

# Development Management Sub-Committee Report

**Wednesday 21 September 2022**

**Application for Planning Permission  
Former Tynecastle High School, 17 Mcleod Street, Edinburgh.**

**Proposal: Partial demolition, change of use and new build to form student residential development and community facilities with associated infrastructure, landscaping, and access (as amended).**

**Item – Committee Hearing  
Application Number – 21/04469/FUL  
Ward – B07 - Sighthill/Gorgie**

## **Reasons for Referral to Committee**

The application has been referred to the Development Management Sub-Committee because 233 letters of objection have been received and it is recommended for approval. The application was also called for consideration by the Development Management Sub-Committee by a local councillor. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

## **Recommendation**

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

## **Summary**

The proposal is acceptable with regard to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and overall is in accordance with the development plan.

In taking a balanced approach to the delivery of the strategy of the Development Plan the proposals will deliver purpose-built student accommodation on a site which has a number of constraints to the delivery of mainstream housing. The proposals provide an enhanced amenity for the students. The proposals will support the retention of a deteriorating heritage asset. The proposals do not comply with the provisions of the non-statutory guidance on student housing due to the failure to provide mainstream housing. However, on balance the retention of a listed building on a constrained site through the proposed student scheme is considered to be a pragmatic approach.

A reduced reliance on car usage is encouraged and promotion of sustainable modes of transport through appropriately designed cycle provision is supported. No specific road or pedestrian safety issues will occur as a result. The proposal minimises environmental resource use and incorporates sustainable features.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP).

The proposal complies with the development plan and other material considerations support the presumption to grant planning permission.

## **SECTION A – Application Background**

### **Site Description**

The application site measures 1.35 hectares and is located on the northern extent of McLeod Street with the Western Approach Road forming the northern boundary of the site. The Western Approach Road is positioned higher than the application site.

The west of the application site has an industrial character with the presence of the North British Distillery which has an associated Health and Safety Consultation Zone. To the south of the site is Tynecastle Football Stadium. To the east are existing residential properties and the new Tynecastle High School.

The site is occupied by a range of buildings associated with the former Tynecastle High School which are category B listed (reference LB26950, listed on 9 February 1993), including the original school building, attached Janitor's House, workshops along the northern boundary, gates, gate piers and railings. The school building, dating from 1910-11, is an extensive L plan structure with the Assembly Hall extending from the re-entrant corner. The building is finished in harling with dressings of red brick and cream and red ashlar sandstone and slate roof. The Janitor's House is of similar style and was built shortly after the main building along with an additional classroom. The workshops date from 1910 and are of brick (painted) construction and simpler detailing. These early structures are two-storey.

Alterations and extensions have taken place on the site pre-1930, including a classroom extension on the west wing of the original school building (listed as part of the historic block) and a later, single storey addition to the south end of the western workshop range.

Post-1960s buildings on site include a rendered single storey structure in the south-west corner of the quadrangle (the Dining Hall and Kitchen) and two substantial, red brick and render buildings, dating from the 1970s/80s (classrooms extension and the Games Hall) within the internal quadrangle to the rear of the original school building

The four-storey flatted block with deck access at 16-20 McLeod Street is category B listed (reference LB26938, listed on 9 February 1993) and dates from 1897.

## Description of the Proposal

The application proposes the redevelopment of the site to provide a development of 100% student accommodation which totals 468 bedspaces. A range of cluster and studio apartments will be provided.

The proposals are split into a number of different elements as follows:

- redevelopment of the original Tynecastle High school to provide student accommodation;
- demolition of the later additions and workshop buildings and the development of new student accommodation blocks;
- development of a new community space within the ground floor of the new northern block 284 square metres and
- redevelopment of the central space to provide amenity space and planting.

A total of 468 student beds will be provided split between 87 studios and 381 cluster bed spaces.

### Tynecastle High School

The original building and early extensions to the eastern range, including the Janitor's House, will be retained. The following key external alterations are proposed:

- demolish the extension to the west wing and modern classroom extensions to the rear;
- carry out remedial works to the elevations affected by the proposed demolitions (described below) and install traditional and contemporary style window and door openings in restored sections;
- erect two brick/glazed stair extensions on the rear elevation and form connecting door openings from four existing windows;
- remove the existing rooflight on the rear roof pitch and slate the roof to match the original finish;
- remove a section of the existing railings and plinths at the south end of McLeod Street to form gated vehicular access to a new sub-station and
- remove the existing vehicular and pedestrian gates and a stone wall at the north end of the main school building to form new vehicular and pedestrian accesses.

### Demolitions

The workshop ranges, including the single-storey extension to the western block and the modern blocks to the rear (classrooms extension, Games Hall and Dining Hall and Kitchen) will be demolished.

### New Buildings

The proposed new blocks of student accommodation will extend along the northern (block C) and western boundaries (block B) of the site with a section towards the centre of the site. Block B will range from 4 storeys to 6 storeys high. Block C will range from 4 storeys at the eastern end of the site to 7 storeys at the western end of the site. Within the ground floor of each of the blocks a range of student amenity facilities are proposed including a gym, cinema and large breakout spaces facing onto the central landscaped area.

