

Development Management Sub Committee

Wednesday 4 August 2021

**Application for Planning Permission 20/05008/FUL
At 24 Westfield Road, Edinburgh, EH11 2QB
Application under Section 42 to vary condition 3 of consent
19/01970/FUL for erection of student accommodation,
ancillary uses and associated landscaping and
infrastructure.**

Item number

Report number

Wards

B07 - Sighthill/Gorgie

Summary

The proposal is an application made under Section S42 of the Town and Country Planning Act; it is for a proposed change to the requirements and wording of condition 3 of planning permission 19/01970/FUL.

The variation to the condition does not affect the principle and detail of the development which remains consistent with the Edinburgh Local Development Plan.

For the avoidance of doubt, as a new permission is granted, conditions placed on the previous approval have been applied to this permission. Informatives include the requirement for a new s75 legal agreement. On this basis the variation of the condition is acceptable. There are no other material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU08, LHOU04, LDES01, LDES04, LDES05, LTRA02, LTRA03, LEN21, LEN22, NSG, NSGSTU, NSGD02, LEN09,

Report

Application for Planning Permission 20/05008/FUL At 24 Westfield Road, Edinburgh, EH11 2QB Application under Section 42 to vary condition 3 of consent 19/01970/FUL for erection of student accommodation, ancillary uses and associated landscaping and infrastructure.

Recommendations

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

Background

2.1 Site description

The site covers approximately 0.31 hectares and is located on the corner of Westfield Avenue and Westfield Road, within the Gorgie/Dalry area of Edinburgh, west of the City Centre.

The site was previously occupied by a furniture showroom, an office building and a car park associated with the showroom. The buildings have been demolished and the development is on site.

The surrounding area is mixed use in nature. The site is bound to the north by a showroom and factory. There is a residential flatted development to the north west of the site on Westfield Avenue.

Access is via the shared vehicular access with Sainsbury's filling station which bounds the site to the north-east. A Wickes Store is situated to the south-west of the site and to the south-east lies a row of traditional tenements and Sainsbury's car park.

2.2 Site History

3 September 2020 - Planning permission granted to erect purpose built student accommodation, ancillary uses and associated landscaping and infrastructure (planning reference: 19/01970/FUL).

15 Oct 2020 - Non-material variation approved for minor amendments to existing approved scheme (planning reference: 19/01970/VARY)

Main report

3.1 Description Of The Proposal

The application seeks to vary a condition that relates to the noise environment of planning application 19/01970/FUL. This condition applied noise protection measures based on the Noise Impact Assessment (NIA).

Design changes have been progressed as part of the non-material variation (planning reference 19/01970/VARY) which necessitated an update to the Noise Impact Assessment/Acoustic Report. As Condition 3 attached to the consent (planning reference: 19/01970/FUL) refers to the previous NIA/Acoustic Report, it therefore requires to be amended to reflect the updated report to enable the condition to be complied with.

The updated report has investigated the potential for noise impacts from the neighbouring road and surrounding commercial/industrial uses, including Grant Westfield, the Murrayfield Petrol Station and Wickes Superstore, on the proposed student residential properties.

This development site will be exposed to various noise sources and the updated NIA identifies that this may adversely impact the amenity of the students unless mitigated.

The applicant has confirmed that by providing an acoustic barrier with a surface density of at least 20 kg/m² will reduce the noise affecting the external amenity space and ground floor rooms. The upper floors will not be protected by the acoustic barrier. Therefore, the applicant proposes using the acoustic glazing units to mitigate the noise impacting the upper floors. As the noise level that the façade is exposed to varies depending upon its proximity to the main noise sources around the site, various specifications are proposed for different parts of the site.

The applicant proposes to amend the text of the condition to reflect this.

Condition 3 of planning permission 19/01970/FUL states:

The following noise protection measures to the proposed student accommodation, as defined in the appendix 9 of the New Acoustics Noise Impact Assessment' report (Ref 6833), dated 18 April 2019:

- *Glazing units with a minimum insulation value of 10/12/6.4 mm double glazing shall be installed for the external doors and windows of the bedrooms and living areas facing onto Westfield Road and back to R25 (7m back from the front façade) prior to the development being occupied.*
- *Glazing units with a minimum insulation value of 6/12/6 mm double glazing shall be installed for the external doors and windows of the bedrooms and living areas on all other facades prior to the development being occupied.*
- *An acoustic barrier with a surface density of at least 20 kg/m² shall be erected to reduce the noise affecting the external amenity space and ground floor rooms..*

Proposed Condition text:

The application seeks to alter condition 3 of permission 19/01970/FUL to state:

The following noise protection measures to the proposed student accommodation, as defined in the PDA Noise Impact Assessment' report (Ref: ECE/J003065/4556/03), dated 4 May 2021:

- Glazing units with a minimum insulation value of 6/16/10.8mm double glazing shall be installed for the external doors and windows of the bedrooms areas in facades highlighted in the acoustic report in red. A ventilator with a minimum sound reduction level of 46dB Dn,e,w shall be installed;*
- Glazing units with a minimum insulation value of 6/16/10.8mm double glazing shall be installed for the external doors and windows of the living/dining/kitchen areas in facades highlighted in the acoustic report in red. A ventilator with a minimum sound reduction level of 40dB Dn,e,w shall be installed;*
- Glazing units with a minimum insulation value of 6/16/10mm double glazing shall be installed for the external doors and windows of the bedrooms and living/dining/kitchen areas in facades highlighted in acoustic report in orange. A ventilator with a minimum sound reduction level of 30 dB Dn,e,w shall be installed;*
- Glazing units with a minimum insulation value of 6/16/6mm double glazing shall be installed for the external doors and windows of the bedrooms and living/dining/kitchen areas in facades highlighted in acoustic report in green. A ventilator with a minimum sound reduction level of 30 dB Dn,e,w shall be installed;*
- An acoustic barrier with a surface density of at least 20 kg/m² shall be erected to reduce the noise affecting the external amenity space and ground floor rooms;*

The above shall be carried out in full and completed prior to the development being occupied.

The applicant's supporting statement is available on the Planning Portal.

3.2 Determining Issues

Section 42 of the Town and Country Planning (Scotland) Act 1997 requires that the planning authority must consider only the question of conditions to which planning permission should be granted.

Should planning permission be granted subject to conditions different from those imposed on the previous permission?

Should planning permission be granted unconditionally?

Should planning permission be granted subject to the same conditions resulting in a refusal of planning permission to develop the land without complying with the conditions subject to which planning permission was previously granted?

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the original condition should be varied, added to or removed;
- b) other material considerations; and
- c) issues raised in material representations have been addressed.

a) Variation of condition

The scope of the assessment for this planning application is limited to the condition that the applicant wishes to amend and any other material considerations.

The proposal must be considered in the context of LDP policy Des 5 (Development Design - Amenity) criterion a) which seeks to ensure good levels of amenity in relation to noise. The Council's non-statutory Student Housing Guidance (February 2016) must also be considered. The guidance recognises that student accommodation is a primary place of residence and requires design of student accommodation to be of a high quality with adequate amenity to contribute to healthy and sustainable lifestyles.

The implementation of the condition which places requirements on glazing and ventilation specifications in relation to noise management at the development would ensure future occupants enjoy a satisfactory internal environment and suitable levels of amenity.

Environmental Protection raised concerns about the level of amenity that could be achieved within this development within their consultee response to application 19/01970/FUI, and recommended refusal of the application. The application was put forward to the Development Management Sub-Committee with a recommendation to refuse planning permission. However, the recommendation to refuse planning permission was overturned at the DM Sub Committee, and the application was granted

subject to a legal agreement, with conditions attached at the request of the Committee. This included Condition 3 in respect of noise mitigation.

The Council's Environmental Protection service has been consulted as part of this current assessment.

Environmental Protection is of the opinion that the acoustic mitigation measures will not be adequate to protect amenity, and that the updated Noise Impact Assessments (NIA) do not capture the worst-case scenarios.

Environmental Protection remain of the opinion that If built out with even the above conditioned noise mitigation measures, it is likely that noise complaints will be received and, therefore, its position remains as previously stated in the original consultation response to planning application 19/01970/FUL. The Committee was aware of Environmental Protection's concerns when granting planning permission and the variation of the condition does not materially change the substance of the noise protection measures.

Notwithstanding the above objection from Environmental Protection, the principle of the use of the development has already been granted. The proposed variation to the condition does not materially deviate from the scheme previously granted permission by Committee and refusal of this application would not be warranted. The proposal continues to comply with the relevant policies of the Local Development Plan and the Council's non-statutory guidance on Student Housing.

b) Other material considerations

There has been no change to the Edinburgh Local Development Plan or relevant council guidance since the planning permission was granted.

All other material matters were addressed in the assessment of the planning application and there are no new matters to consider in relation to the variation of condition 3.

The principle of the development remains acceptable in the context of the Edinburgh Local Development Plan and guidance.

