

Development Management Sub-Committee of the Planning Committee

10.00am, Wednesday 8 November 2023

Present:

Councillors Osler (Convener), Bennett (substituting for Councillor Beal), Booth, Cameron, Dalgleish, Mattos-Coelho, Jones McNeese-Mechan, Mowat and Mumford (substituting for Councillor Staniforth).

1. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in sections 4 and 6 of the agenda for this meeting.

Substitutions:

Councillor Bennett for Councillor Beal.

Councillor Mumford for Councillor Staniforth.

Requests for a Presentation

Councillor Booth requested a presentation in respect of Item 4.1 – 33-34 Castle Terrace, Edinburgh (Former) – application no. 23/02200/FUL.

Decision

To determine the applications as detailed in the Appendix to this minute.

(Reference – reports by the Chief Planning Officer, submitted.)

2. 14 Ashley Place, Edinburgh

The Chief Planning Officer had identified an application to be dealt with by means of a hearing for proposed purpose-built student accommodation with associated infrastructure and landscaping at 14 Ashley Place, Edinburgh - application no. 22/06251/FUL.

(a) (Report by the Chief Planning Officer)

Planning permission was sought for the erection of purpose-built student accommodation including amenity space, associated landscaping, and ancillary facilities.

The 'U' shaped building was 4-6 storeys high fronting Ashley Place on two sides with an internal courtyard. There was a small south facing garden fronting Ashley Place. The

building incorporated a roof terrace with the 5th storey set back from the Ashley Place frontage. The wing of the building overlooking the Elizafield Industrial estate was 4 storeys high with a roof garden.

The ground floor layout included the main entrance, internal amenity space, gym, cycle stores, plant, and bin store. The internal amenity space overlooked Ashley Place providing an active frontage to this part of the street.

Accommodation

The student accommodation provided 232 rooms in total. This consisted of 55 cluster flats (24%), 164 Studio Rooms (70%) and 13 accessible rooms (6%). The cluster flats each contained 5 bedrooms sharing a kitchen, dining, and living area. The amenity areas included a south facing garden of 195 sq. m, a 357 sq. courtyard, a 155 sq. m roof terrace - totaling 707 sq. and 252 sq. M internal amenity space.

Landscaping

The three main areas of landscaping included the internal courtyard, the roof top terrace and street garden. The courtyard included seating, three trees, shrubs, ornamental planting grass, and block paving. The roof terrace consisted of a sedum green roof, with ornamental planting and a seating area. The street garden was mainly ornamental planting with three trees, seating, and outdoor gym bars.

Cycle Parking

232 cycle parking spaces (100%) were provided for students on the ground floor level of the building and within covered cycle parking storage in the courtyard. The bike storage consisted of a mix of two-tier bike racks with assisted upper bike racks for 93 spaces (40%) and 93 spaces on the lower tier (40%) as well as 46 spaces on Sheffield stands (20%) with a 2-metre separation distance between them for non-standard bikes. There were an additional six spaces for visitor and short stay cycle parking at the main entrance to the building.

Sustainability

The roof terrace and upper roof would act as a blue roof attenuating, storing, and filtering rainwater. The two lower roofs would be extensive green roofs. Photovoltaics and air source heat pumps would also be provided at roof level, to provide heating and hot water for the development.

Waste

The existing site was asphalt with no remaining buildings on site for the reuse of materials. A target of 90% of the construction waste would be diverted from landfill and separated into key waste groups. All accommodation would be provided with recyclable

waste storage areas and space would be allocated in communal bin stores. Refuse collection would be by a private collection service.

Supporting Information

The following documents had been submitted in support of the application:

- Archaeology Assessment
- Design and Access Statement
- Geo-environmental Assessment
- Noise Impact Assessment
- PAC Report
- Planning statement
- Site Investigation Report
- Surface Water Management Plan and Flood Risk Assessment
- Sustainability Form
- Transport Statement

The presentation can be viewed in full via the link below:

[Development Management Sub-Committee - Wednesday 8 November 2023, 10:00am - City of Edinburgh Council Webcasts \(public-i.tv\)](#)

(b) Leith Central Community Council

Charlotte Encombe addressed the Development Management Sub-Committee on behalf of Leith Central Community Council. Ms Encombe indicated that in October 2019, the developer was granted planning permission to build 65 flats in an area which measured 0.2 hectares. 4 years later, the developer wanted to build 230 students' bedrooms almost on the same site, but it had reduced by 300 sq. metres, which was just below threshold that required the developer to build 50% housing.