A community facility is proposed within the ground floor of Block C with direct access and facing towards McLeod Street. This facility will have an approximate floor area of 238 square metres and will including meeting rooms.

No provision is provided within the site for car parking. Delivery/servicing access will be provided from a controlled access to the north of the site on to McLeod Street. Cycle parking will be provided in a range of locations across the site with dedicated cycle storage for each block.

### Scheme 1

The original application proposed the demolition of the Janitor's House on the eastern section of the main school building.

An associated application for listed building consent has been submitted for the external and internal alterations to the listed buildings and demolition of listed curtilage buildings (application number 22/00671/LBC).

### Supporting Information

- Pre-application Consultation Report;
- Planning Statement and Addendum;
- Heritage Statement;
- Design and Access Statement and Addendum;
- Transport Statement;
- Archaeology Assessment;
- Ecology/ Bat Survey;
- Sustainability Statement, Sustainability Design File Note and Sustainability Form S1;
- Daylight and Sunlight Assessment and Daylight Addendum;
- Noise Impact Assessment and Addendum;
- Air Quality Assessment;
- Desktop Ground Investigation Report;
- Light Pollution Assessment ;
- Pre-Application Consultation (PAC) Report;
- Flood Risk Impact Assessment;
- Economic Impact Report and Addendum; and
- Surface Water Management Plan.

### **Relevant Site History**

21/00988/PAN

Former Tynecastle High School

17 McLeod Street

Edinburgh

EH11 2NJ

Redevelopment of the former Tynecastle High School site, incorporating partial demolition and change of use of the school buildings and new build to form student residential development with associated infrastructure, landscaping, access and parking.

Pre-application Consultation approved.  
16 March 2021

21/04468/LBC  
Former Tynecastle High School  
17 Mcleod Street  
Edinburgh  
EH11 2NJ

Selective demolitions to enable adaptation of original school building to long-term future use including preservation of essential special architectural and historic interest of the listed building and its setting (as amended).

21/05152/FUL  
Former Tynecastle High School  
17 Mcleod Street  
Edinburgh  
EH11 2NJ

Proposed alterations to land to provide landscaping and planting beds as part of a community garden.

### **Other Relevant Site History**

No other relevant site history.

### **Pre-Application process**

Pre-application discussions took place including a review by the Edinburgh Urban Design Panel on 28 April 2021. The Panel's report can be viewed on the Planning and Building Standards Portal.

### **Consultation Engagement**

Transport Planning

Archaeology

Environmental Protection

Edinburgh Airport - Safeguarding

Health and Safety Executive

Police Scotland

SEPA

Archaeology

Communities and Families

Historic Environment Scotland

Edinburgh Airport

SEPA

Refer to Appendix 1 for a summary of the consultation response.

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 2 June 2022

**Date of Renotification of Neighbour Notification:** Not Applicable

**Press Publication Date(s):** 10 June 2022; 10 September 2021;

**Site Notices Date(s):** Not Applicable;

**Number of Contributors:** 233

## **Section B - Assessment**

### **Determining Issues**

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

## **Assessment**

To address these determining issues, it needs to be considered whether:

### **a) The proposals harm the listed building and its setting?**

The following Historic Environment Scotland (HES) guidance is relevant in the determination of this application:

- Managing Change: Use and Adaptation of Listed Buildings
- Managing Change: Setting

The listed building includes the original school building, attached Janitor's House, workshops along the northern boundary, gates, gate piers and railings.

### External Alterations

The proposed alterations to the category B listed school building involve extensive restoration, including the removal of the modern, functional classroom extensions which obscure a significant part of the historic rear elevation and north-east elevation of the Assembly Hall. This alteration will reinstate the symmetrical L-plan configuration of the building and original window and door openings will be restored with appropriate infills.

The early extension to the west wing is not a significant addition to the original school building in terms of special historic and architectural interest, so its removal is acceptable to accommodate new build development along the western edge of the site.

The proposed stair extensions to the rear elevation are modest in scale, symmetrically positioned and of appropriate, functional design using a blend of traditional and contemporary materials in keeping with the historic architecture. The other external works to the main building are minor and comprise mainly restoration and repair, retaining historic fabric wherever possible and matching original detailing.

The sections of original railings, gates and plinths to be removed are plainly detailed. However, there may be an opportunity to retain more existing fabric at the north end (main site entrance) although the condition of these railings may render this impractical. The stone wall at the south end of McLeod Street is a significant part of the listing. A condition has been applied requiring further details of the proposed boundary treatment and proposed use of any salvageable material.

## Demolitions

HES emphasises the importance of retaining listed building and only resorting to demolition if every other option has been explored. Keeping listed buildings in an existing use or finding a new use that has the least possible impact, is the best way to protect them. In this case, the approach taken is to retain and restore the original Tynecastle High School building which has been disused for over ten years and is in a deteriorating condition. The demolition of the listed curtilage buildings, comprising the workshop ranges along with the pre-1930s extension to the east school wing, is essential to achieving the sustainable future use of the main listed building.

