

Development Management Sub-Committee Report

Wednesday 6 December 2023

**Application for Planning Permission
72 - 74 Eyre Place, Edinburgh, EH3 5EL**

Proposal: Erection of student accommodation with associated amenity space, access, cycle parking, disabled car parking and landscaping.

**Item – Committee Decision
Application Number – 23/04048/FUL
Ward – B05 - Inverleith**

Reasons for Referral to Committee

The application is subject to 460 representations objecting to the application. Consequently, under the Council's Scheme of Delegation the application must be determined by the Development Management Sub-Committee as the recommendation is for approval. Due to the community interest in the application a hearing has been proposed by the Chief Planning Officer.

Recommendation

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

Summary

The application for development is acceptable with regard to Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and mostly complies with relevant policies contained within both NPF 4 and the Edinburgh Local Development Plan. The proposals will deliver a sustainable student residential scheme that will contribute to climate mitigation and adaptation and the restoration and enhancement of biodiversity. The design draws on the character of the surrounding area to create a strong sense of place and is makes use of appropriate design and materials. Nonconformities with the relevant non-statutory guidance in relation to sunlight to neighbouring gardens, daylight and use of land for student housing are justified. The proposals, preserve the character and appearance of the conservation area. There are no material considerations which outweigh this conclusion.

SECTION A – Application Background

Site Description

The proposal relates to a vacant plot located on the east side of Eyre Place Lane to the south of Eyre Place. The site covers an area of 0.16 hectares and was formerly in use as a builders' merchant/yard (Class 6). The former builders' yard has been sub divided into two for the purposes of redevelopment, and this application relates to the northern section. Buildings and structures relating to this former use have mainly been demolished and consisted of single storey warehouse buildings and stock display areas. A children's activity centre, forming part of King George V Park and known as The Yard, is located to the south of the site.

The site is located outwith, but abutting, the boundary of the New Town Conservation Area which bounds the site to the west side of Eyre Place Lane. The southern section of the builders' yard, outwith the boundary of this application site, forms part of a Historic Garden Designed Landscape - Inventory Site: New Town Gardens and Dean.

Description of the Proposal

The application proposes the erection of a purpose built student accommodation (PBSA) block. A total of 139 studio units are proposed.

The proposals will include communal internal amenity space for future occupiers of the development. This includes spaces on the ground, first, second and fourth floor with a combined area of 226 square metres with uses such as social lounges, gym, and games rooms.

The new building will be five storeys in height at its frontage with Eyre Place, and this steps down to three storeys along the return when travelling along Eyre Place Lane. The middle part of the building will include a saw-tooth roof which will include solar panels on the south facing elements with other elements featuring a flat roof. Roof terraces will provide additional amenity space for occupiers with an area of 171 sqm. A smaller scale element of the building is proposed on its eastern side which is three storeys with a flat blue/green roof. At ground floor level, this part of the building is separated by a pend from the main block and contains ancillary uses such as plant rooms and bin stores.

Proposed materials include a predominantly sandstone finish to the front elevation facing Eyre Place. As the building steps along Eyre Place Lane and to the side and rear elevations, the proposed block will have a brick finish with areas of gold effect cladding. To the top floor of the block grey standing seam cladding is proposed.

One off street car parking space is proposed which will be restricted for use by blue badge holders. Cycle parking provision will be at a rate of 100% with 139 spaces proposed within an internal, secured access, store in line with the Edinburgh Street Design Guidance. The bike store has allowed for varied types of bike racks to accommodate a range of bikes and locking systems and will comprise of;

- 64 two tier racks (46%);
- 47 vertical racks (34%);
- 28 non standard bike racks (20%) comprising 12 standard Sheffield stands, 8 wide Sheffield stands and 8 bike lockers.

In addition, two areas with a total of 5 Sheffield stands will provide informal and visitor parking for 10 bikes and are located adjacent to the pend and main entrance.

Supporting Information

- Design and Access Statement;
- Planning Statement;
- Flood Risk Assessment and Surface Water Management Plan (SWMP);
- Ground Investigation Report;
- Archaeology Report;;
- Heritage Statement;
- Air Quality Impact Assessment
- Noise Impact Assessment;
- Daylighting Study;
- Transport Statement;
- Sustainability Statement;
- Bat Roost Survey.

These are available to view on the Planning and Building Standards Online Service.

Relevant Site History

22/03834/FUL

72 - 74 Eyre Place

Edinburgh

EH3 5EL

Erection of student accommodation with associated amenity space, access, cycle parking and landscaping (142 studio flats) (as amended).

