

Development Management Sub-Committee Report

Wednesday 11 January 2023

**Application for Planning Permission
23 Yeaman Place, Edinburgh, EH11 1BT.**

Proposal: Proposed demolition of existing buildings and structures and erection of a purpose-built student accommodation development, with associated active travel routes, landscaping, cycle parking and other associated infrastructure, as amended.

**Item – Committee Decision
Application Number – 22/03556/FUL
Ward – B09 - Fountainbridge/Craiglockhart**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee at the request of a local ward councillor, and 176 letters of objection have been received and it is recommended for approval. 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 Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposals will deliver Purpose Built Student Accommodation on a site which has a number of constraints, and though it infringes certain aspects of non-statutory guidance regarding neighbouring, sunlighting, cycle parking and student housing, the extent of this infringement is limited, and overall the proposals are acceptable subject to conditions. The proposals will deliver on a ramped access safeguard, replace the existing scrapyards use with another use of lesser impact on neighbouring amenity, encourage active and sustainable transport use, preserve the setting of nearby listed buildings, and contribute to the vitality of the Dundee Street Local Centre and to the regeneration of the wider area.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP), and is acceptable in relation to the development plan. No other material considerations outweigh the presumption to grant planning permission.

SECTION A – Application Background

Site Description

The application site comprises 2,787 sqm of land, located to the north of the Union Canal and bounded to the North, East and West by the rear gardens of tenements located on Dundee Street, Yeaman Place and Murdoch Terrace, with accesses onto Dundee Street and the southern end of Yeaman Place. The site is currently used as a scrap yard, is bounded by a boundary wall varying in height between approximately 3.9m and 1.6m to the North, East and West of the site, at different parts of the site boundary. A retaining wall is present to the south, forming part of the Union Canal, a Scheduled Ancient Monument. Three 1 to 2 storey buildings are present on site, used for both storage and office purposes, whilst tenement flats of between four and five storeys surround the site to the North, East and West. The Union Canal towpath is to the south of the site, between it and the Union Canal.

There are few natural features present on the site, though there are substantial level differences, including an approximately 2m level difference between the canal side and the Yeaman Place access, resolved by a substantial gradient between these areas and the centre of the site, and another substantial gradient between the central area and Dundee Street.

Two Listed Buildings are in proximity to the site, the Category C listed Walker Bridge (LB27293, 03/02/1993) to the southwest, and the Category B listed Fountainbridge Public Library (LB30322, 21/04/1995), which forms the North East corner of the rectangular block of buildings that surround the site.

The surrounding area contains a mix of uses, with commercial uses (including retail, restaurants, hot food takeaways and public houses) placed on the ground floor where present, and residential units above. Across Dundee Street from the site the Fountain Park shopping and entertainment centre, as well as a large office block. Several other Purpose Built Student Accommodation (PBSA) schemes are in close proximity to the site.

Description of the Proposal

The proposal is for the demolition of the existing buildings on the site, and the construction of 148 studio flats, ancillary uses, and associated infrastructure and landscaping. The flats will be purpose built student accommodation (PBSA), organised into four blocks of flats of between 3 and 5 storeys in height. Block 1 in the south east corner of the site is five storeys in height while block 2 in the south west corner of the site is four storeys in height. Blocks 3 and 4 which sit to the rear of tenements in Yeaman Place are predominantly three storeys in height with a step down to two storeys along their respective boundaries with properties in Murdoch Terrace and Yeaman Place. Two new access routes from the Union Canal towpath to Dundee Street, and to the southern end of Yeaman Place are proposed.

Ramped access to Yeaman Place will be facilitated by a path running under Block 1 from Yeaman Place into the centre of the site, and the access to Dundee Street from the towpath will pass through a central courtyard/amenity area. Amenity spaces will be provided, including three roof terraces, two enclosed courtyards, the central courtyard, and space by the canal, as well as internal amenity spaces.