This application is assessed against the section on 'selective demolition' in HES guidance on the 'Use and Adaptation of Listed Buildings', HES defines 'selective demolition' as involving the removal, or demolition, of parts of a listed building to enable the significant parts of a listed building to be retained. In this case, the proposed level of demolition involves later extensions to the principal listed building and entire curtilage buildings.

Whilst the workshop ranges are substantial in scale, these just pre-date the school and were constructed against the embankment of the Caledonian Railway branch line to the north. The ranges are of largely functional design and finish, with plainly detailed interiors comprising single open spaces accessed external stair cores and balconies.

HES notes that the workshops are characterful and add significantly to the historical interest of the school site and suggest that the structures could be repurposed for new uses. The historic and visual contribution of the workshops to the site is acknowledged and the structures are not in bad condition. However, a substantial section of the range extending along the western boundary cannot be converted to another use due to inclusion within the Health and Safety Executive Consultation Zone arising from the neighbouring distillery. Also, the front section of the range on the east side of the site cannot be retained without loss of the Janitor's House due to the need for emergency and service vehicle access. The original scheme was amended to retain the Janitor's House at the request of HES.

The retention of the remaining parts of the workshops would severely curtail the area of land available for development. If these sections of workshop were to be retained the extent of new build would not be sufficient to offset the overall cost of repair and conversion of the main school building. In mitigation, where practicable, materials salvaged from the demolition will be used in the construction and landscaping of the new internal quadrangle. A condition has been applied requiring full details of the proposed use of these materials.

A further condition has been applied to ensure that the workshop ranges are officially recorded prior to demolition.

The current setting of the listed school building comprises a conglomeration of randomly located modern structures with the historic workshop range defining the northern and eastern edges of the site. The classroom extension which is attached to the original rear elevation and Assembly Hall impinges on the space immediately behind the former school and visually interferes with the historic building's symmetrical L-plan form and rear elevations. The demolition of this structure will therefore significantly improve the setting of the listed building.



The proposed new buildings are of appropriate scale, massing, detailing and materials and along with new complementary landscaping, will have no detrimental impact on the setting of the listed school and listed tenement opposite.

### **Conclusion in relation to the listed building**

The proposed development will result in the sustainable and long-term use of the category B listed former Tynecastle High School and involves significant conservation gain. Whilst the demolition of the historic workshops as listed curtilage buildings is regrettable, this will enable the restoration of the original school building in terms of historic plan form and significant elements of architectural detailing.

The location and technical constraints of this site severely limit opportunities for restorative redevelopment of the listed school building and the preservation of its special historic and architectural interest is dependent on cross funding the significant costs of repair and refurbishment. Overall, the proposals have an acceptable impact upon the listed building of the school and its associated structures.

The proposed new buildings are of appropriate scale, massing, detailing and materials and along with new complementary landscaping, will have no detrimental impact on the setting of the listed school and listed tenement opposite.

Conditions have been applied to ensure that the specifications for all proposed external materials alterations and repairs to the original school and proposed new buildings and landscaping are appropriate.

The proposals are acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

### **b) The proposals comply with the development plan?**

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policies - Env 3, Env 4 , Env 8, Env 9 and Env 21;
- LDP Housing policies- Hou 1, Hou 5, Hou 8;
- LDP Transport policies - TRa 2, Tra 3 and Tra 4;
- LDP Design Principles policies Des 1 - Des 8;

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering policies Env 3 and Env 4.

### Character and setting of the listed building

This has been assessed in section a) and the proposals comply with LDP Policy Env 3 (Listed Buildings - Setting).

## Principle of Student Development

LDP policy Hou 8 (Student Accommodation) supports the development of purpose-built student accommodation subject to the following two requirements. Firstly, proposals must be in a suitable location in relation to university and college facilities, and be well connected by means of walking, cycling or public transport. Secondly, it must not lead to an excessive concentration of student accommodation or transient population in the locality to an extent that would adversely affect the area and its established residential amenity or character.

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

### **Location of Student Housing**

In terms of criterion a) of policy Hou 8, the site is located within easy walking distance of Gorgie Road which provides direct access routes towards the education campuses at Sighthill and beyond to Heriot Watt University. There are also good linkages towards the city centre (and therefore the University of Edinburgh) with bus routes along Gorgie Road. The development of the Roseburn Cycle Link enhances active travel connections into the wider cycling network opening connections to the campus network to the east of the application site.

### **Concentration of Student Housing**

Criterion b) of policy Hou 8 seeks to limit the concentration of student accommodation where it would have an adverse impact on the maintenance of balanced communities, or to the established character and residential amenity of the locality. The Student Housing Guidance advises that where the student population is dominant, exceeding 50% of the population, there will be a greater potential imbalance within the community.

The area can be calculated using data zones from the 2011 census. As the individual data zones are tightly drawn, considering them in isolation does not give an accurate reflection of the population demographic within the local area. While there is no definition of what constitutes an 'area' for the purposes of calculating student population, it is normal procedure to use the proposed development's data zone and those that surround it. Using this method considers a wider catchment and provides a more accurate representation of the local population.