Appeal Dismissed

15 February 2023

Other Relevant Site History

An appeal against non-determination of a previous planning application for student housing on this site was dismissed by a Reporter on 14 June 2023 (PPA-230-2408). The Reporter concluded that although the principle of student accommodation on the site was acceptable, the application was refused on the following specific grounds;

- the Reporter was supportive of the height of the proposed development along Eyre Place. The primary concern related to the 5-6 storey return of the building on Eyre Place Lane, where it was considered to not respond to the sense of place;
- insufficient levels of residential amenity to neighbours by loss of sunlight to garden ground;

- the Reporter considered the noise arising from unregulated use of outdoor communal spaces in the late evening to have a potential impact on neighbouring residents;
- the Reporter had concerns with privacy levels at the rear of 76-78 Eyre Place where the distance between 76-78 Eyre Place and the 1st/2nd floor windows of proposed eastern wing of the development was found to be 9-13m.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Scottish Water

Environmental Protection

Waste Services

Historic Environment Scotland

Flood Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 8 September 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 15 September 2023

Site Notices Date(s): 12 September 2023

Number of Contributors: 506

Section B - Assessment

Determining Issues

Due to the proposed development falling within a conservation area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- 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 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

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:

- 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 character or appearance of the conservation area?

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

Managing Change: Setting

- Managing Change: Gardens and Designated Landscapes

The proposed development site lies outwith, but directly adjacent to the boundary of the New Town Conservation Area. The conservation area boundary runs along the length of Eyre Place Lane and along the southern boundary of the site adjoining 'The Yard' and extends over King George V Park. As a result of the proximity of the site to the conservation area, any development has the potential to impact on its setting.

The 'New Town Conservation Area Character Appraisal' identifies that there are a number of key areas of setting and edges to the conservation area. The area around the application site is not identified as a key gateway to the conservation area and the proposals will not impact on any significant vistas and views. A Heritage Statement has been submitted with the application which identifies and provides an assessment on the impact of the proposals on nearby heritage assets which lie within 500 metres of the site. The statement identifies that the northern part of the New Town Conservation Area, has a different character to the formal planned areas to the south. As a result, the proposals would have a low adverse impact on the setting of existing built heritage.

The southern end of the existing builders' yard, outwith the boundary of this application site, and subject to a parallel application for residential uses, is designated as part of the Historic Garden Designed Landscape - Inventory Site: New Town Gardens and Dean. The boundary of this designation also runs along Eyre Place Lane itself adjoining the application site. The proposals will involve the redevelopment of an existing vacant brownfield site within an existing urban area. The site is not directly adjacent to any areas which are part of the historically designed public and private open spaces which characterises this designation. Historic Environment Scotland have been consulted and have no concerns in relation to the impact of the proposals on the designed landscape. The proposals will have a neutral impact on the setting of the designed landscape.

Conclusion in relation to the conservation area

The proposals are acceptable with regards to Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as the works will preserve the special character and appearance of the conservation area.

b) The proposals comply with the development plan?

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF4. The relevant policies to be considered are:

- NPF4 Climate and nature crises policies 1, 2, and 3;
- NPF4 Historic assets and sustainable places policies 7, 9, 12 and 13;
- NPF4 Successful places policies 14, 15, 16, 20 and 22;
- LDP Design Policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 6, Des 7, Des 8, Des 11;
- LDP Housing Policies Hou 1, Hou 8;
- LDP Environment Policies Env 21, Env 22;
- LDP Transport Policies Tra 2, Tra 3, Tra 4;
- LDP Employment Policy Emp 9;
- LDP Resources Policies Rs 1;

The non-statutory Edinburgh Design Guidance and non-statutory Student Housing guidance are material considerations relevant when considering the above policies.

Principle

Policy NPF4 Policy 16 lends support for development proposals for new homes, that improve affordability and choice, are adaptable to changing and diverse needs which address identified gaps in the provision, and which includes proposals for student housing.

Within the urban area, LDP Policy Hou 1 gives priority to the delivery of housing land supply and the relevant infrastructure on suitable sites in the urban area provided proposals are compatible with other policies in the plan. The proposal for residential student flats at this site complies in principle with the requirements of this policy (subject to other policy considerations). LDP Policy Hou 8 (Student Accommodation) supports the development of purpose-built student accommodation subject to 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. The LDP advises that it is preferable in principle that student needs are met as far as possible in purpose-built student schemes. The guidance also refers to there being a greater potential for community imbalance where the student population is dominant, exceeding 50%.