Supporting Information

- Design and Access Statement (Revised)
- Planning Statement
- Waste Management Plan
- Surface Water Management Plan (Revised)
- Tree Survey
- Daylighting Study (Revised)
- Sustainability Statement
- Noise Impact Assessment (Revised)
- Air Quality Impact Assessment
- Bat Roosting Potential Survey
- Bat Survey and Assessment
- Union Canal Wall Survey Letter
- Archaeological Desk Based Assessment
- Heritage Assessment
- Transport Statement
- Materials Statement
- Landscaping Details Planting Tables
- Soil Volumes Arrangement
- Typical Soil Volume Buildups

Relevant Site History

93/00526/CLU

23 Yeaman Place

Edinburgh

EH11 1BT

Certificate of lawfulness for the use as a scrap recycling yard

Granted

12 May 1993

Other Relevant Site History

No other relevant site history was identified.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Natural Environment

Archaeology

Scottish Canals

Historic Environment Scotland

Merchiston Community Council

Policy

Transportation

Environmental Protection

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

Publicity and Public Engagement

Date of Neighbour Notification: 4 November 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 11 November 2022 29 July 2022

Site Notices Date(s): 8 November 2022 26 July 2022

Number of Contributors: 188

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 setting of the listed buildings?

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Setting
- Managing Change in the Historic Environment: Works on Scheduled Monuments

Historic Environment Scotland were consulted on the proposals and have raised no objections.

Walker Bridge

Constructed in 1896, Walker Bridge is a single span plate girder canal bridge, with a pierced arcaded cast-iron parapet and ashlar end piers with ball finials finished in Ashlar sandstone. Its setting is largely defined by the bridge's functional relationship to the Union Canal and the resulting street alignment.

The proposals will not detract from this functional relationship, and to a limited extent contribute to reinforcing the street alignment. The height and scale of the development matches with other buildings of tenemental scale directly across the canal and Yeaman Place from the site, whilst the placement of Blocks 1 and 2 contribute to the defined street pattern.

Fountainbridge Public Library

Constructed between 1937 and 1940 the Fountainbridge Public Library will be impacted by the proposed changes to the southwest and southeast of the building. The setting of the building however is largely defined by its status as the building on the northeast corner of the block of tenements that surrounds the application site. This status is respected by the scale, massing and location of the buildings proposed, and will provide new public access to areas that the rear of the building can be viewed from.

Cumulatively, the modern design of the new buildings creates a clear distinction from nearby buildings of more traditional design, whilst the new building's scale avoids challenging the prominence of the neighbouring townscape, which is the clearest expression of the setting of the library.

Conclusion in relation to the listed building

In light of the above, the proposal will not be of detriment of the setting of these listed buildings. The proposal is acceptable with regard to Section 59 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 Design policies: Des 1, Des 2, Des 3, Des 4, Des 5, Des 6, Des 7, Des 8 and Des 10;
- LDP Environment policies: Env 3, Env 8, Env 9, Env 15, Env 16 and Env 22;
- LDP Employment and Economic Development policy: Emp 9;
- LDP Shopping and Leisure policy: Ret 5;
- LDP Housing policy: Hou 8;
- LDP Transport policies: Tra 2, Tra 3, Tra 4 and Tra 9.

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering applicable LDP policies.

The non-statutory Student Housing Guidance is a material consideration that is relevant when considering LDP policy Hou 8.

The non-statutory Listed Buildings and Conservation Area Guidance is a material consideration that is relevant when considering LDP policy Env 3.

Setting of Listed Buildings

The impact on setting of neighbouring listed buildings has been assessed in section a) above which concluded that the setting of the listed buildings would be preserved. As the proposal complies with the statutory test, it therefore also complies with LDP policy Env 3.

Principle of development

Location of Student Housing

The site has appropriate access to educational facilities via a range of sustainable transport modes.

Edinburgh Napier's Merchiston Campus is a 12-minute walk, whilst the Edinburgh College of Art is a 21-minute walk. Additionally, Edinburgh Napier's Craiglockhart Campus, Edinburgh University's Old College and George Square are all within approximately 10-minute cycle. National cycle route 75 passes along the Union Canal towpath to the immediate south of the site.

Bus routes pass along Dundee Street to the site's immediate north, 5-minute walk away on the Western Approach Road and 5-minute walk away along Polwarth Gardens/Gilmore place.