The student population within the area is based on 2011 census data and the National Records of Scotland's Special Area population Estimates 2018. This data is then adjusted to include consented developments in the area to provide a 2020 figure. The 2020 figure assumes that all pending and consented applications for Purpose Built Student Accommodation (PBSA) have been granted and are fully occupied. The figure for the datazone is then adjusted to accommodate the application to provide an updated maximum figure for student percentage.

When considering a wider area of a 10 minute walk (approximately 800m) the 2011 census shows an overall student population concentration of 17%. This includes areas within Fountainbridge, Polwarth, Shandon and the rest of Gorgie. Within this wider area there have been a number of completed student accommodation, some under

construction and other live planning applications. When reviewing the wider area as a whole, the resultant impact of the proposed development would increase the student population to 24%. Areas located within 800m of the site but located to the north of the railway line have been excluded from this assessment.

When viewed in isolation the student population within the single datazone of the application was recorded as 15% in the 2011 census. As a result of the application and considering the 2020 population estimate the percentage of students within this datazone would increase to 45%.

In a recent appeal decision (PPA-230-2377 , East Newington Place) it was noted that: *"policy Hou 8 does not provide a specific percentage figure above which it might be concluded that there is an excessive concentration of students in any one locality. It is effectively left to a matter of judgement as to whether the terms of the policy are met in any given case."*

The student population figure in the calculated area, including the proposed development, when viewing the wider area would be approximately 24%. This proportion would not lead to an over-concentrated student population in the area and meets criterion b) of policy Hou 8 and the Student Housing Guidance.

When considering Policy Hou 8 of the LDP the proposals comply with the Development Plan.

The LDP advises that it is preferable in principle that student needs are met as far as possible in purpose-built student schemes. The LDP also expresses further guidance on the location of student accommodation is provided through the Student Housing Guidance. The further guidance is a material consideration in the assessment of the application.

Criterion a) within the Student Housing Guidance accepts student housing in locations within or sharing a boundary with a main university or college campus. The application site is not adjacent to a defined university campus as highlighted within the non - statutory guidance on student housing.

Criterion b) advises that 'outwith criterion a) student housing will generally be supported on sites with less than 0.25 hectares of developable area'. This site does not share a boundary with a university or college campus. The total site area is 1.52 hectares. Therefore, the proposal does not comply with these criteria of the guidance.

Criterion c) advises that 'outwith criteria a) and b) sites identified as having a high probability of delivering housing within Map 5 taken from the LDP Housing Land Study (June 2014) and sites with greater than 0.25 hectares of developable area must comprise a proportion of housing as part of the proposed development'.

The site is not identified in the LDP Housing Land Study for delivering housing and therefore does not contribute towards the housing land supply. However, the site does exceed the size criterion set out within the Student Housing Guidance and the expectation would be that there is a 50% contribution to housing on the site. The proposals submitted are for a 100% student accommodation proposal and would therefore not comply with this aspect of the guidance.

In order to consider the justification for no housing being provided on the site an assessment of the appropriateness of the site to accommodate housing is required.

There have been limited circumstances where the requirement to provide housing as part of a student led development have been required following the inclusion of the requirement within the non-statutory guidance. A recent reporter's decision on a planning application at Gorgie Road (PPA-230-2298) observed that there was a conflict between the LDP policy requirement to support student housing and then the requirement within the Student Housing Guidance to also provide housing.

The site has been vacant for a number of years and no real prospect of housing delivery on the site has ever been brought forward through the planning process. It is relevant that the site was unoccupied during the course of the LDP Housing Land Study (2014) and was not brought forward within that analysis as providing a suitable site for housing development.

The applicant has acknowledged that there is the requirement to provide residential accommodation within the site. They outline within the Planning Statement that the opportunity to incorporate residential development on the site was explored as part of the development appraisals for the site. However, the justification to exclude housing from the proposals is embedded within the physical constraints of the site.

The Student Housing Guidance notes that it cannot be applied *"in isolation and consideration must be given to other matters addressed in the LDP and planning guidelines including The Edinburgh Design Guidance*. When taken in isolation the proposals do not deliver the required housing as set out within the Student Housing Guidance. However, the proposals need to be considered as a whole and a balanced decision considering all other matters needs to be made.

## **Housing**

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

## Amenity

### **Site Constraints**

The site is located within a mixed use area with key constraints located at the western and southern boundaries of the site. The presence of these constraints has informed the development of the site including the layout and ultimately the use. The constraints to consider are:

- category B listed building addressed above;
- Proximity to the North British Distillery and the HSE Consultation Zone
- Proximity to Tynecastle Stadium.

The site partly lies partly within a consultation zone as set by the Health and Safety Executive (HSE) associated with the storage of materials on the adjacent North British Distillery Site. The inner zone of the consultation area runs along the western most part of the site. The impact of this is that no development can take place within this area where there would be an increase in population. This has ultimately informed the area of developable land for the site. Any new development is restricted to being only in the middle/outer ring of the consultation zone. As a result the existing buildings along the western edge of the application site cannot be redeveloped. The proposed layout has been progressed to respect the consultation zone. As HSE are a statutory consultee in this case the application has been considered using the consultation web app and the HSE do not advise against development of the site.

