

# Development Management Sub-Committee Report

**Wednesday 11 January 2023**

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

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

**Item – Committee Decision  
Application Number – 22/03834/FUL  
Ward – B05 - Inverleith**

## **Reasons for Referral to Committee**

The application is referred to the Development Management Sub-Committee as 398 objections and 25 support comments to the proposals have been made. 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 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, cycle parking 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 0.15 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. All buildings and structures relating to this former use have now been demolished, and mainly 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 demolition of all existing buildings on the site, and the erection of a purpose built student accommodation (PBSA) block.

A total of 142 studio units are proposed, split between the following room sizes.

Compact Studio (less than 18 square metres)	17
DDA Studio	8
Standard Studio (18-21 square meters)	104
Premium Studio (more than 21 square metres)	13
TOTAL :	142

The proposals will also include communal internal amenity space for future occupiers of the development. This includes spaces on the ground, second and fifth floor with a combined area of 210 square metres with uses such as social lounges, gym, private dining spaces and games rooms.

The new building will be six storeys in height at its frontage with Eyre Place, and this steps down to five storeys when travelling along Eyre Place Lane. The highest part of the building will include a saw-tooth roof which will include solar panels on the south facing elements. A central roof terrace will provide additional amenity space for occupiers with additional accessible terrace on the western side. 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 with gold feature detailing. As the building steps along Eyre Place Lane and to the side and rear elevations, the proposed block will have a brick finish. To the top floor of the block grey standing seam cladding is proposed.

## **Supporting Information**

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

## **Relevant Site History**

21/06729/PAN  
72 - 74 Eyre Place  
Edinburgh  
EH3 5EL

Proposed demolition of existing buildings and structures and erection of a purpose-built student accommodation development, with associated amenity space, access, cycle parking and landscaping.

Pre-application Consultation approved.

12 January 2022

22/03833/FUL  
72 - 74 Eyre Place  
Edinburgh  
EH3 5EL

Proposed erection of nine townhouses with associated amenity space, access, cycle parking, car parking and landscaping.

## **Other Relevant Site History**

No other relevant history.

## **Pre-Application process**

Pre-application discussions took place on this application.

## **Consultation Engagement**

Scottish Water

Environmental Protection

Historic Environment Scotland

Transport Planning

New Town/Broughton Community Council

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

## Publicity and Public Engagement

**Date of Neighbour Notification:** 3 August 2022

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

**Press Publication Date(s):** 12 August 2022;

**Site Notices Date(s):** 9 August 2022;

**Number of Contributors:** 424

## Section B - Assessment

### Determining Issues

Due to the proposed development falling adjacent to 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 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 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.

### 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, Des 11
- LDP Housing Policies Hou 1, Hou 8, Hou 10
- LDP Environment Policies Env 6, Env 7, Env 8, Env 9, Env 20, Env 21, Env 22
- LDP Transport Policies Tra 2, Tra 3, Tra 4
- LDP Employment Policy Emp 9
- LDP Resources Policies Rs 1, Rs 6

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

### Principle

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 direct access 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. The total site area for this application is 0.15 hectares. 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 2020 figure. The 2020 figure assumes that all pending and consented applications for Purpose Built Student Accommodation (PBSA) have been granted and are fully occupied. The figure for the datazone is then adjusted to accommodate the application to provide an updated maximum figure for student percentage.

When considering a wider area of a 10 minute walk (approximately 800m) the 2011 census shows an overall student population concentration of 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 16%.

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 2020 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 2020 of between 8% and 36%. 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 Housing Land Study 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 9 mainstream residential townhouses (22/01333/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. Although the site area for the residential units does not meet the 50% criteria of the supplementary guidance, given that the site area is only marginally in excess of the standards, the occupation of 44% of the site with mainstream residential uses is an appropriate request.

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, gym and a private dining room. These internal communal spaces alone occupy an area of 283 square metres. The design therefore provides communal amenity space which is of a proportionate scale and quality to encourage interaction between students. 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. An existing Public House (currently not operating) is located opposite the application site on Eyre Place. A noise impact assessment has been submitted to show that the operations of this premises would not be significantly inhibited unduly by the proposals.

## Conservation Area Setting

The impact on the setting of the New Town Conservation Area has been assessed in section a) above which concluded this would be preserved. The proposal complies with the objectives of LDP Policy Env 6s.

## Height, scale and massing

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.

LDP Policy Des 4 Development Design - Impact on Setting states that development should have a positive impact on its surroundings, including the wider townscape and landscape, and impact on existing views, including (amongst other matters) height and form. LDP Policy Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features states that existing characteristics worthy of retention on the site have been incorporated in the proposals.

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 six storeys in height. The highest part of the development will front Eyre Place and this will step down in height along Eyre Place Lane. Although central parts of the development are six storeys in height, the introduction of some 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.