There were issues with ownership of the site, circumventing the rules of the council by artificially reducing the size of the site allowing the developer to avoid providing 50% housing on site. This created a precedent for other developers to avoid building housing and build more student housing. In Leith and other areas, there was already a growth of student housing and shortage of other housing. The proposals for more student housing would impact on the community in Leith. There were already plans for over 5,000 student units in the pipeline, many of which would come to Leith, which was already densely populated. This trend was ruinous, local residents felt ignored, could not access services and the local community did not receive the benefits of the new housing.

In conclusion, this development would set a dangerous precedent and would cause more student housing on sites that had been artificially reduced. The local community wanted housing that met the requirements set by the Council, that 50 % was dedicated to housing and should respect and enhance the integrity of the local community.

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(c) Ward Councillors Caldwell and Rae

Councillor Caldwell addressed the Sub-Committee. He wanted to thank the developers for their engagement at the pre application stage.

This area was not part of the controlled parking zone (CPZ). Phase 2 of the CPZ would be considered by the Transport Committee. He had several concerns. Firstly, there were issues with the change of size, there were 2 previous PANS and more scrutiny was required. Secondly, there was considerable interest from the local community. Thirdly, the way in which the site fitted in with the 2008 Bonnington Development Brief. Fourthly, the previous consents were only for a car park. The previous 2021 application was a mixed development and was closer to the Bonnington Development Brief. Car parks in the current plan indicated the 2004 approval, which was out of the enforcement period to be built.

In summary, the LDP in 2016 required that 25% should be affordable housing on sites larger than 1/4 hectare, as well as there being a 35% affordable housing requirement in the City Plan. This was below this threshold and he was skeptical of the officer's justification for this.

Councillor Rae addressed the Sub-Committee, indicating that Councillor Caldwell had covered most of the technical questions, especially regarding the original Bonnington Brief. The Community Council had indicated that there was so much student housing in Leith and Leith Walk, that the services were being crippled and this was causing difficulties for residents. The other issue was that when students came to access their accommodation, it was causing chaos and brought the area to a standstill at least twice a year. This development seemed similar to other student developments, as it seemed to be a template for making money for developers. Although there was a housing emergency, in this area, there was only 13% social housing provision and people were being evicted from private sector rentals. While at the same time, the Council was permitting student developments.

She concurred with the previous speaker that members should look at the original development, that included housing. This should not be at 25% but at the Council's goal, which was at least 35%.

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(d) Applicants and Applicant's Agent

Hugh Shepherd (Scott Hobbs Planning), Daryl Teague (Glencairn Properties) and Kerri Nicol (ISArchitect) were in attendance in support of the application.

Kerrie Nicol indicated that she represented IS Architects who were the architects involved in the development and she would introduce the scheme. There might be some repetition with what the planning officer had already outlined and then she would hand over to Daryl Teague who was the developer from Glencairn Properties.

The proposed application sought to re-develop 14 Ashley Place into purpose-built student accommodation. This proposal was an amendment to the previously consented development and mirrored the consented massing and form, albeit for the change of use. The proposals retained the massing of the previous scheme, addressing Ashley Place, providing articulation at the prominent corner facing onto Tinto Place. This application introduced an additional wing which faced onto the Elizafield Industrial Estate. The new low-level wing also incorporated an accessible roof terrace.