Location of Student Housing

In terms of criterion a) of policy Hou 8, the site is located within easy walking distance of Rodney Street and Dundas Street which provides convenient or direct bus routes towards the education campuses at University of Edinburgh main campus and Kings Buildings, Edinburgh College (Granton and Sighthill) and Edinburgh Napier University. There are also good linkages towards the city centre (and therefore additional educational institutions). The National Cycle Route (NCR 75) enhances active travel connections into the wider cycling network and is accessed close to the application site in King George V Park or on Broughton Road. The site has appropriate access to educational facilities via a range of sustainable transport modes.

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 and has a site area below the threshold. The proposals therefore comply with the locational aspect of LDP Policy Hou 8 and the supplementary guidance.

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 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 2021 figure.

The 2021 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 14%. This includes areas within part of the New Town, Stockbridge and Beaverhall. Within this wider area there is only one existing PBSA at Beaverbank with no other sites consented or pending. When reviewing the wider area as a whole, the resultant impact of the proposed development would increase the student population to 17%.

When viewed in isolation the student population within the single datazone of the application was recorded as 11% in the 2011 census. As a result of the application and considering the 2021 population estimate the percentage of students within this datazone would increase to 20%. The proposals will not result in an excessive cumulative impact on the concentration of students in the locality to the degree that would be detrimental to maintenance of a balanced community. Likewise, each of the datazones which adjoin that of the application site around Canonmills have an estimated student population in 2021 of between 8% and 38%. The Student Housing Guidance gives clarity that where the student population is dominant, exceeding 50% of the population, there will be a greater potential imbalance within the community. Given that the datazone of the application site, and those around the site fall well below the 50% criteria, the proposals contribute to a balanced community.

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.

Site Area and Mix of Uses

Criterion c) of the Student Housing Supplementary Guidance advises that '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 for delivering housing and therefore does not contribute towards the housing land supply. The site area as submitted in the application does not 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. However, the guidance also states that to avoid the sub-division of sites the applicant shall be required to demonstrate that the site did not form part of a larger area, within a single control or ownership, on 25th February 2016. Where this is not demonstrated the new build housing requirement, as set out in c), shall apply.

The application site is part of a larger site which was previously occupied by the builders' yard. This site has now been split to include the area under this application, and the land adjoining which has a concurrent planning application for seven mainstream residential townhouses (23/04046/FUL). When the site area of both sites is combined, it has an area of 0.29 hectares, which exceeds maximum site (0.25 hectares) area for solely PBSA uses, albeit parts of the site are not developable due to the existing Scottish Water asset and forming part of the highway.

As the site is only marginally above the site area threshold, it is considered that the current proposals are an appropriate mix of uses for the site. This takes into account the urban design characteristics of the site as a whole, where high density uses would be sought facing Eyre Place, with lower density uses heading south along Eyre Place Lane.

This matter has also been addressed in the Appeal Decision PPA-230-2408 where the Reporter made reference to various appeal decisions which did not comply with this criteria c) of the guidance due to developable area, site and location constraints. The Reporter stated, *"This indicates to me that the characteristics of the site can dictate when it may not be appropriate to rigidly apply this element of the guidance. In these circumstances and taking into account the sewer restriction, the character of the lane and the other uncertainties regarding the size of the 'developable area' I do not consider the failure to meet the measured standard for residential development to impact on the principle of developing the vacant yard for this amount of student accommodation."*

The area contains a mix of uses, and the proposal will not be detrimental to the established character or residential amenity.

Mix of Accommodation Type

The proposal is for solely studio rooms therefore does not meet criteria d) of the Student Housing Guidance which advises that sites should comprise a mix of type of accommodation, including cluster units. The proposals include an open garden with seated areas / planters, internal amenity space, a games room and gym. These internal communal spaces alone occupy an area of 226 square metres. The design therefore provides communal amenity space which is of a proportionate scale and quality to encourage interaction between students.

In the previous appeal decision for student housing at this site, the Reporter noted, *"As the reason for limiting studio apartments is linked to the negative effects of living in isolation and this proposal provides a range of communal spaces I find, in this case, that the number of studio apartments is not a determining factor."*

In this regard, a departure from criteria d) of the guidance is acceptable in this instance.

Employment Uses

LDP Policy Emp 9 (Employment Sites and Premises) supports the redevelopment of premises in the urban area for uses other than business provided that the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use and the proposal will contribute to the comprehensive regeneration and improvement of the wider areas. As the site area falls under one hectare, there is no requirement for replacement business spaces to be provided. Nonetheless there will be a small element of employment uses maintained by way of the running and maintenance of the student housing block.