In addition to the HSE consultation zone the North British Distillery Site and Tynecastle Stadium both generate noise through their daily activities which adds additional constraints to the redevelopment of the site.

Taking into consideration all the constraints on the site and the influence these have on the developable areas of the site the application must be considered in accordance with Policy Des 5 (Development Design - Amenity). Policy Des 5 - sets out criteria for ensuring occupants have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

## **Noise**

The Agent of Change Principle clearly places the responsibility for mitigating any detrimental impact from noise on neighbours with those carrying out the new development or operations. The Planning Advice Note on Noise (PAN 1/2011) advocates a pragmatic approach to the location of new development within the vicinity of existing noise generating uses.

The Agent of Change Principle is now enshrined in section 41A of the 1997 Act where :

*"a development that is the subject of an application for planning permission is a noise sensitive development if residents or occupiers of the development are likely to be affected by significant noise from existing activity in the vicinity of the development and requires that the planning authority must, when considering under section 37 whether to grant planning permission for a noise sensitive development subject to conditions, take proper account of whether the development includes sufficient measures to mitigate, minimise or manage the effect of noise between the development and any existing cultural venues or facilities including in particular, but not limited to live music venues or dwellings or businesses in the vicinity of the development, and*

*may not, as a condition of granting planning permission for a noise-sensitive development, impose on a noise source additional costs relating to acoustic design measures to mitigate, minimise or manage the effects of noise".*

Environmental Protection has raised concern with regard to potential impact of noise from sources including the Western Approach Road, distillery, Tynecastle football stadium and children's nursery.

The applicant has worked proactively with Environmental Protection on the scoping and preparation of a Noise Impact Assessment (NIA) to support the application. Following the initial consultation response a further Noise Impact Assessment Addendum has been submitted and considered. The NIA clearly identifies the new development as sensitive noise receptors. The NIA also seeks to clarify that:

*"while no difference can be made between "long-term" residential and student residential in terms of sensitivity; the students will only/ mostly be present during term-time. They will likely only live within the Proposed Development for a short period of time. As such it could be argued that their sensitivity to noise is lower than ' long- term' residential receptors where people will live for many years."*

In review of the information submitted Environmental Protection have advised that in considering student accommodation within the same lens as a residential proposal the application cannot be supported. In considering the amenity of the future occupiers of the premises both indoor and external amenity needs to be considered.

Industrial noise is identified by Environmental Protection as a constant audible noise across the site. The NIA concludes that a closed window attenuation is required on most facades to meet internal noise criteria due to industrial noise and road traffic noise. In addition habitable rooms with windows on Block H northern and western facades will require to be fitted with acoustic glazing. Any events associated with Tynecastle Stadium are considered to be infrequent and short term.

In considering the outdoor amenity spaces it is identified by Environmental Protection that any garden spaces usually provided for residential properties would not meet external amenity standards due to the noise associated with the industrial premises to the west. The applicants have incorporated into the design of the proposals an acoustic barrier to limit noise break out into the central landscaped area.

In order to enhance the amenity of the student accommodation the proposals include large areas of open space (3,869 square metres) to provide a range of outdoor spaces for the students within the central courtyards These areas are extensive for the scale of development and provide an enhanced level of outdoor amenity for a student block. In addition, the scheme provides significant amenity areas (961 square metres) for the students to allow time away from their own rooms and for social interaction. This includes a gym, a central core of social breakout areas, private study rooms, games area and cinema room.

## **Air Quality**

The application is supported by an Air Quality Impact Assessment. The proposals also include no parking which is supported by Environmental Protection. There are no air quality issues arising from the proposals.

## **Amenity Conclusions**

Generally, when assessing an application for planning permission, options for alternative development are not material to the determination of the application. In this case the requirement to consider housing as a suitable alternative is engaged through Policy Hou 1 and the Student Housing Guidance.

The level of residential amenity that can be provided on this site as required by policies Hou5 and Des 5 would not be achievable as outlined above with particular reference to the noise constraints on the site.

There is a balance to be taken to the delivery of the right development on this site. The constraints limit the delivery of mainstream housing on the site. Whilst not being able to fully support the application, Environmental Protection acknowledged that the student proposal is designed as well as it could be due to the constraints on the site.

### Design

Policies Des 1 to Des 8 of the LDP set out the policy framework for the design of developments. These policies outline a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area, with the need for high quality design which is appropriate in terms of height, scale and form, layout and materials.

The proposals incorporate a modern approach to the redevelopment of the rear of the site whilst respecting the setting of the listed building as outlined above. The perimeter style blocks allow for the creation of a central area of amenity to provide a strong landscaped and useable area for the students. The height respects the lower edges of the site in proximity to the main listed school and increases in height from 4 to 7 storeys in the north western corner of the site. The height within this location is appropriate given the higher land levels associated with the adjacent Western Approach Road.