As the effect of granting permission for a section 42 is to create a separate permission, there is the need to attach the conditions from the previous approval.

A legal agreement was concluded for 19/01970/FUL. As this is a new application, a new legal agreement will be required to be concluded to reflect the heads of terms of the existing agreement.

c) Public comments

Two letters were received objecting to the application. The submitted comments did not raise any material considerations relevant to the Section 42 application.

Non-material considerations:

- Over provision of student accommodation;
- Lack of affordable flats;
- Parking; and
- Noise disturbance caused by students.

Conclusion

The principle of the development remains consistent with the Edinburgh Local Development Plan and the Council's non-statutory guidance. A change in the wording of condition 3 to allow alternative management of the noise environment in parts of the development is acceptable.

For the avoidance of doubt, the other conditions placed on the previous approval Have been applied to this consent. There are no material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:

1. 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.
2. Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority. ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
3. The following noise protection measures to the proposed student accommodation, as defined in the PDA Noise Impact Assessment' report (Ref: ECE/J003065/4556/03), dated 04 May 2021:

- Glazing units with a minimum insulation value of 6/16/10.8mm double glazing shall be installed for the external doors and windows of the bedrooms areas in facades highlighted in the acoustic report in red. A ventilator with a minimum sound reduction level of 46dB Dn,e,w shall be installed;
- Glazing units with a minimum insulation value of 6/16/10.8mm double glazing shall be installed for the external doors and windows of the living/dining/kitchen areas in facades highlighted in the acoustic report in red. A ventilator with a minimum sound reduction level of 40dB Dn,e,w shall be installed;
- Glazing units with a minimum insulation value of 6/16/10mm double glazing shall be installed for the external doors and windows of the bedrooms and living/dining/kitchen areas in facades highlighted in acoustic report in orange. A ventilator with a minimum sound reduction level of 30 dB Dn,e,w shall be installed;
- Glazing units with a minimum insulation value of 6/16/6mm double glazing shall be installed for the external doors and windows of the bedrooms and living/dining/kitchen areas in facades highlighted in acoustic report in green. A ventilator with a minimum sound reduction level of 30 dB Dn,e,w shall be installed;
- An acoustic barrier with a surface density of at least 20 kg/m² shall be erected to reduce the noise affecting the external amenity space and ground floor rooms;

The above shall be carried out in full and completed prior to the development being occupied.

4. No demolition/development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting and analysis) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reasons:-

1. In order to enable the Planning Authority to consider this/these matter/s in detail.
2. In the interests of public safety.
3. In order to protect the amenity of the occupiers of the development.
4. In order to safeguard the interests of archaeological heritage.

Informatives

It should be noted that:

1. This planning permission will lapse on the expiration of a period of three years from the date of this decision notice, unless the development has been started

within that period (See section 58(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).

2. The person carrying out the development must give advance notice in writing to the planning authority of the date when it is intended to start. Failure to do so is a breach of planning control. It could result in the planning authority taking enforcement action (See sections 27A and 123(1) of the Town and Country Planning (Scotland) Act 1997 (as amended)).
3. As soon as possible after it is finished, the person who completed the development must write to the planning authority to confirm the position (See section 27B of the Town and Country Planning (Scotland) Act 1997 (as amended)).

4. Developer Contributions Informative

Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation to all of those matters identified in the proposed Heads of Terms. -

These matters are:

A financial contribution of £198,402 (based on 12,323 sq.m student/residential institution in Zone 1 minus the previous use) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment.

In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area.

A legal agreement will be required to secure these funds.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

5. Roads Authority Informative

In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

In addition, all disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles.

The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved. Tran

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Two letters of representation were received objecting to the application.

Background reading/external references

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

- [Scottish Planning Policy](#)

Statutory Development

Plan Provision

Edinburgh Local Development Plan.

Date registered

24 November 2020

Drawing numbers/Scheme

01,

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Sonia Macdonald, Planning Officer

E-mail: sonia.macdonald@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

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

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

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

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

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

Relevant Non-Statutory Guidelines

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

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

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

Appendix 1

Application for Planning Permission 20/05008/FUL At 24 Westfield Road, Edinburgh, EH11 2QB Application under Section 42 to vary condition 3 of consent 19/01970/FUL for erection of student accommodation, ancillary uses and associated landscaping and infrastructure.

Consultations

Roads Authority Issues

No objections to the application.