The surrounding area is mainly residential in character, a children's activity centre is located at the end of Eyre Place Lane with small business uses found on Eyre Place.

The proposed residential student use in this location would not inhibit these nearby uses. The proposal complies with Emp 9 and NPF4 policy 15.

Conservation Area Setting

The impact on the setting of the New Town Conservation Area has been assessed in section a) above which concluded that this would be preserved. The proposal complies with the objectives of NPF4 Policy 7 in this regard.

Climate Mitigation

NPF4 Policy 1 (Tackling the climate and nature crisis) gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of an existing developed site for alternative uses.

NPF4 Policy 2 a) (climate mitigation and adaption) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change.

NPF4 Policy 9 encourages the use of previously developed land over greenfield development. In particular, criterion a) states development proposals that will result in the sustainable reuse of brownfield land will be supported.

Measures are proposed to ensure building fabric performance and overall energy consumption will meet relevant building standards. The energy strategy removes all requirements for fossil fuels and includes air source heat pumps and solar photovoltaic across the fourth floor roof. Sustainable transport is prioritised by the very low car parking levels proposed in the new development.

Ecology

NPF 4 policy 3 (Biodiversity) states that proposals for local development should include appropriate measures to conserve, restore and enhance biodiversity. The site is existing developed land with little opportunity for habitat. Active bat surveys have been carried out and no evidence of current roosting found on the site. The inclusion of planting to be conditioned as part of a landscape plan will increase the biodiversity value of the site. A condition has also been included to require the inclusion of swift bricks/boxes within the fabric of the houses to provide new habitat.

Height, scale and massing

NPF4 Policy 14 (Design, quality and place) supports development proposals that are designed to improve the quality of an area and are consistent with the six qualities of successful places. The proposals will provide an attractive built environment, located in an area which has high connectivity to reduce car dependency. The student residential design is a modern design which reflects the range of materials found in the immediate area. The scale and built form of the proposals will contribute to the sense of place. Natural surveillance onto communal areas has been encouraged by design to create safer and more communal shared amenity.

LDP Design Policies Des 1 - Des 8 set 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 a high quality of design which is appropriate in terms of height, scale and form, layout, and materials.

The spatial character of the area is mixed with neighbouring sites varying between one and five storeys. The application proposes a building which varies between three storeys and five storeys in height. The highest part of the development will front Eyre Place and this will step down in height along Eyre Place Lane from the initial five storey around the return. Central parts of the development feature modulated, saw-tooth roof features and a stepped roof profile complement the topographic profile and visual character of the area, with the set back roof level aiding the protection of daylight levels to neighbouring properties. The applicant has provided detailed sections and elevations to demonstrate that the heights are appropriate in their immediate context, complying with and LDP Policies Des 3 and Des 4.

The proposed heights have been reduced from those seen in the previous application on this site by approximately one storey. The reduced height, particularly on Eyre Place Lane, will assist in creating a transitional sense of place where it steps down to three storeys, reflecting the existing townhouses on the Lane.

LDP policy Des 11 (Tall Buildings) states that development which rises above the prevailing building height will only be granted in specific circumstances. At the front of the building facing Eyre Place, the building height will broadly match the ridge line of the neighbouring tenements to the east. On this basis, the proposed development would not be overly conspicuous in local and city views and complies with LDP policy Des 11.

In terms of immediate outlook, the proposals are within an existing urban area, and although near to an area of open space at King George V Park, there are no significant local views of this space which would be affected by the proposals.

Design and Materials

LDP Policy Des 1 (Design Quality and Context) states that proposals should be based on an overall design concept that draws on the positive characteristics of the surrounding area. The proposed elevational treatment of the block is relatively uniform, with a principal elevation facing Eyre Place and secondary elevations to the east and west. The development appropriately steps down in scale along Eyre Place Lane to reflect the street hierarchy.

The sawtooth roof form and set back upper floor references the site's industrial heritage which adds interest to longer views. The proposed material palette of natural sandstone to the north facing elevation aids in maintaining the traditional character of materials on Eyre Place. The use of brick and choice of colours references not only the industrial heritage of the site, but also the texture of the neighbouring buildings such as the existing townhouses on Eyre Place Lane which are finished in buff harling and are more contemporary in design.

Community security over adjoining streets and open spaces is promoted through a combination of active frontages at ground floor and natural surveillance at higher levels.