Through the amendment of the scheme and the retention of the Janitors House the new build is pushed back into the site on the eastern edge of the site. This retains an appropriate frontage along MacLeod Street and providing a presence for the proposed community space.

In summary, the building heights and massing responds effectively to the surrounding context and allows the proposal to integrate into the surrounding area. The proposal is a contemporary design that is appropriate to its location. The impact of the development on its setting has been assessed and the redevelopment of the site will not have a detrimental impact on the setting and wider townscape. The proposed development is an acceptable form of development in this location.

### Transport

#### *Car Parking*

Policy Tra 2 states permission will be granted for development where car parking provision complies with and does not exceed parking levels set out in council guidance. Lower provision will be pursued subject to consideration of various factors.

No car parking is proposed which is acceptable in this city centre location where the site has good levels of access to public transport along the Gorgie Road arterial route.

The proposal discourages reliance on private car use through no car parking provision in a sustainable location which complies with LDP policy Tra 2.

## *Cycle Parking*

Policy Tra 3 state permission will be granted where proposed cycle parking and storage complies with standards in Council Guidance. In addition, policy Tra 4 seeks to ensure that cycle parking is provided within accessible locations.

Cycle storage is provided throughout the site in a range of secure locations. The new build blocks have multiple cycle storage facilities at ground floor level in accessible locations. There are new secure cycle storage facilities provided within the courtyard area for the listed building. 100% cycle provision is provided.

## Archaeology

LDP policy Env 8 states development will not be permitted which would adversely affect important archaeological remains. Policy ENV 9 states development will not be granted that will have a significant impact on archaeological remains.

The City Archaeologist has been consulted on the proposals and has referred to the site as being of significant archaeological interest. Whilst welcoming the retention of the main school building and the amended plans in include the janitors house, they express concern over the loss of the workshops to the rear.

As detailed in the assessment of the setting of listed buildings and the concurrent application for listed buildings permission as balanced approach has to be made to the redevelopment of this site. The site constraints, in particular the Health and Safety Consultation Zone severely limit the reuse of these buildings. Therefore, whilst it is unfortunate to lose these elements a balanced judgement to secure the future retention of the main school building has to be taken.

In order to ensure that these buildings are appropriate recorded it is recommended that a condition is attached to any permission seeking a programme of archaeological works including appropriate historic building recording.

## Flooding

The application has been considered against the requirements of Policy Env 21 to ensure that there are no implications for flood risk as a result of the development. No matters have been raised by either SEPA or the Council Flood Prevention Team in respect of the application.

## **Conclusion in relation to the Development Plan**

In taking a balanced approach to the delivery of the strategy of the Development Plan the proposals will deliver purpose built student accommodation on a site which has a number of constraints to the delivery of mainstream housing. The proposals provide an enhanced amenity for the students. The proposals will support the retention of a deteriorating heritage asset. The proposals do not comply with the provisions of the non-statutory guidance on student housing due to the failure to provide mainstream housing. However, on balance the retention of a listed building on a constrained site through the proposed student scheme is considered to be a pragmatic approach. Overall, the proposals comply with the Development Plan.



**c) There are any other material considerations which must be addressed?**

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP.

Emerging policy context

The Draft National Planning Framework 4 has been consulted on but has not yet been adopted. As such, little weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of representations is provided below:

*material considerations* - addressed in Section a) and b) of the report above:

- Over concentration of student accommodation
- Resultant imbalance in the make up of the community
- Should include 50% housing as per guidance
- Insufficient off site walking provisions
- Site not appropriate for students due to noise and air pollution issues
- Design Issues - height, massing architectural context out of keeping with the area
- Adverse impact on the historic character of the site
- Relationship to the blast zone on the adjacent site
- Provision of cycling infrastructure unclear
- Lack of car parking spaces

- Inadequate local infrastructure
- Impact of further development on drainage system
- Impact of loss of original historic fabric

*non-material considerations*

- Proposals should be for affordable housing
- Behaviour of students in the community
- Conflict of students and high school pupils
- Loss of Council Tax
- Impact on construction process on neighbours
- Fly- tipping
- Insufficient public consultation - no opportunity for debate and discussion at the online event

*Letters of Support*

- Good development on a difficult site
- School in need of repair only option in the last 10 years
- Accommodation for students will free up private homes
- School building retained
- A sustainable proposal
- Support the inclusion of community facilities

**Conclusion in relation to identified material considerations**

It is located in a sustainable location as it is accessible by bus services in close walking distance to the site.

The scale, form and design protect the historic environment and the amenity of existing development.

The design has regard to improving the site's accessibility for all users.

In light of the above, the proposals do not raise any issues in relation to other material considerations identified.

**Overall conclusion**

The proposal is acceptable with regard to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and overall is in accordance with the development plan.

In taking a balanced approach to the delivery of the strategy of the Development Plan the proposals will deliver purpose-built student accommodation on a site which has a number of constraints to the delivery of mainstream housing. The proposals provide an enhanced amenity for the students. The proposals will support the retention of a deteriorating heritage asset. The proposals do not comply with the provisions of the non-statutory guidance on student housing due to the failure to provide mainstream housing. However, on balance the retention of a listed building on a constrained site through the proposed student scheme is considered to be a pragmatic approach.