Environmental Protection response

Environmental Protection raised concerns about the level of amenity that could be achieved within this development when the 19/01970/FUL application was assessed. However consent has been granted with the following condition attached;

Condition 3 states

3. The following noise protection measures to the proposed student accommodation, as defined in the appendix 9 of the New Acoustics Noise Impact Assessment' report (Ref 6833), dated 18th April 2019:

- Glazing units with a minimum insulation value of 10/12/6.4 mm double glazing shall be installed for the external doors and windows of the bedrooms and living areas facing onto Westfield Road and back to R25 (7m back from the front façade) prior to the development being occupied.*
- Glazing units with a minimum insulation value of 6/12/6 mm double glazing shall be installed for the external doors and windows of the bedrooms and living areas on all other facades prior to the development being occupied.*
- An acoustic barrier with a surface density of at least 20 kg/m² shall be erected to reduce the noise affecting the external amenity space and ground floor rooms.*

In our opinion the above acoustic mitigation measures will not be adequate to protect amenity. The applicant has submitted two noise impact assessments, both of which have not captured the worst case scenarios. The latest assessment has been taken when during likely reduced traffic flows and business operations due to COVID. This latest survey did not mention any noise from the neighbouring dance school, this was picked up as a dominant noise in the previous survey. The levels of noise measured

are still a concern and likely to cause disturbance to residents, the context of the location is now changing from commercial to residential amongst commercial industrial. We would have also needed a frequency analysis conducted. If built out with even the above conditioned noise mitigation measures it is likely that noise complaints will be received. This will then involve an investigation of a period of time that could ultimately result in the businesses needing to take measures to mitigate any noise nuisance and adversely impact their operation.

We understand that this is a section 42 application - we need the applicant to detail specifically what they are wanting amended.

Environmental Protection response updated

Environmental Protection raised concerns about the level of amenity that could be achieved within this development when the 19/01970/FUL application was assessed. We have included our consultation response below which did not recommend any conditions. However, consent was granted with the following condition attached;

Condition 3 states

3. The following noise protection measures to the proposed student accommodation, as defined in the appendix 9 of the New Acoustics Noise Impact Assessment' report (Ref 6833), dated 18th April 2019:

- Glazing units with a minimum insulation value of 10/12/6.4 mm double glazing shall be installed for the external doors and windows of the bedrooms and living areas facing onto Westfield Road and back to R25 (7m back from the front façade) prior to the development being occupied.*
- Glazing units with a minimum insulation value of 6/12/6 mm double glazing shall be installed for the external doors and windows of the bedrooms and living areas on all other facades prior to the development being occupied.*
- An acoustic barrier with a surface density of at least 20 kg/m² shall be erected to reduce the noise affecting the external amenity space and ground floor rooms.*

Environmental Protection are of the opinion that the acoustic mitigation measures will not be adequate to protect amenity. The applicant has submitted two noise impact assessments, both of which have not captured the worst-case scenarios. The latest survey did not mention any noise from the neighbouring dance school, this was picked up as a dominant noise in the previous survey. The levels of noise measured are still a concern and likely to cause disturbance to residents, the context of the location is now changing from commercial to residential amongst commercial industrial. We would have also needed a frequency analysis conducted. If built out with even the above conditioned noise mitigation measures it is likely that noise complaints will be received. Therefore, Environmental Protection are still of the same opinion as previously stated in the consultation response 19/01970/FUL.

As this is a section 42 application - we needed the applicant to detail specifically what they are wanting amended. The applicant has provided the following specific details that if planning consent this application would need to condition.

1. The following noise protection measures to the proposed student accommodation, as defined in the PDA Noise Impact Assessment' report (Ref: ECE/J003065/4556/03), dated 04 May 2021:

o Glazing units with a minimum insulation value of 6/16/10.8mm double glazing shall be installed for the external doors and windows of the bedrooms areas in facades highlighted in the acoustic report in red. A ventilator with a minimum sound reduction level of 46dB Dn,e,w shall be installed;

o Glazing units with a minimum insulation value of 6/16/10.8mm double glazing shall be installed for the external doors and windows of the living/dining/kitchen areas in facades highlighted in the acoustic report in red. A ventilator with a minimum sound reduction level of 40dB Dn,e,w shall be installed;

o Glazing units with a minimum insulation value of 6/16/10mm double glazing shall be installed for the external doors and windows of the bedrooms and living/dining/kitchen areas in facades highlighted in acoustic report in orange. A ventilator with a minimum sound reduction level of 30 dB Dn,e,w shall be installed;

o Glazing units with a minimum insulation value of 6/16/6mm double glazing shall be installed for the external doors and windows of the bedrooms and living/dining/kitchen areas in facades highlighted in acoustic report in green. A ventilator with a minimum sound reduction level of 30 dB Dn,e,w shall be installed;

o An acoustic barrier with a surface density of at least 20 kg/m² shall be erected to reduce the noise affecting the external amenity space and ground floor rooms;

shall be carried out in full and completed prior to the development being occupied.