As is typical in PBSA developments, the building will be serviced through a single main entrance with each studio accessed from main corridors.

The design and the proposed materials are suitable for the context and the mix of building forms and elevational treatment provides interest in compliance with LDP policy Des 1.

Public realm and Landscaping

LDP Policy Des 8 Public Realm and Landscape Design supports development where all external spaces and features, including streets, footpaths, civic spaces, green spaces, boundary treatments and public art have been designed as an integral part of the scheme as a whole. The main landscaped area is proposed along the eastern boundary of the site. The communal garden has been designed for a range of uses including recreation and socialising with areas of seating. Trees and plants are proposed to provide structure to the spaces.

The EDG target is for 50% of a space to achieve two hours or more of sunlight on 21 March. The submission has included a shadow path analysis of the external amenity areas assessed and these will exceed the BRE overshadowing target criteria on the spring equinox (21 March) attaining at least two hours of direct sunlight.

In addition, planters are also proposed at roof terrace level to increase the landscape and amenity value of these areas. There is an appropriate split between intensive and extensive green roofs proposed which will form an important biodiversity element.

Co-ordinated development

Policy Des 2 (Co-ordinated Development) states that planning permission will be granted for development which will not compromise: a) the effective development of adjacent land; or b) the comprehensive development and regeneration of a wider area as provided for in a master plan, strategy or development brief approved by the Council.

Outline details have been shown how the proposals would have an acceptable impact on potential development sites to the south and east of the proposals and should not unduly constrain neighbouring development sites.

Amenity for Future Occupiers

LDP Policy Des 5 (Amenity) sets out criteria for ensuring future occupants have acceptable levels of amenity in relation to noise, daylight, privacy or immediate outlook. Regarding privacy, the guidance states that the pattern of development in an area will help to define appropriate distances between buildings and privacy distances. The proposed layout of the development broadly reflects the existing townscape pattern which is a densely populated urban area.

The vast majority of neighbouring properties will not directly face the proposed development and are situated at oblique angles. The three storey element on the eastern side of the site has introduced angled window details to maintain privacy to rear windows on 72 - 78 Eyre Place. A minimum window to window distance of 9 metres is found over Eyre Place Lane which is consistent with other development proposals found on adjacent sites. The application complies with LDP Policy Des 5a).

The daylight to all the habitable rooms in the proposed development have been assessed. The daylight results show that six of the 139 studio rooms tested failed to achieve the guideline No Skyline (NSL) values on a daylight distribution model. An Average Daylight Factor (ADF) model has also been produced and shows that only one of these rooms would fail to meet an ADF of 1.5. This means that one room fails ADF when the studio is assessed as a living room. However, it does meet the criteria if this room was to be assessed as a bedroom which has a lower ADF standard. On this basis, the deviation from guidance is justified.

A Noise Impact Assessment (NIA) has been submitted to assess impact from existing noise sources on habitable windows of the proposed development. Environmental Protection has raised no concerns, and the proposals will not introduce a significant noise generating use. It should be noted that the proposal is for a residential use, albeit limited to student residents. On this basis, it is not considered that the use of future occupiers of the building in their daily lives will create significant levels of noise which would adversely affect neighbouring residents. Concerns have been raised in the representations over noise created by future occupiers using the gardens and roof terraces. There is no evidence to suggest that these noise levels would be any greater than if the proposals were for mainstream residential housing.

Given the urban context of the site, the level of outlook and privacy afforded to future occupiers is acceptable.

Neighbouring Occupiers

The application site is near several residential properties, with the closest neighbour approximately 3.2 metres from the new build. Representations have been received concerning the development's impact on residential amenity. A Daylight and Sunlight Assessment has been submitted to provide analysis on the impact of the proposed development. Vertical Sky Component (VSC) modelling was used on residential properties directly surrounding the site. The Edinburgh Design Guidance requires this to be more than 27 % or 0.8 of the former value of daylight. The assessment is made on the equinox date in accordance with BRE Guidance.

The analysis found that 94% of the 125 windows assessed on existing neighbouring residential properties accord with VSC criteria. For the windows which do not meet the VSC standard, the EDG recommends the use of the Average Daylight Factor (ADF) assessment as an alternative assessment method and this was applied to these seven rooms which all passed the relevant criteria.

A sunlight study has been included in the application to assess gardens which are located in close proximity to the proposed development and have the potential to be impacted by overshadowing. The study has been carried out on March 21st in accordance with the EDG.