A reduced reliance on car usage is encouraged and promotion of sustainable modes of transport through appropriately designed cycle provision is supported. No specific road or pedestrian safety issues will occur as a result. The proposal minimises environmental resource use and incorporates sustainable features.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP).

The proposal complies with the development plan and other material considerations support the presumption to grant planning permission.

## Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

### Conditions: -

1. No development shall take place on the site until the applicant has secured and implemented a programme of archaeological (Historic building recording, excavation, analysis & reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. Prior to the commencement of construction works on site:
  - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
  - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
  - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
3. Prior to occupation of the development, details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest residential property (with window partially open for ventilation purposes) shall be submitted for written approval by the Planning Authority.
4. Prior to the occupation of the first block the ground floor gap under Block I (communal amenity area) will be filled with an openable noise barrier (refer to Drawing 4 of the Noise Impact Assessment) shall be installed and maintained thereafter. The chosen barrier will be effective acoustically, with a minimum mass per unit of area in excess of 12 kg/m<sup>2</sup> and with no gaps at the joints. The barrier resting position will be closed.

5. Prior to the commencement of construction on Blocks A and H as identified within the Noise Impact assessment details of acoustic glazing and trickle vents providing up to 37dB noise reduction including the thickness of any glazing and air gaps which form the glazing units shall be submitted and approved by the Planning Authority. The approved detailing will then be fitted on all habitable room windows on Block A western façade, and Block H northern and western façades, all shown on Drawing 5 of the Noise Impact Assessment.
  6. Only the sections of the existing railings, gates and boundary walls necessary for vehicular access to the site shall be removed.  
Full details of the proposed boundary treatment along McLeod Street, including the re-use of any removed original railings, gates and boundary walls, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
  7. 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.
  8. Prior to the commencement of works any significant historic fabric or remnants shall be identified and details for re-use within the scheme shall be submitted to and approved by the Planning Authority and subsequently implemented within the scheme.
1. In the interest of archaeological heritage of the site.
  2. In the interest of site amenity.
  3. In the interest of residential amenity.
  4. In the interest of amenity.
  5. In the interest of amenity.
  6. To respect the heritage asset on the site.
  7. In order to allow the Planning Authority to consider further.

## **Informatives**

It should be noted that:

1. 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.

2. 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.
3. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

### **Background Reading/External References**

To view details of the application go to the [Planning Portal](#)

**Further Information - Local Development Plan**

**Date Registered: 1 September 2021**

### **Drawing Numbers/Scheme**

1, 2a-31, 5, 6, 7a - 16a, 17b, 18a, 19b,20b,21, 22b, 23b,24a25a- 32a, 33, 34,35

**David Givan**  
**Chief Planning Officer**  
**PLACE**  
**The City of Edinburgh Council**

Contact: Elaine Campbell, Team manager  
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## Appendix 1

### Summary of Consultation Responses

NAME: Transport Planning

COMMENT: No objections subject to appropriate conditions and informatives.

The proposed zero car parking and 551 cycle parking spaces for the 545 bed student accommodation is considered acceptable.

DATE: 18 October 2021

NAME: Archaeology

COMMENT: Recommended that the application be refused on the basis of ENV 2 due to the loss of the workshop buildings. If permission is granted a condition on archaeological recording is required.

DATE:

NAME:

COMMENT:

DATE:

NAME: Environmental Protection

COMMENT: It should be noted that Environmental Health consider student accommodation in the same way as residential accommodation or care homes. They will be used as the primary place of residence for the students therefore would be afforded the same protection with regards any future noise or other public health complaints.

The applicant has submitted various supporting documents including noise/air quality/odour impact assessments that have all been assessed by Environmental Health. Environmental Protection recommend that the application is refused due the poor level of amenity that will be afforded any residential lead development on this site whilst the NBD is operational. If consented further conditions will be required on noise however the current level of information provided is insufficient to enable us to adequacy word enforceable conditions. Condition on contaminated land must be attached if consented.

DATE: 22 November 2021

NAME: Edinburgh Airport - Safeguarding

COMMENT: Any planning permission must include a condition relating to the Submission of a Bird Hazard Management Plan. It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, and the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.

DATE: 21 September 2021

NAME: Health and Safety Executive

COMMENT: Do Not Advise Against Development

DATE: 6 October 2021

NAME: Police Scotland

COMMENT: We would welcome the opportunity for one of our Police Architectural Liaison Officers to meet with the architect to discuss Secured by Design principles and crime prevention through environmental design in relation to this development.

DATE: 21 September 2021

NAME: SEPA

COMMENT: No objection to the application -

DATE: 11 October 2021

NAME:

COMMENT: Gorgie Dalry Community Council (GDCC) have been consulted on the above application and have facilitated discussions around these proposals for the last few months.

We would like to preface our response with an acknowledgment regarding the community aspects of the scheme and pre-application discussions. The proposed community facility and garden will be of benefit to the local community and community groups, and we would like to thank the applicants for these being included. We do also appreciate the community engagement with ourselves and other groups, but we note that we were not included in any of the discussions with LOVE Gorgie Farm, Big Hearts or People Know How.