Whilst the site is not located within or adjacent to a main student campus, the site has a developable area of less than 0.25ha and is not identified as having high probability of delivering housing. As such criteria c) of the Student Housing Guidance does not apply.

Student concentration

The Student Housing Guidance states that where the student population is dominant, exceeding 50% of the population, there will be a greater potential imbalance within the community. While there is no definition of what constitutes an area for the purposes of calculating student population, the data zones from the 2011 census area provide a reasonable basis for determining this, however as these data zones are tightly drawn, considering them in isolation does not give an accurate reflection of the population demographic within the local area. As such it is normal procedure to use the data zones that fall within an 800m radius, an approximate 10 minute walk from the application site. Using this method considers a wider catchment and provides a more accurate representation of the local population.

When considering this area, the 2011 census shows an overall population of 24,077, and a student population of 5,729, or 23.8%. Post-2011 however, population estimates become less certain, and so only a maximum concentration of students can reasonably be arrived at. Adjusting for consented developments in the area to 2020, and therefore not accounting for any displacement impact from new housing and assuming all new development is fully occupied, results in a 2020 estimated overall population of 27,288 and a maximum estimated student population of 7,707, or 28.2%.

Post-2020, assuming that overall population change is equal only to newly constructed PBSA, not accounting for any displacement impact from the introduction of new PBSA, and assuming all PBSA is fully occupied, results in an estimated overall November 2022 population of 27,928, and an estimated student population of 8,347, or 29.9%. Should the application be granted the estimated population would therefore rise to 28,076, and the estimated student population rise to 8,495, or 30.3%, a percentage increase of 0.4%.

This is below the 50% threshold at which CEC's Student Housing Guidance states there will be a greater potential imbalance within the community and therefore an excessive concentration of students.

Accommodation type mix

100% of the proposed units are studio accommodation. This is contrary to the requirement in CEC's Student Housing Guidance which encourages a mix of studio and cluster units to meet the varying needs of students.

In an Explanatory Note submitted on the 27th October, the applicant notes the proportion of studio apartments granted in other PBSA nearby, arguing the addition of greater numbers of studio flats will compliment the available housing mix in the area, as well as citing applications at 7-9 Lower Gilmore Place (20/02976/FUL) and at 4B East Newington Place (21/06470/FUL) which have been granted planning permission despite containing only studio flats.

It should be noted that the Student Housing Guidance is non-statutory guidance. Whilst it is a material consideration, it is not part of the development plan, and therefore has less weight than the statutory provisions of the LDP, specifically Policy Hou 8.

Coordinated development & the Dundee Street Local Centre

The proposals will not result in compromising the effective development of adjacent land or the comprehensive development and regeneration of a wider area. Indeed, the improved pedestrian permeability provided by the site, particularly in delivering ramped access from The Union Canal towpath to the southern end of Yeaman Place, is an aspect of planning gain, increasing the accessibility of nearby land.

Part of the site is included in a defined Local Centre, and the proposal is likely to have a positive impact on the Local Centre's function, helping to increase the number of people visiting local businesses. Taken together, the development is likely to contribute to the regeneration and improvement of the local area, due to the economic benefit to local businesses and the proposals not prohibiting or inhibiting the activities of any nearby employment use.

The application therefore complies with LDP policies Des 2, Emp 9, Ret 5 and Hou 8. However, it must be noted that it infringes Student Housing Guidance in regard to mix of type of accommodation.

Design

The site is primarily designed around a proposed new link from the Union Canal to Dundee Street, referred to as Yeaman Place Lane, and the construction of a terminating tenement to the Yeaman Place terrace. This terminating terrace, Block 1, respects a continuation of the increase in ridge height and eaves established on Yeaman Place and onto Polwarth Crescent, whilst matching the height of buildings across the road. Block 2 continues the arrangement of buildings along the canal, matching in scale the terminating tenements of Murdoch Terrace, Gibson Terrace and other buildings across the canal. Blocks 3 and 4 will be of a smaller scale and massing, three storeys high when facing the middle of the site and proposed lane, and two storeys high when abutting the boundary wall. This reflects the backland nature of the site, and represents an attempt to balance townscape, character, density and neighbouring amenity.