The study shows that the proposals will result in additional overshadowing to the rear of 76/78 Eyre Place and 1-23 Rodney Street. The additional overshadowing will occur throughout the day, but most significantly in later afternoon.

However, the back courts of the above properties contain a mature tree and areas of planting. As a result, the true sunlight levels reaching these gardens will be less than those shown in the study which is based on surrounding buildings only. An indicative study of a notional development within the very front of the development site facing Eyre Place developed at tenement scale as a standalone building was submitted. This has shown that any development of tenemental scale would result in the total loss of sunlight to the neighbouring garden ground in late afternoon.

The existing rear garden of 76/78 Eyre Place and 1-23 Rodney Street, with the application site completely undeveloped, fails to meet the sunlight to garden ground standards of the Edinburgh Design Guidance requiring a minimum of 2 hours sunlight to 50% of the useable area on March 21st. Given that it would be impossible for any development on the site to meet the requirements of the design guidance a deviation is justified.

In terms of privacy, the back courts of tenements are already heavily overlooked by existing and neighbouring properties. The distance between the proposed three storey element of the building, and the edge of the gardens at 72-78 Eyre Place is 6.5 metres. The windows on this section of the student block are located at oblique angles and will not directly face windows of existing properties. On the basis that the proposals represent redevelopment of an existing brownfield site within a high density area the impacts on existing residential occupiers is acceptable. The proposals on balance comply with LDP Policy Des 5.

Transport

LDP Policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) set out the requirement for private car and cycle parking. The Council's Parking Standards for developments are contained in the Edinburgh Design Guidance.

The proposals involve the formation of one accessible car parking space only with no general parking provision. Given that this is a highly accessible location in terms of pedestrian, cycle and public transport access, this strategy meets the relevant parking standards. Reducing the impact of the car helps to create more sustainable, attractive places to live and will help to address congestion, air pollution and noise.

Cycle storage has been provided in accordance with Edinburgh Design Guidance and the Edinburgh Street Design Guidance Factsheet C7 Cycle Parking with 139 secure, covered cycle parking spaces and 10 external cycle spaces. The internal storage will be mainly 64 two tier racks (46%) and 47 vertical bike racks (34%). Sheffield stands and lockers will account for 20% of the total storage which will provide parking for a range of bike types and users. A stopping up order will be required to facilitate the proposed footway and road layout on site.

The application proposes alterations to the pedestrian footways around the site. A new two metre wide footway is to be formed along the eastern side of Eyre Place Lane where there is currently no provision. The existing footway to the front of the development, facing onto Eyre Place is to be widened and incorporated into the front of the building. A new Copenhagen style, continuous footway, crossing is proposed across Eyre Place Lane to ensure that there is pedestrian priority at this junction.

NPF policy 13 (Sustainable Transport) supports development that promotes and facilitates sustainable travel to prioritise walking, wheeling, cycling and public transport for everyday travel. NPF4 Policy 15 (Local Living) supports developments that contribute to local living and the 20-minute neighbourhood. The proposal allows for reduced car dependency and complies with NF4 policies 13 and 15. The proposal complies with LDP policies Tra 2, Tra 3 and Tra 4,

Flooding

LDP Policy Env 21 (Flood Protection) states that planning permission will not be granted for development that would increase flood risk or be at risk of flooding itself.

The site falls within an area which according to SEPA maps is at defined potential risk of surface water flooding. A Flood Risk Assessment and a Surface Water Management Plan have been provided alongside the associated checklists and certificates required for this scale of development. Flood Prevention has reviewed the information and has confirmed its acceptability. The proposal complies with NPF policy 22 and LDP policies Env 21 (Flood Protection) and RS 6 (Water Supply and Drainage) which all seek to ensure sustainable water management and flood risk measures are in place for new development.

Scottish Water does not object to the proposals, but has provided advisory notes for the applicant in relation to water and wastewater capacity.

NPF4 policy 20 states that, where appropriate, new blue and/or green infrastructure will be supported as an integral element of the design. The proposed development consists of blue/green roofs on the proposed flat roofs along with blue terraces, covering an area of approximately 615 sqm of the total roof area.

Archaeology

NPF4 policy 7(o) aims to preserve archaeological remains in situ as a first option and alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be acceptable. It has been identified that this site has potential for unrecorded remains therefore a condition could be attached to ensure a programme of archaeological work is carried out prior to/during development to excavate, record and analysis of any surviving archaeological remains that may occur.