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 will have a maximum height of 36.2 AOD. This is set higher than the ridge line of the neighbouring tenements to the east, 33.2 AOD. However, from street level, the set back of the top floor means that the perceived height will be lower. Beyond the frontage with Eyre Place, the existing flatted blocks on Rodney Place have a maximum height of 36.1 AOD. 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.

The application complies with LDP Policy Des 3, 4, 5 and 11.

### 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 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 facing Eyre Place, and brick with gold cladding to the side and rear ensures consistency between the elevations whilst 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.

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 to show a shadow path analysis of the external amenity areas assessed 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 north 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 development steps down in scale along Eyre Place Lane to reflect the street hierarchy.

Windows to existing residential properties will directly overlook the site from the tenement blocks at 68 and 76 Eyre Place along the frontage of the site. However, these are appropriately buffered by garden ground. The vast majority of neighbouring properties will not directly face the proposed development and are situated at oblique angles. The window distances involved can be found in other densely populated areas of the city and are considered acceptable. 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 three of the 142 studio rooms tested achieve the guideline No Skyline (NSL) values. The remaining three rooms which did not meet this standard showed an Average Daylight Factor level of at least 1.2% which is above the minimum standard of 1% used when assessing daylight to bedrooms. 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 have raised no concerns and the proposals will not introduce a significant noise generating use.

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. 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 92% of the 112 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 nine rooms, which are spread across three buildings.

Of these, only one room fails to meet the ADF minimum standard at 64 Eyre Place. This is not indicated in the Daylight and Sunlight Assessment as a result of a kitchen diner being incorrectly labelled as a bedroom which has a lower standard. This room will receive an ADF of 1.4% against a 2% standard in the guidance. This property sits at a lower level than the road on Eyre Place Lane and as a result any new development on this brownfield site has the potential to adversely impact on daylight to this room. On this basis, and that the proposals have an urban design benefit of the having a building line following the edge of Eyre Place Lane, this deviation from guidance is justified.

A sunlight study has been included in the application to assess gardens which are located close enough to the proposed development to be adversely affected 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, with no direct sunlight to the existing garden ground after 2pm.

However, the back courts of the above properties contain a number of mature trees and areas of planting. As a result, the true sunlight levels reaching these gardens will be significantly less than those shown in the study which is based on surrounding buildings only. The applicant has also shown a study dated June 21st for comparison. This shows that at the height of summer, these areas of garden ground will be much less affected by the proposals than experienced on March 21st. The existing garden ground at 64 Eyre Place will experience additional overshadowing only in the early morning of March 21st and there is no significant impact.

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. On the basis that the proposals represent redevelopment of an existing brownfield site within a high density 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 proposal is to be a parking free development, with no off street 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.

In terms of parking provision for people with disabilities, although no dedicated spaces are proposed on site, there is existing provision in the nearby area. For blue badge holders there is existing on street parking provision on Eyre Place on permitted single and double yellow line markings and within loading or pay and display bays.

Cycle storage provision in terms of capacity has been provided in accordance with Edinburgh Design Guidance and the Edinburgh Street Design Guidance Factsheet C7 Cycle Parking with a total of 150 spaces provided. The internal storage will be mainly two tier racks (45%) and vertical bike racks (34%). Sheffield stands will account for 21% of the total storage which will provide parking for a range of bike types and users. A stopping up order may 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 crossing is proposed across Eyre Place Lane to ensure that there is pedestrian priority at this junction.

The proposal complies with LDP policies Tra 2, Tra 3 and Tra 4 and the City Mobility Plan.

## Sustainability

Policy Des 6 (Sustainability) states permission will be granted for new development where it is demonstrated that: a) current carbon dioxide emissions targets have been met b) features are incorporated to reduce or minimise environmental resource use. A sustainability statement has been submitted including a carbon reduction declaration to confirm the development will comply with current carbon dioxide emissions targets. In addition, low and zero carbon emitting equipment is incorporated including air source heat pumps as a community heating solution, solar PV panels to pitched roofs at fourth and fifth floor level and cycle storage to encourage use of a sustainable transport mode. The proposal therefore complies with LDP policy Des 6.

## 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.

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

Blue/green roof elements and rain gardens are proposed to deal with surface water.

## Archaeology

LDP Policies Env 8 and Env 9 aim 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 and there has been an ongoing dialogue between Waste Services and the applicant. Communal refuse storage is provided within the block with sufficient capacity in accordance with Policy Des 5.

## Healthcare

The site is not within a Healthcare Contribution Zone. The site falls within the catchment for existing GP practices and it is anticipated that the additional patients can be absorbed into these practices and no new actions are required. In this regard, no contribution is required at this time.

## Ecology

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 where only one building remains. It is recommended that further ecological enhancements are carried out in the proposed building and these should be included as conditions.