The buildings will be finished with a mix of brick, sandstone, and aluminium cladding, materials that are common in the surrounding area. Sandstone is used where Blocks 1 and 2 face Yeaman Place and the Union Canal, which contrasts well with the proposed use of brick towards the middle of the site for the internal Yeaman Place Lane elevations of Blocks 1 and 2, and for Blocks 3 and 4, helping to differentiate Yeaman Place Lane from the surrounding roads. The aluminium metal roof and windows mirror the modern nature of the design and are typical of other more modern buildings in the area.

The layout of the Active Travel route encourages ease of movement, meets design standards described in the Edinburgh Design Guidance, and meets applicable standards for emergency service vehicle access. Level access will be provided for active travel modes from the Union Canal to Dundee Street, passing through a courtyard area in the centre of the site, whilst the pend on the new ramped access route between Yeaman Place and the Union Canal improves permeability. The site's design reflects its historic environment and uses this and other design treatments as an element in the creation of a sense of place for the development, making use of the canal retaining wall that will remain, and reusing material from the retaining wall at prominent ground floor locations where it will be most visible. A mix of hard and soft landscaping throughout the site is provided to help enhance the publicly accessible amenity space and will result in attractive areas of public realm that link well with the canal.

Security considerations have been incorporated into the design as it is noted that the pend in particular may present issues. Mitigation measures include the use of a glazed frontage along the pend's southern wall, aiming to activate the area as much as possible with the placement of an ancillary office area and main staircase in Block 1 so that they have visibility into the pend, through the result is somewhat limited. Street lighting is to be provided throughout the site, and a condition has been attached to ensure this will be for 24 hours a day. The additional foot traffic that is likely to pass through the area given the number of people that will be living on the site, and the link to the Union Canal will additionally help mitigate security concerns.

A sustainability statement has been provided, showing that the development complies with points a) and b) of policy Env 6, exceeding the minimum sustainability standards.

In light of the above, the design concept draws upon positive characteristics of the site and its surroundings, responding effectively to design constraints posed by site specific factors. Its response to scale, form and position is appropriate to the townscape character and will help create a sense of place. Overall, it complies with LDP policy Des 1, Des 3, Des 4, Des 6, Des 7, Des 8, and Des 10.

Amenity

Daylight

The development will result in a reduction in the amount of daylight that many neighbouring residential properties receive. However, the applicant has been able to demonstrate that where the new buildings rise above a 25° line drawn in section from the horizontal at the mid-point of the existing windows, a Vertical Sky Component of greater than 0.8 of the window's former value is maintained, or, as the site is within one of the more densely planned parts of Edinburgh, the minimum Average Daylight Factor specified in the Edinburgh Design Guidance is met.

Sunlighting

The development will result in a reduction in the amount of sunlight that many of the surrounding gardens receive. The Design and Access Statement demonstrates that four of the seventeen surrounding gardens are brought below the requirement described in the Edinburgh Design Guidance. Public comments note the amenity value residents derive from the use of their gardens and the importance they place on sunlight to enable the amenity benefits of these spaces.

However, this should be understood in the context of the high-density characteristics of the townscape, and the impact that planting has on the sunlight that currently reaches the gardens, not quantitatively accounted for in the applicable calculations in the Design and Access Statement.

The proposals include several areas of new amenity space. The canal side amenity area and roof terraces meet the requirements described in the Edinburgh Design Guidance, however the central square marginally fails to do so.

On balance this degree of impact and the level of infringement of guidance is acceptable.

Privacy

Many public representations raise concerns about privacy, noting their concern that new residents will be able to see into windows and rear gardens. However, on balance the development is designed such that the privacy of neighbours is not unreasonably impacted. New windows are arranged so that bedroom windows either face away from neighbouring windows, or are generally set back 16.2m away from the nearest existing window, with four bedroom windows being less than this, two 14.8m away, and two 14.6m away. Windows providing light to circulation areas are closer than this however, the closest being 14.2m away.

Regarding gardens, whilst there will be a level of overlooking caused, windows overlooking gardens are set back appropriately, and the gardens in question are not spaces where total privacy can be reasonably expected, as they are communally shared with other properties in the respective tenement block and are already overlooked by other properties along the terrace.