Waste

LDP Policy Des 5 (Development Design - Amenity) sets out that planning permission will be granted for development where it is demonstrated that (amongst other matters) refuse and recycling facilities have been sensitively integrated into the design.

The proposals have been designed in line with the Council's Waste Services guidance. Communal refuse storage is provided within the block with sufficient capacity in accordance with Policy Des 5 and NPF 4 policy 12.

Healthcare

The site is not within a Healthcare Contribution Zone. No contribution is required at this time.

Air Quality

LDP policy Env 22 advises that planning permission will only be granted where there will be no significant adverse effects on: air, and soil quality; the quality of the water environment; or on ground stability. An Air Quality Impact Appraisal has been submitted with the application which concludes that the development will have a negligible impact upon the local air quality during both the construction (road traffic) and operational phase.

Contaminated Land

The site has been developed for commercial and industrial uses for a significant time. These uses have the potential to contaminate the site. Should the application be granted, then a condition could be attached to ensure that the site is made safe for the proposed end use.

Conclusion in relation to the Development Plan

On the whole, the proposals are in accordance with the Development Plan associated guidance. The proposals are an acceptable design, scale, height and density are appropriate for the location and there will be an acceptable level of amenity achieved. Access arrangements are acceptable as are the proposed landscaping, surface water, sustainability and waste and recycling arrangements. There are no material considerations which outweigh the proposals accordance with the Development Plan.

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

The following material planning considerations have been identified:

Emerging policy context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, 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. Consideration has been given to human rights. No significant impacts have been identified through the assessment.

Public representations

Objection 460, Support 45, Neutral 1

A summary of the representations is provided below:

material considerations - objections

- Failure to comply with NPF 4 policies;
- Failure to comply with Local Development Plan policies;
- Failure to comply with non statutory guidance on student housing;
- Failure to comply with Edinburgh Design Guidance;
- Failure to comply with the city mobility plan;
- Cumulative impacts of existing student housing;
- Existing over concentration of student housing nearby;
- Poor location for accessing higher education establishments;
- Inappropriate change to the demographics of the area;
- No on site affordable housing provided;
- No demand for student housing;
- Lack of mainstream housing;
- Lack of cluster flats;
- Loss of business premises site and employment use;
- Excessive density;
- Inappropriate design/scale/mass/height/appearance;
- Adverse impact on skyline;
- Adverse impact on key views;
- Excessively modern use of materials;
- Adverse impact on the character of the New Town Conservation Area;
- Adverse impact on the World Heritage Site;
- Adverse impact on the Historic Garden Designed Landscape;
- Proposed use is not compatible with neighbouring uses;
- Loss of daylight to neighbouring properties including kitchens;
- Loss of sunlight to garden ground/overshadowing;
- Adverse impact on immediate outlook;
- Noise from roof terrace;
- Noise pollution from future occupiers;
- Loss of privacy/overlooking;
- Poor access to public transport nearby;
- Insufficient pick up/drop off provision;
- Area not safe for drivers and pedestrians;
- Adverse impact on traffic congestion;
- Increased pressure on existing heavy traffic;
- Insufficient parking provision for existing residents;
- Insufficient parking provision for future occupiers;
- Lack of disabled parking provision;
- Existing road at Eyre Place is too narrow to accommodate development;
- Proposed raised crossing will create road safety issues;
- Pedestrian safety;
- Insufficient open space provision;
- Lack of public open space in the development;

- Insufficient access to public open space;
- Impact on trees;
- Lack of swift bricks;
- Insufficient sunlight to proposed garden spaces;
- Adverse impact on biodiversity;
- Insufficient provision in local sewage network;
- Flooding issues;
- Insufficient local healthcare provision;
- Adverse impact on the operations of 'The Yard';
- Use as short term lets during holiday periods (change of use would be required);
- Lack of public consultation by Council and developers (carried out in accordance with the relevant acts);
- Failure to comply with Equality Act 2010 (addressed in Section C and IIA);
- Insufficient accessible rooms;
- Insufficient refuse and recycling provision;
- No provision has been made for accessible bikes, cargo bikes or tandem bikes.

Non material Objection

- Failure to comply with proposed policies of City Plan 2030;
- Impact on wellbeing of neighbours;
- Edinburgh Planning Guidance: Daylighting, Sunlighting and Privacy - Finalised Version;
- Adverse impact on the strength of the existing community;
- Shuttle buses will be required to access university accommodation;
- Developer is not from local area;
- Future occupiers
- Adverse impact during the construction period in terms of noise and disruption;
- Site not entirely in ownership of the applicant;
- Insufficient detail to show compliance with building standards;
- Insufficient fire evacuation plan;
- Insufficient provision of quiet spaces for future occupiers;
- Insufficient pre application dialogue.