## 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:

#### SPP - Sustainable development

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

The proposal complies with Paragraph 29 of SPP.

#### Emerging policy context

The 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.

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed Cityplan 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.

## Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. An Integrated Impact Analysis (IIA) was carried out for the proposals. Although several impacts have been identified, these have not been mitigated as a result of the nature of the proposals. The findings of the IIA will be located at <https://www.edinburgh.gov.uk/directory/10244/integrated-impact-assessments>.

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

Objection 398, Support 25, Neutral 1  
One petition 416 signatures

A summary of the representations is provided below:

### *material considerations - objections*

- Failure to comply with LDP policies Env 6, Hou 4, Hou 5, Hou 8, Hou 10, Des 1, Des 2, Des 4, Des 5, Des 7, Des 11 (addressed in Section C);
- Failure to comply with non statutory guidance on student housing (addressed in Section C);
- Failure to comply with Edinburgh Design Guidance (addressed in Section C);
- Failure to comply with the city mobility plan (addressed in Section C);
- Failure to comply with SPP in terms of successful places (addressed in Section C);
- Cumulative impacts of existing student housing (addressed in Section C);
- Existing over concentration of student housing nearby (addressed in Section C);
- Poor location for accessing higher education establishments (addressed in Section C);
- Inappropriate change to the demographics of the area (addressed in Section C);
- Failure to comply with the Student Housing Guidance by sub-dividing the site (addressed in Section C);
- No on site affordable housing provided (addressed in Section C);
- No demand for student housing (addressed in Section C);
- Lack of mainstream housing (addressed in Section C);
- Lack of cluster flats (addressed in Section C);
- Does not include adequate social housing provision (addressed in Section C);
- Loss of business premises site and employment use (addressed in Section C);
- Excessive density (addressed in Section C);
- Inappropriate design/scale/mass/height/appearance (addressed in Section C);
- Adverse impact on skyline (addressed in Section C);
- Adverse impact on key views (addressed in Section C);
- Excessively modern use of materials (addressed in Section C);
- Adverse impact on the character of the New Town Conservation Area (addressed in Section B);
- Adverse impact on the World Heritage Site (addressed in Section B);

- Adverse impact on the Historic Garden Designed Landscape (addressed in Section B).
- Proposed use is not compatible with neighbouring uses (addressed in Section C).
- Loss of daylight to neighbouring properties including kitchens (addressed in Section C).
- Loss of sunlight to garden ground/overshadowing (addressed in Section C).
- Adverse impact on immediate outlook (addressed in Section C).
- Noise from roof terrace (addressed in Section C).
- Inclusion of roof terrace/karaoke space will introduce nighttime noise (addressed in Section C);
- Noise pollution from future occupiers (addressed in Section C).
- Loss of privacy/overlooking (addressed in Section C).
- Poor access to public transport nearby (addressed in Section C).
- Insufficient pick up/drop off provision (addressed in Section C).
- Area not safe for drivers and pedestrians (addressed in Section C).
- Adverse impact on traffic congestion (addressed in Section C).
- Increased pressure on existing heavy traffic (addressed in Section C).
- Insufficient parking provision for existing residents (addressed in Section C).
- Insufficient parking provision for future occupiers (addressed in Section C).
- Lack of disabled parking provision (addressed in Section C).
- Would block access to neighbouring properties (addressed in Section C).
- Existing road at Eyre Place is too narrow to accommodate development (addressed in Section C).
- Proposed raised crossing will create road safety issues (addressed in Section C).
- Pedestrian safety (addressed in Section C).
- Loss of existing open space (addressed in Section C).
- Insufficient open space provision (addressed in Section C).
- Lack of public open space in the development (addressed in Section C).
- Insufficient access to public open space (addressed in Section C).
- Impact on trees (addressed in Section C).
- Lack of swift bricks (addressed in Section C).
- Insufficient sunlight to proposed garden spaces (addressed in Section C).
- Adverse impact on biodiversity (addressed in Section C).
- Insufficient provision in local sewage network (addressed in Section C).
- Flooding issues (addressed in Section C).
- Insufficient local healthcare provision (addressed in Section C).
- Adverse impact on the operations of 'The Yard' (addressed in Section C).
- 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);
- Failure to provide Equalities Impact Analysis (addressed in Section C and IIA);
- Failure to comply with Human Rights Act for disabled individuals (addressed in Section C and IIA);
- Insufficient accessible rooms (addressed in Section C and IIA);
- Insufficient refuse and recycling provision (addressed in Section C);
- No provision has been made for accessible bikes, cargo bikes or tandem bikes (addressed in Section C).