Additionally, screening is provided in many of the gardens which helps mitigate potential privacy impacts, as many feature substantial planting and mature trees. The roof terraces to be provided are also arranged such that they overlook the canal or other publicly accessible spaces rather than gardens.

Noise, air and water quality, and contaminated land

The Air Quality Impact Assessment, Noise Impact Assessment and Surface Water Management Plan provided demonstrate that impacts on local air quality, water quality and noise are acceptable, typically improving on the amenity impacts of the former scrapyards use. A condition has been attached to account for any potential land contamination that may have resulted from the former uses of the land.

When considering the different aspects of LDP policy Des 5 overall, and assessing the proposals against the Edinburgh Design Guidance, the development will result in limited adverse amenity impacts on neighbours. However, when taken in the round, and set against the amenity impacts of the site's current use as a scrapyards, it can reasonably be concluded that there will be a neutral impact on amenity, despite the infringement of guidance. The policy complies with LDP policy Des 5.

Transport

Motor vehicle parking

No motor vehicle parking is proposed, which complies with the relevant standards for PBSA in the Edinburgh Design Guidance. The site has good levels of access to public transport, education and local amenities, adding credibility to the anticipation in the submitted Transport Statement that trips generated will mostly be by public and active transport modes.

The proposal discourages reliance on private car use through no car parking provision in a sustainable location. Public representations note their concern that the development will have a detrimental impact on nearby traffic flow and motor vehicle parking availability, particularly with regard to deliveries. However, given that the previous use of the land, and that it is anticipated that low numbers of motor vehicle movements will be generated, it is likely that the proposals will result in a net loss in vehicular trips, whilst as the site lies within Controlled Parking Zone S4 it is unlikely that there will be substantive amounts of additional motor vehicle parking in neighbouring streets resulting from the development.

Cycle parking

The proposal includes 148 long-stay cycle spaces internally on the ground floor of Block 2, which complies with Edinburgh Design Guidance standards of one space per one bed and location. A range of cycle parking is proposed including 67% two-tier cycle racks, 22% Sheffield stands, and 11% vertical racks. Greater than 20% of cycle racks will be suitable for non-standard cycles. The proportion of two-tier cycle racks is a deviation from guidance set out in CEC's Technical Manual factsheet C.7 Cycle Parking in New Developments, and as such a condition has been attached to ensure the acceptability of the application in this regard.

In addition, provision for 6 short-stay cycle spaces is included via 3 Sheffield stands in canal side area at ground floor.

Road and pedestrian safety

Public representations note their concern that there are potential safety issues in regard to the new active travel route provided. Transport officers have been consulted on the proposal and have raised no objections, whilst no new accesses to Dundee Street or Yeaman Place are to be created. Danger resulting from the new access created onto the Union Canal towpath has also been considered, however the applicant has demonstrated that there is sufficient visibility and sightlines at the site's egress onto the Union Canal towpath to mitigate the risk.

Access Safeguard

The development site includes land which is designated as a ramped access Cycleway / Footpath Access Safeguard in the LDP. This will be delivered by the proposals, providing ramped access from Yeaman Place to the Union Canal towpath, via the pend delivered under Block 1.

The proposal complies with LDP policies Tra 2, Tra 3, Tra 4, and Tra 9.

Archaeology and Scheduled Ancient Monument

The site has been identified as within an area of archaeological significance both in terms of its nationally important built/archaeological heritage and buried archaeological potential. Edinburgh Council's Archaeologist notes the potential impact on Walker Bridge; any remains of the former mission hall and its early 20th century replacement, given the current building shares the same footprint as these; and remains relating to the 19th and 20th century industrialisation of Fountainbridge and the construction of the Union Canal.

The proposals include the demolition of a section of the Union Canal wall, which forms part of the Union Canal Scheduled Ancient Monument, however following consultation with Historic Environment Scotland, Scottish Canals and Edinburgh Council's Archaeologist, no objections have been raised. The partial demolition is limited in scale and reduced to the minimum extent necessary to enable to acceptability of the development in respect of other considerations, and whilst damaging to the canal's material fabric, the proposals will likely result in an enhancement to its setting and character.