Material Support

- Reduced air pollution and noise from existing commercial use;
- Easy access to public transport;
- Creates a sense of place;
- Materials reflect local character;
- Frontage will include high quality public realm;
- Reduced car ownership;
- Lack of student accommodation;
- Appropriate massing for the site;
- Improved footpath along Eyre Place Lane.

Overall conclusion

The application for development is acceptable with regard to Sections 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and complies with relevant policies contained within the Edinburgh Local Development Plan. Non conformities with the relevant non-statutory guidance in relation to daylight and use of land for student housing are justified. The proposals, preserve the character and appearance of the conservation area. There are no material considerations which outweigh this conclusion.

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. Development shall not begin until a scheme to deal with contamination on the site has been submitted to and approved in writing by the planning authority. The scheme shall contain details of proposals to deal with contamination to include:
 - i. the nature, extent and type(s) of contamination on the site
 - ii. measures to treat/remove contamination to ensure the site is fit for the use proposed.
 - iii. measures to deal with contamination during construction works
 - iv. condition of the site on completion of decontamination measures.Before any student residential unit is occupied the measures to decontaminate the site shall be fully implemented as approved by the planning authority.
3. The noise mitigation measures as specified within ITP Energised noise impact assessment no.6665 and dated 29/08/23 shall be installed prior to occupation of the development.
4. No demolition, development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (Geoarchaeological sampling and analysis, 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.
5. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
6. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

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 development, details shall be submitted to show the location of proposed swift bricks/boxes on the proposed building. Thereafter, the building shall be constructed in accordance with these details as approved by the Planning Authority.
-
1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
 2. In order to protect the amenity of the occupiers of the development.
 3. In order to protect the amenity of the occupiers of the development.
 4. In order to safeguard the interests of archaeological heritage.
 5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
 6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
 7. In order to enable the planning authority to consider this/these matter/s in detail.
 8. In order to safeguard the interests of nature conservation

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. Prior to occupation of the proposed student housing, the proposed Copenhagen footway crossing over the northern end of Eyre Place Lane should be installed in the interests of pedestrian safety.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 6 September 2023

Drawing Numbers/Scheme

01-20

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Rachel Webster, Planning Officer
E-mail: rachel.webster@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Scottish Water

COMMENT: No objection subject to further connection applications

DATE: 27 September 2023

NAME: Environmental Protection

COMMENT: No objection subject to conditions.

DATE: 4 October 2023

NAME: Waste Services

COMMENT: No objection.

DATE: 12 October 2023

NAME: Historic Environment Scotland

COMMENT: No objections.

DATE: 6 October 2023

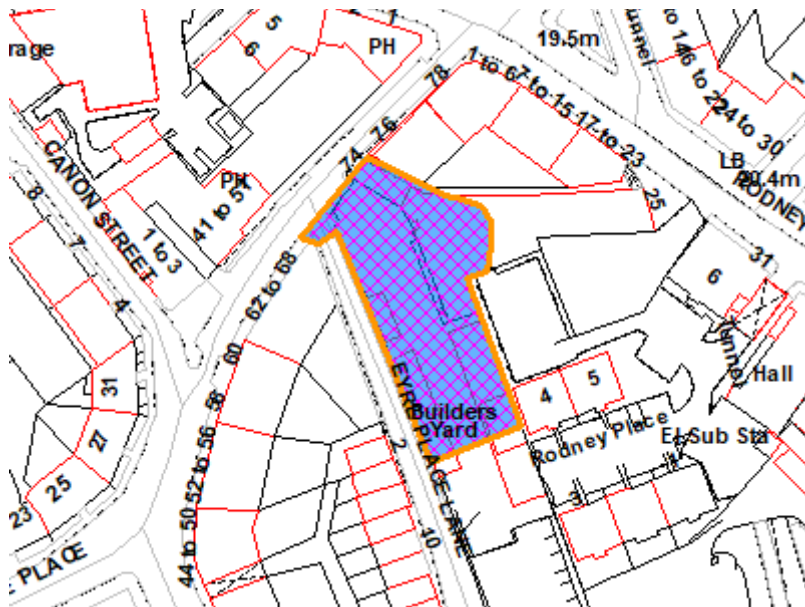
NAME: Flood Planning

COMMENT: No objections.

DATE: 11 October 2023

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

Location Plan



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