### 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;
- Greater than 20 mins journey time to higher education provision;
- Adverse impact on the strength of the existing community;
- Shuttle buses will be required to access university accommodation;
- Developer is not from local area;
- Does not comply with 20 minute neighbourhood guidance;
- Increased anti social behaviour from future occupiers;
- Insufficient economic benefits;
- Future occupiers
- Adverse impact during the constructin period in terms of noise and disruption;
- Site not entirely in ownership of the applicant;
- Insufficient detail to show compliance with building standards;
- Failure to provide hearing loops in common spaces;
- Failure to show internal acoustic deadening;
- Insufficient fire evacuation plan;
- Insufficient provision of quiet spaces for future occupiers;
- Insufficient pre application dialogue;
- No provision of dog spending area;

### 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.

### **Conclusion in relation to identified material considerations**

There are no equalities or human rights issues, and the proposal complies with the SPP Sustainability Principles. The material considerations do not raise any matters which would result in recommending the application for refusal. Therefore, the application should be granted.

### **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. Nonconformities with the relevant non-statutory guidance in relation to daylight, cycle parking 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. Prior to the commencement of construction works on site:
  - (a) A site survey (including initial desk study as a minimum) 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 mitigation measures as specified within ITP Energised noise impact assessment no. 5094 and dated 21/9/22 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 soft landscaping scheme shall be fully implemented within the first planting season of the completion of the development. All planting carried out on site shall be maintained by the developer to the satisfaction of the Planning Authority for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme, as may be submitted to and approved in writing by the Planning Authority.

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.

**Reasons: -**

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 ensure that the nature of the use of the premises remains compatible with the character of the surrounding area, and that no activities or processes take place which may be detrimental to its amenities.
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. The applicant should consider developing a Travel Plan including provision of 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.
4. The applicant should be advised that, as the development is student housing, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013.
5. The applicant should note that Orders may be required to redetermine or stop up sections of footway and carriageway as necessary for the development and amend waiting and loading restrictions as necessary. The applicant should be advised that the successful progression of such Orders is subject to statutory consultation and advertisement and cannot be guaranteed.
6. The applicant should note that road construction consent may be required prior to works to change or improve the adjacent footways.

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

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

### **Further Information - Local Development Plan**

**Date Registered: 3 August 2022**

### **Drawing Numbers/Scheme**

01-07, 08B, 09-11, 12A, 13B, 14, 15A-21A, 22

Scheme 2

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

Contact: Rachel Webster, Planning Officer  
E-mail: [rachel.webster@edinburgh.gov.uk](mailto:rachel.webster@edinburgh.gov.uk)

## Appendix 1

### Summary of Consultation Responses

NAME: Scottish Water

COMMENT: No objections. Scottish water will not accept any new surface water connections into the combined sewer. Existing Scottish Water assets exist on the site.

DATE: 12 August 2022

NAME: Environmental Protection

COMMENT: No objections subject to conditions.

DATE: 28 September 2022

NAME: Historic Environment Scotland

COMMENT: No comments. Our decision not to provide comments should not be taken as our support for the proposals.

DATE: 17 August 2022

NAME: Transport Planning

COMMENT: No objection subject to conditions.

DATE: 4 November 2022

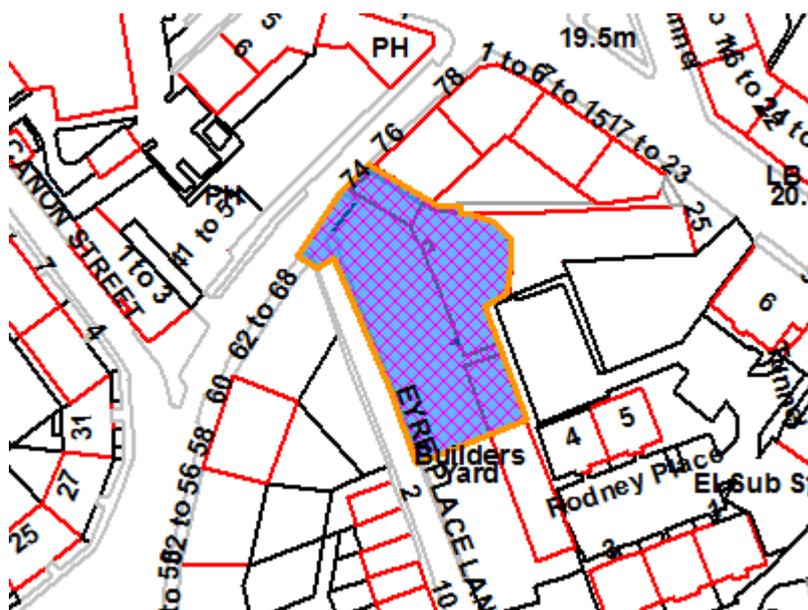
NAME: New Town/Broughton Community Council

COMMENT: Objection. Raises concerns relating to non compliance with Student Housing Guidance, loss of employment land, massing and design.

DATE: 15 September 2022

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

### Location Plan



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