No objections have been raised to the works subject to a condition requiring the submission and approval for a programme of archaeological works. A condition has therefore been attached to ensure the acceptability of the application in this regard. An informative has been included regarding the need for Scheduled Monument Consent.

The application complies with LDP policies Env 8 and Env 9.

Biodiversity

Bat roosting

Due to the location and characteristics of the site bats are the only protected species applicable. A preliminary roost assessment and bat surveys have been submitted. Though the site is accessed as having a high potential for bat roosting, no evidence of bat roosts has been identified. Therefore, it is considered bats are not a constraint to the development.

In light of the above, the proposal complies with LDP policy Env 16.

Conservation

A designated Local Nature Conservation Site is located to the immediate south of the site, covering a section of the Union Canal and its banks. The current use of the site as a scrapyard is likely of little biodiversity value, and though the proposals are unlikely to substantially improve this, as the provision of several trees, low level planting and green roofs will only be of minor benefit, it is unlikely the proposed development will have a negative impact on the Local Nature Conservation site.

The proposal complies with LDP policies Env 15.

Waste

The applicant has confirmed refuse from the development will be subject to commercial collection.

Conclusion in relation to the development plan

Overall, the proposal is acceptable with regard to the development plan. Whilst the development infringes certain elements of the Edinburgh Design Guidance regarding neighbouring amenity, cycle parking and student housing, the scale of the infringements in each case is limited, and overall acceptable subject to conditions. The proposals will preserve the setting of the listed buildings, contribute to the Dundee Street Local Centre, result in several comparative amenity benefits compared with the previous scrapyard use, deliver a ramped access safeguard, and is compatible with biodiversity policy.

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

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited 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

188 public representations were received, of which 166 were in objection, 13 were in support, and 9 were neutral towards the application.

material considerations objections

- Over concentration of student accommodation and overdevelopment. Addressed in Section C.
- Not compliant with Student Housing Guidance. Addressed in Section C.
- Negative impact on the setting of nearby listed buildings and scheduled monument, and of the demolition of a former church building. Addressed in Section C. The former church building is not a Listed Building.
- Development will not be adaptable to the future needs of different occupiers. The proposals could feasibly be adapted to different uses.
- Negative impact on the community and character of the local area. Addressed in Section C.
- Design Issues - height, massing, architectural style and quality, materials, out of keeping with the area/townscape, high housing density, and room size. Addressed in Section C.
- Landscaping and lighting issues. Addressed in Section C.
- Neighbouring amenity concerns. Addressed in Section C. Ambient heat amenity is not protected.
- The Noise Impact Assessment, Daylighting Assessment, Sunlighting Assessment and Transport Statement are insufficient, or use an unacceptable methodology. The assessments have been amended as necessary to provide sufficient information for the application to be assessed.
- Concerns about increased crime, anti-social behaviour and security. Crime and anti-social behaviour are matters for Police Scotland, Security impacts of the development's design have been addressed in Section C.
- Concerns about increases in carbon emissions. Addressed in Section C.
- Inadequate local waste infrastructure. Addressed in Section C.
- Will increase pedestrian and motor vehicle congestion. Addressed in Section C.
- Insufficient provision of parking and disabled parking. Addressed in Section C.
- Road safety and access concerns regarding illegal parking, new active travel connections, street clutter and waste collection. Illegal parking is a matter for Police Scotland. Road safety impacts have been addressed in Section C.
- Poor access to the site and Active Travel route design is poor. Addressed in Section C.
- Inadequate access and space to manoeuvre for emergency service vehicles. Addressed in Section C.

- Concerned about increased pressure on local public services (health and education) and on Active Travel Route deliverability. The necessity of applying planning obligations of this type was assessed and it was not considered necessary for the application's acceptability.
- Negative local economic impact. Addressed in Section C.
- Negative impact on wildlife and trees. Addressed in Section C.