It is important to say that the GDCC and the local community welcome students to our area and appreciate all the current student residents who live within the GDCC boundary. Students play an important role in the local community, with many studying locally choosing to stay after finishing their studies. However, we have spent considerable effort to produce a community survey on the proposals, the results of which are the basis for our response below alongside the thoughts we have heard in our meetings.

Gorgie Dalry Community Council wish to object to the proposals due to the overwhelming opposition of local residents. 87% of our survey respondents indicated that they were opposed to the proposals.

The proposals are contrary to a number of policies within the Development Plan. Concerns around design and loss of existing features including the workshop ranges, gym hall, Janitors House and early extension. Single use aspect of the site is potentially unsustainable.

Consideration of Policy HOU 8 and the high concentration levels of student accommodation within the area. In the detailed analysis of datazones and provision of student accommodation there are significant increases in student population over the period since 2011.

The student population in Gorgie-Dalry in 2011 from both areas stood at 20%. 1,138 new Purpose-Built Student Accommodation have been built or approved since then using the Area 1 boundary and this would be an even larger 3,737 using the slightly larger Area 2. This is a rise in student numbers of 49% and 100% respectively. In terms of the immediate neighbourhood of the build (Gorgie East 02 Data zone) the student population would more than triple if the new development goes ahead, from 113 students or 15% of the population to 658 or 50% once built.

Both of these situations at the local and neighbourhood levels paint a picture of an already excessively high concentration of students and this further development will add yet more numbers. Making it yet harder to form a balanced community. From the applicants own documents they admit that students are likely not to stick around in the long term locally or even constantly through the year. This will form a transient community hollowed out twice a year during holiday breaks and with a guaranteed yearly rotating population.

Impact on transport infrastructure in the area.

DATE: 11 October 2021

NAME: Archaeology

COMMENT: The amended proposals still propose significant demolitions including some later extensions to the main building and the complete loss of other buildings on the site. Having assessed the scale and significance of the loss of these structures, as stated in 2021 although the loss of these latter (non-original) elements of the main school can be accepted and mitigated against (subject to the appropriate agreed archaeological works), the amended scheme will still seek to demolish the original B-listed workshop range. This is regarded as being a significant and adverse impact on the surviving heritage of the site and thereby contra to planning Policy ENV2. It is therefore recommended that this application is refused permission and consent and that this range is retained and converted in any future applications.

DATE: 14 June 2022

NAME: Communities and Families

COMMENT: Residential units used exclusively for students are not expected to generate at least one additional primary school pupil therefore a contribution towards education infrastructure is not required.

DATE: 26 July 2021

NAME: Historic Environment Scotland

COMMENT: No objections to the proposed development and welcome the repair and reuse of the main school, a long term vacant listed building. However, question whether a portion of the workshop range, that nearest McLeod Street, could be retained instead of the proposed 'landscaped area' in this position.

Recommend further details should be submitted as conditions, including the treatment of the external elevations, including the slate roof, harled facades, proposed new multi-pane sash windows, repair of the stained glass rooflight and salvage and reuse of materials.

DATE: 15 June 2022

NAME: Edinburgh Airport

COMMENT: No objections to the proposals. No conditions.

DATE: 20 June 2022

NAME: SEPA

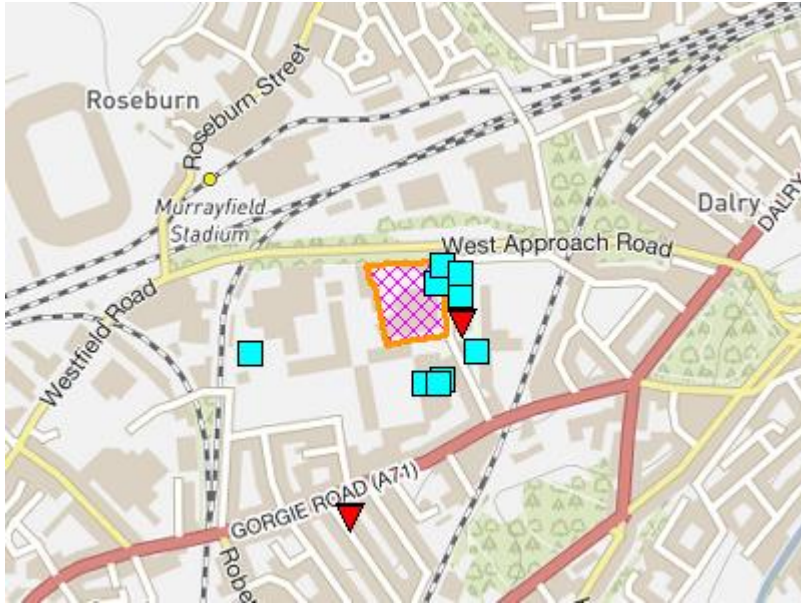
COMMENT: No further observations to previous consultation response.

DATE: 14 June 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).



## Location Plan



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