The applicant then outlined the following issues:

- The top floor of the development was set back from the building edge on both Ashley Place frontages.
- The site had excellent connections to public transport, local shops and services and would be car free.
- Cycle parking for 232 cycles and secure parking areas was provided.
- The site had excellent access to local bus services.
- There would be good access to the transport network and the site met sustainable transport requirements.
- The proposed development was significantly below the 50% threshold set by the supplementary guidance for student accommodation.
- The development would not have a material detrimental effect on the living conditions of the nearby residents.
- The proposals did not prejudice the future development of potential of nearby neighbouring land.
- There was the potential for road access immediately to the north-west of the site, connecting the Elizafield Industrial Estate, access and Ashley Place.
- The new wing followed the established urban layout of perimeter blocks and build line off the street.
- The location of a gym and green walls, with proposed planting would provide ecological improvement and increased biodiversity.
- External amenity had been increased to 28% in the revised submission.
- External amenity was provided by way of the south facing area onto Ashley Place and internal courtyard and a roof terrace.
- The construction of both the roof terrace and the upper roof levels would act as blue roofs, which would further enhance biodiversity.

- There would be the provision of low carbon heat pumps, space for photovoltaics and swift bricks incorporated into the facades.
- The landscape proposals for the site would provide significant enhancement to the existing natural habitat.

In conclusion, it was felt that the proposed development met the requirements of the City of Edinburgh Planning and Design Guidelines. The site was excellently located in transport terms to accommodate the proposed student housing, adding vibrancy, contributing to the local economy and creating a diverse and mixed-use area. The application not only considered the immediate site but also the surrounding area, thus providing comprehensive development of both this site and providing a blueprint for a future regeneration.

Darryl Teague indicated that he wanted to provide some clarity to the site area where there had been some misunderstanding. So, while they had not received the previous planning permission, they started to conduct their community council negotiations and related to the consented scheme. Therefore, the area of car parking consented in the adjacent Miller Homes Application was actually included within the area in question. So, the latter scheme had sought to avoid this crossover with the consent and implemented development for Miller Homes next door.

There had been discussions with Miller Homes about the delivery of this parking and also the road link to complete the Ashley Place, which was what was mentioned earlier when talked about the RCC not being fully completed and the road not fully being adopted. So effectively, until they could complete their works, the road would not become adopted.

However, if they did have to deliver that element of the parking, as pointed out by the case officers, the student housing guidance referred to the development of area of sites of more than 0.25. hectares, having the condition of mixed residential and student accommodation. It was also noted that once the highway land was removed from that, their application site was actually 0.22 hectares, so the public area that was going to become adopted was not considered developed in this case, the site area was 0.22 hectares.

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Motion

To **GRANT** planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section C of the report by the Chief Planning Officer.

- moved by Councillor Jones, seconded by Councillor Mowat.

Amendment

To **REFUSE** planning permission as the proposals were contrary to LDP Policies Des 5(e), Hou

8(a) and Tra 3 and Tra 4, and Student Housing Guidance (para d), NPF4 Policy 13(b), and Cycle Fact Sheet C7.

- moved by Councillor Booth, seconded by Councillor McNeese-Mechan.

Voting

For the motion: - 3 votes

For the amendment: - 7 votes

(For the motion: Councillors Cameron, Jones and Mowat.

For the amendment: Councillors Bennett, Booth, Dalgleish, Mattos Coelho, McNeese-Mechan, Mumford and Osler.)

Decision

To **REFUSE** planning permission as the proposals were contrary to LDP Policies Des 5(e), Hou 8(a) and Tra 3 and Tra 4, and Student Housing Guidance (para d), NPF4 Policy 13(b), and Cycle Fact Sheet C7.

(Reference – report by the Chief Planning Officer, submitted.)

4. 33-34 Castle Terrace, Edinburgh (Former)

Details were provided of an application for a conversion from restaurant and alterations to form 7x serviced apartments including removal of plant and bars from windows and installation of new windows at 33-34 Castle Terrace, Edinburgh (Former) - application no. 23/02200/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the applications be granted.

Motion

To **GRANT** planning permission subject to the condition, reason and informatives as set out in section C of the report by the Chief Planning Officer.

- moved by Councillor Jones, seconded by Councillor Mowat.

Amendment

To **REFUSE** planning permission as the proposals were contrary to LDP Policy Hou 7 and NPF4 Policy 30 (e) (i).