non-material considerations objections

- Public opinion and perceived nationality of new residents.
 - Development ownership.
 - Developer and Edinburgh Council motivations, allegations of corruption.
 - Tax receipts from students.
 - Loss of residential accommodation and insufficient non-student housing.
 - Sufficient student accommodation in Edinburgh.
 - Purpose Built Student Accommodation can only be rented by students.
 - Impact on the value of neighbouring properties, local rental prices and the rents of the new flats will be too high.
 - Reduction to height of the party wall to the rear of 17 Yeaman Place.
 - Neighbouring amenity impacts of construction.
 - The proposals should be for a different type of development.
 - Insufficient public consultation and non-compliance with the Edinburgh Development Concordat. The applicant and Edinburgh Council have complied with the statutory obligations in relation to public consultation and the provisions of the Edinburgh Development Concordat.
 - Does not deliver Union Canal to Yeaman Place ramped access safeguard, and as such discriminates against disabled people. The application has been amended to deliver the ramped access safeguard.
 - Non-compliant with City Plan 2030.

Statements of support

- Supports the development of student accommodation on the site.
- The proposal will be of benefit to students who study at nearby universities.
- The design is acceptable, of good appearance, creates a sense of place, and will be positive for security.
- Supports the landscaping approach near the site's Union Canal egress and an improved frontage to the canal.
- Supports the provision of ramped access between the Union Canal towpath and Yeaman Place.
- Supports the provision of the central courtyard, as this will be well used.

Conclusion in relation to identified material considerations

The material considerations identified do not outweigh the application's acceptability in relation to the development plan.

Overall conclusion

The proposal is acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposals will deliver Purpose Built Student Accommodation on a site which has a number of constraints, and though it infringes certain aspects of non-statutory guidance regarding neighbouring sunlighting, cycle parking and student housing, the extent of this infringement is limited, and overall the proposals are acceptable subject to conditions. The proposals will deliver on a ramped access safeguard, replace the existing scrapyards use with another use of lesser impact on neighbouring amenity, encourage active and sustainable transport use, preserve the setting of nearby listed buildings, and contribute to the vitality of the Dundee Street Local Centre and to the regeneration of the wider area.

The proposal complies with the policy principles of sustainable development set out in Scottish Planning Policy (SPP), and is acceptable in relation to the development plan. No other material considerations outweigh the presumption to grant planning permission.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
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 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.

3. The noise from the proposed ASHP plant shall meet the maximum output levels as detailed in Table 9 of the ITP Energised Noise Impact Assessment (Project 5095, v2 dated 11-11-2022).

4. The proposed lift shafts shall be made with reinforced cast in situ concrete (2340kg/m³) of 200mm thickness. In bedrooms adjacent to a lift shaft an independent lining shall be installed on the shaft side of the bedroom wall to reduce the impact of re-radiated noise due to vibrations from the lift movement. The guide rails of lifts must be isolated from the structure.
5. No demolition, development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis, reporting, publication, preservation/conservation, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
6. 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.
7. A detailed specification, including trade names where appropriate, of all the proposed external lighting shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; external lighting on the site will operate during night time hours, these hours being 30 minutes after sunset to 30 minutes before sunrise each day.
8. Notwithstanding the permitted development rights under Schedule 1, Part 2 Sundry Minor Operations of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 (as amended), no gate, fence, wall or other means of enclosure, shall be erected that would inhibit access from the towpath of the Union Canal, access from Dundee Street, or access from Yeaman Place.
9. Notwithstanding what is shown on the approved plans, a minimum of 148 cycle parking spaces in a secure and under cover location will be provided, with a minimum 50% in single tier racks and a minimum of 20% for nonstandard cycles.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure the site is made safe for the proposed use.
3. In order to protect residential amenity.
4. In order to protect residential amenity.
5. In order to safeguard the interests of archaeological heritage.
6. In order to enable the planning authority to consider this/these matter/s in detail.
7. In order to protect public safety and residential amenity.