Original Consultation Response

The applicant proposed developing a 394 bedroom student accommodation block with 4 parking spaces with 360 indoor bike spaces. The applicant also proposes the installation of an energy centre with power output of 663Kw. The sites most recent use was a retain furniture store.

The development is located on a former commercial site adjacent to the Westfield Road. The site is bounded to the south by Westfield Road, to the west, by Westfield Avenue beyond which are residential flats and Wickes, to the north by Grant Westfield and the east by Murrayfield Petrol Filling Station.

The applicant has submitted a supporting noise and air quality impact assessment. This has investigated the potential for noise and air quality impacts from the neighbour road and commercial/industrial uses on the proposed student residential properties. The development site will be exposed to various noise sources. The applicants noise impact assessment has identified that this may adversely impact the amenity of the students unless mitigated. The applicant has confirmed that by providing an acoustic

barrier with a surface density of at least 20 kg/m² will reduce the noise affecting the external amenity space and ground floor rooms.

The upper floors will not be protected by the acoustic barrier therefore the applicant proposes using the acoustic glazing units to mitigate the noise impacting the upper-floors

It is noted that the developer proposes all living accommodation being provided with mechanical ventilation with heat recovery (MVHR) allowing windows to remain closed with no loss of ventilation. It should be noted that Environmental Protection do not accept a closed window standard to protect all the bedroom and living areas from commercial/industrial noise. Environmental Protection are also of the opinion that the worst-case scenario has not been measured and fully consider in the noise impact assessment. The assessment has considered most of the noise elements from the petrol Filling Station but has not considered their cumulative impacts for example if the Hoover and car wash were being used simultaneously. The Petrol Filling Station has around 4-5 deliveries of fuel by articulated tanker per week (limited to 1 in 24 hours). Each takes between 40-60 minutes. These deliveries are always out of hours mostly between 00:00-05:00. The noise impact assessment has not covered this operation which has the potential to regularly disturb the sleep of any future tenants.

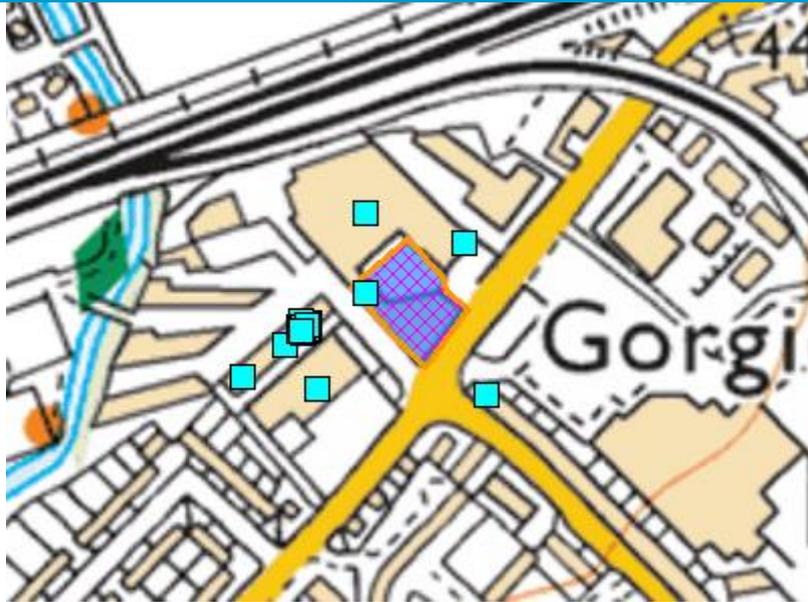
The proposed end use may require a Houses in Multiple Occupation Licence (HMO). The applicant should contact the HMO team to ensure that what they are proposing would comply with the Housing (Scotland) Act 2006. The application site is well located with regards sustainable transport and it is noted that they propose a low level of car parking which is welcomed, however the applicant should install electric vehicle charging points for the use of staff, residents, service vehicles and taxis.

The applicant has submitted a chimney height calculation within the submitted air quality impact assessment.

Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use/s. Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable). The applicant has submitted site investigation reports. They are being assessed by Environmental Protection separately and until completed we recommend a condition is attached to any consent regarding land contamination.

Therefore, Environmental Protection recommend that the application is refused due to the poor levels of amenity that will be afforded to the future students.

Location Plan



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