- moved by Councillor Booth, seconded by Councillor Osler.

Voting

The voting was as follows:

For the motion: - 4 votes

For the amendment: - 6 votes

(For the motion: Councillors Bennett, Cameron, Jones and Mowat.).

For the amendment: Councillors Booth, Dalgleish, Mattos Coelho, McNeese-Mechan. Mumford, and Osler).

Decision

To **REFUSE** planning permission as the proposals were contrary to LDP Policy Hou 7 and NPF4 Policy 30 (e) (i).

(Reference – report by the Chief Planning Officer, submitted.)

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>4.1 – 33-34 Castle Terrace, Edinburgh (Former)</p>	<p>Conversion from restaurant and alterations to form 7x serviced apartments including removal of plant and bars from windows and installation of new windows - application no. 23/02200/FUL</p>	<p>To REFUSE planning permission as the proposals were contrary to LDP Policy Hou 7 and NPF4 Policy 30 (e) (i). (On a division.)</p>
<p>4.2 – 11 Circus Lane, Edinburgh, EH3 6SU</p>	<p>Proposed change of use from residential house to short-term let (in retrospect) - application 23/03105/FULSTL</p>	<p>To REFUSE planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>
<p>4.3 – 4 Crichton's Close, Edinburgh, EH8 8DT</p>	<p>Change of use - vacant office accommodation to 18 No. services apartments (Sui Generis). Alterations include internal partitions, new fire escape stair. New double glazing throughout, new protective barriers to allow for safe window cleaning / safe access onto balconies, minor external alterations to entrance to improve existing lobby roof - application no. 23/02908/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.4 – 31 Duddingston View, Edinburgh, EH15 3LZ</p>	<p>Erection of rear extension to dwelling house and installation of new mansard roof over entire extent of existing and extension footprint to create additional living accommodation on the upper floor - application no. 23/03375/FUL</p>	<p>To REFUSE planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.5 - 6 Picardy Place, Edinburgh, EH1 3JT</p>	<p>Application for non-compliance with Condition 1 of permission 21/05443/FUL. Removal/variation of condition sought to ensure the control and treatment of odours from the premises by utilising a recirculation unit; require ongoing maintenance of the odour control equipment and to limit the range of cooking equipment to that used by Taco Bell - application no. 23/02655/FUL</p>	<p>To REFUSE planning permission for the reasons set out in section C of the report by the Chief Planning Officer.</p>
<p>4.6 - Development At Pittville Street Lane, Edinburgh</p>	<p>Demolition of water tower and alterations to former laundry building. To be replaced with residential dwelling, with garage and garden deck (as amended) - application no. 20/04260/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.7 – Development at Pittville Street Lane, Edinburgh</p>	<p>Full demolition of water tower and partial demolition of former laundry building (as amended) - application no. 21/04594/CON</p>	<p>To GRANT conservation area consent subject to the conditions, reasons and informatives as set out in section C of the report by the Chief Planning Officer.</p>
<p>4.8 – 81 Rose Street, Edinburgh, EH2 3DT</p>	<p>Change of use from coffee shop (retail) to studio (short-term letting) - application no. 23/00868/FULSTL</p>	<p>To GRANT planning permission subject to the conditions and reasons as set out in section C of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>6.1 - 14 Ashley Place, Edinburgh, EH6 5PX - Proposed purpose-built student accommodation with associated infrastructure and landscaping - application no. 22/06251/FUL</p>	<p>Protocol Note by the Service Director – Legal and Assurance</p>	<p>Noted.</p>
<p>6.2 - 14 Ashley Place, Edinburgh, EH6 5PX</p>	<p>Proposed purpose-built student accommodation with associated infrastructure and landscaping - application no. 22/06251/FUL</p>	<p>To REFUSE planning permission as the proposals were contrary to LDP Policies Des 5(e), Hou 8(a) and Tra 3 and Tra 4, and Student Housing Guidance (para d), NPF4 Policy 13(b), and Cycle Fact Sheet C7.</p> <p>(On a division.)</p>