8. To ensure the active travel route link;
9. In order to comply with Local Development Plan Policy Tra 3 in respect of Private Cycle Parking ;

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. This consent is for planning permission only. Work must not begin until other necessary consents, eg Scheduled Monument Consent, have been obtained.
4. Particular attention must be paid to ensuring that emergency service and refuse collection vehicles are able to service the site.
5. The applicant should ensure that public utilities are located so as to ensure emergency service access to the site at all times;
6. The applicant should note that:
 - a. bollards, gates or similar access restrictions are not considered acceptable for the site and will not be permitted under road construction consent;
 - b. waiting and loading restrictions will be required for the site;
 - c. a Quality Audit, as set out in Designing Streets, will be required prior to the grant of Road Construction Consent;
 - d. new road names may be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;
7. As the development is student housing, they will not be eligible for residential parking permits in accordance with the Edinburgh Council Transport and Environment Committee decision of 4 June 2013.
8. All accesses should be open for use by the public in terms of the statutory definition of 'road' and the subject of applications for road construction consent.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 20 July 2022

Drawing Numbers/Scheme

01B, 02-04, 05B, 06B, 07A, 09B, 10B, 11A, 12A, 13B-18B,19A, 20A, 21B, 22A, 23A, 24B-27B, 28A - 30A, 31B-41B, 42A,43A, 44B, 45B, 46-49, 50C, 51A, 52, 53, 54B, 55A, 56, 57,

Scheme 4

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: James Armstrong, Assistant Planning Officer
E-mail:james.armstrong@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Natural Environment

COMMENT: Require bat presence/absence surveys. Surveys Completed.

DATE: 27 July 2022

NAME: Archaeology

COMMENT: No objection subject to the application of the recommended condition.

DATE: 3 August 2022

NAME: Scottish Canals

COMMENT: Supports the development. Provides detailed comments on links to the towpath, public realm and non-planning related matters for agreement between the developer and Scottish Canals,

DATE: 15 August 2022

NAME: Historic Environment Scotland

COMMENT: No objection. We are content that the proposed development would not have an adverse impact on the setting of the scheduled monument. Need to apply for Scheduled Monument Consent.

DATE: 10 October 2022

NAME: Merchiston Community Council

COMMENT: Objects to the height, massing, materials and design quality.

The development represents overdevelopment and intrudes into the intended garden space of the tenements of Yeaman Place and Murdoch Terrace.

The new buildings will be overlooked and provide unacceptable levels of amenity for the new residents. Does not comply with City Plan 2030.

Scrapyard only operates during normal working hours and is required to observe Environmental Health regulations.

Application does not meet the housing needs of the area. There is ample student housing within the vicinity.

DATE: 25 November 2022

NAME: Policy

COMMENT: Provided data on student housing concentration. Updated 18.11.2022.

DATE: 18 November 2022

NAME: Transportation

COMMENT: No objection subject to the application of conditions and informatives.

DATE: 12 December 2022

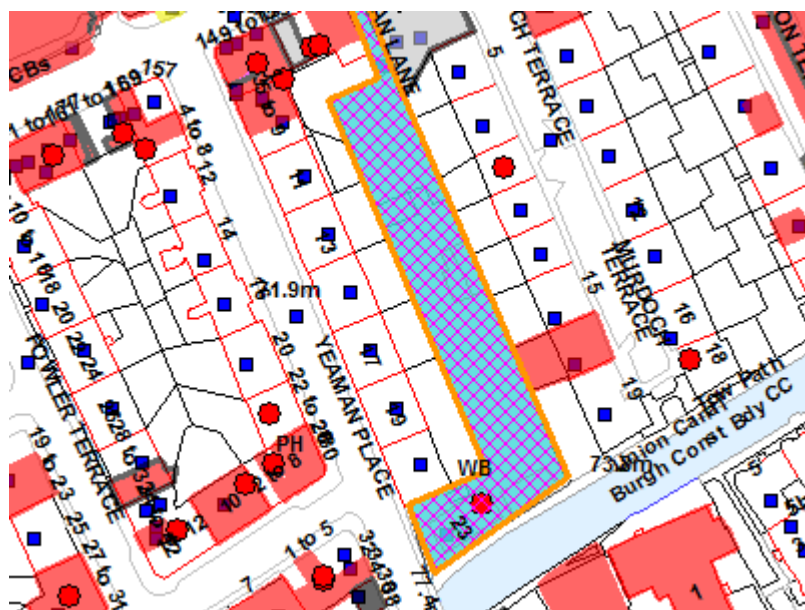
NAME: Environmental Protection

COMMENT: No objection to the application of recommended conditions.

DATE: 22 November 2022

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

Location Plan



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