that it does not fit the character of the area.

8.4 LDCC objects to the design of the development on that grounds that:

8.4.1 It provides insufficient amenities for residents;

8.4.2 The accommodation will be detrimental to student well-being;

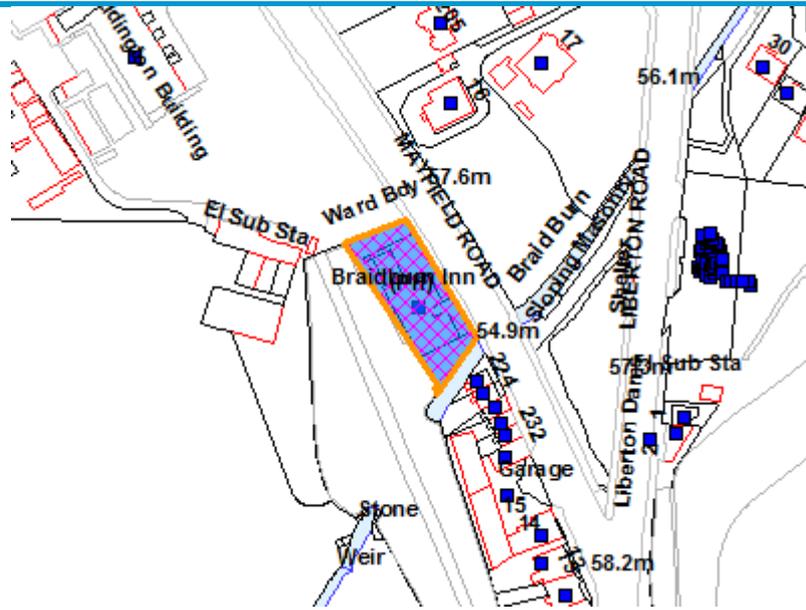
8.4.3 It will create further difficulties at an already problematic junction;

8.4.4 There is no consideration given to the impact of out-of-term use;

8.4.5 There is no provision for adaptability or provision for conversion to residential housing.

8.5 LDCC believes this to be a speculative development driven more by returns to investors than creating a sustainable community that fosters students' well-being.

Location Plan



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