

Development Management Sub-Committee Report

Wednesday 7 June 2023

**Application for Planning Permission
27 Arthur Street, Edinburgh, EH6 5DA**

Proposal: The demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping, and cycle parking.

**Item – Committee Decision
Application Number – 22/06119/FUL
Ward – B12 - Leith Walk**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as 40 objections and 31 support comments 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 proposed development is acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The principle of development is acceptable at this location. The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20-minute neighbourhood principles to be delivered. The proposal is compatible with these principles, as well as policy priorities that include sustainability in terms of transport and materials use, climate change mitigation and adaptation, and development on brownfield land.

Subject to recommended conditions and an appropriate legal agreement for a contribution towards the Edinburgh Tram, the proposal is acceptable and complies with National Planning Framework 4 and the 2016 Edinburgh Local Development Plan, as well as the Council's Edinburgh Design Guidance. The proposal is broadly compliant with the non-statutory guidance for student housing.

There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is L shaped and consists of an existing single storey brick building fronting Arthur Street, with ground to the rear that was previously associated with the Leith Walk tenements to the south at 334-346a Leith Walk (listed Category C ref.LB27763, listed on 19/12/1979). This was originally the garden ground of these tenements but was laterally a dump site for cars and other scrap associated with a garage on Leith Walk. There are also remnants of a former stable and workshop and the remains of internal garden walls within the site. This rear area is landlocked and can only be accessed from a small pedestrian path from Leith Walk. The site extends over approximately 0.167 hectares.

Originally, each Leith Walk house had a long, narrow garden or drying green stretching back northwards. Rubble masonry walls surrounded the gardens, and there was a narrow lane between the two eastern and two western plots (accessed by a path under the buildings). Use of the gardens/drying greens became disassociated from the townhouses as they were subdivided into a hotel and flats, and shop units were constructed in the front gardens. The gardens of 5 and 9 Pilrig Street (listed Category B ref.LB27845, listed on 14/12/1970) stretched behind those of the Leith Walk terrace and were originally part of the site also to be filled in with the current warehouse.

The brick workshop was constructed in the 1920s, and these drying greens/gardens appear to have been used independently from that time. In the second half of the 20th century, the drying greens/gardens were then used as a dumping ground for cars and other scrap. The dividing walls between the plots were largely removed to create a single space. The remaining structures to the rear of the warehouse - the remnants of a stable block and boundary walls - would have originally been connected to the Leith Walk buildings but became disconnected when the rear gardens were used for dumping cars. The original curtilage is no longer evident. There are no trees on the site - those that were remaining were removed under application 20/02517/TCO.

The brick workshop is single storey with a floor area of 1048sq.m.

The vacant area was previously occupied by an artist-run organisation in Edinburgh that provides studio space artists and practitioners. When the applicant bought the warehouse from the previous owner, he agreed to this organisation on a temporary lease. This has now ended and the organisation has vacated the premises.

The character of the surrounding area is becoming largely residential. Adjoining the site to the north-east is a four-storey block of flats with a recessed upper storey. There is then a garage building after that and then more flats which are four-storeys with a barrel vaulted roof with flats in the roof space. There are further four-storey gable fronted flats after that.

To the south-west there is Pilrig Dalmeny church, a category A listed Building (Ref LB27649 - 12 December 1974) and new housing development. On the other side of Arthur Street, to the north, there is a three-storey housing development with the ground floor significantly below pavement level. Leith Walk with shops and other commercial properties and excellent transport links is a 5 minute walk away.

There are also several listed buildings in the vicinity primarily Nos. 334-346 Leith Walk (Category C), but also more remotely No. 328 Leith Walk (Category C), Nos. 324-326 Leith Walk (Category B), Nos. 318-322 Leith Walk (Category C), No. 1 Pilrig Street (Category B), Nos. 3-5 Pilrig Street (Category B) and Nos. 7-9 Pilrig Street (Category B).

The site is within Pilrig Conservation Area.

Description of Proposal

The applicant proposes the demolition of an existing warehouse and garage and other structures and erection of a student accommodation block consisting of 112 student studio flats including six disabled accessible flats and 235 square metres of internal amenity space.

The proposed building is in an L shape with a short lane being created on the west side return. To Arthur Street, the building is five-storeys with the top floor set back for the majority of the length but when it reaches the corner, the eaves level drops from four to three storeys and the set back is a two storey return. This then meets up with a five storey section which then steps down to three storeys up the lane towards the rear of the Leith Walk tenements.

The main roof is flat with the three-storey section having a green roof. The main roof has solar panels.

The materials are brick, timber, and aluminium cladding.

The site slopes up towards the rear of the Leith Walk tenements. There is a height difference of around 2.4 metres from the street to the back of the site and ramping of the new side street is required to accommodate this. This street will not be used for any vehicular access.

Communal open space for the students is on the east and south side of the new building. There is an open amenity space in the north western corner of the site where the garage presently stands, which will be accessible to the public. The landscaping will be a mix of hard and soft with trees and plants chosen to encourage biodiversity. The pond at the back will be closed off and new boundary walls formed.

The cycle parking provision proposed will exceed the required 1:1 ratio with 120 spaces provided within a mix of dedicated cycle stores and stands which will be situated under cover and accessed via a secure gate at the rear of the site, at ground floor level. 112 of these cycle parking spaces will be for students and 8 will be designated for staff. In addition, the proposal includes the provision of 4 sheffield style hoops in the south east corner of the public amenity open space which will provide a further 8 spaces for use by visitors.

Supporting documents

The following documents have been provided to support the application:

- design statement;
- planning statement;
- heritage statement;
- sunlight, daylight and solar shading study;
- surface water management plan;
- building inspection report;
- landscape management plan and
- sustainability statement form

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

Previous consented scheme:

The current proposal is similar in appearance to the proposal which was the subject of planning permission 21/00991/FUL, however there are the following differences:

- the building is 1.3 metres higher,
- its footprint to the rear has increased due to the current escape requirements,
- the top floor is set back to breakdown the overall mass of the footprint,
- the corner is double height set back in response to the reduction in scale of the adjacent Edinburgh Free Church,
- the element to the rear of the site is reduced in height to three storeys,
- there is a change in brick colour at first floor level, with a high-quality lighter buff brick being used for the upper floors,
- metal cladding is used on the upper-level set back areas,
- grey aluminium framed glazing is used,
- the land on which the garage presently stands is included in the site and will become an amenity space that can be accessed by the public.

Relevant Site History

21/00991/FUL
27 Arthur Street
Edinburgh
EH6 5DA

Demolition of existing buildings and structures; erection of 33 apartments and associated development (as amended).

Granted
27 July 2022

21/00990/CON
27 Arthur Street
Edinburgh
EH6 5DA

Demolition of buildings and structures.
Granted

1 November 2021

23/00174/CON
27 Arthur Street
Edinburgh
EH6 5DA

The demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping, and cycle parking.

Other Relevant Site History

None.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Archaeology

Leith Central Community Council

Leith Links Community Council

Environmental Protection

Transportation

Waste Services

Historic Environment Scotland

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

Publicity and Public Engagement

Date of Neighbour Notification: 18 April 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 20 January 2023

Site Notices Date(s): 17 January 2023

Number of Contributors: 72

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
 - (i) harming the listed building or its setting? or
 - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- b) 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) Compliance with Planning Legislation on Listed Buildings and Conservation Areas

Impact on setting of Listed Buildings

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

In this case, there are a number of listed buildings near to the development. The listed buildings are all out-with the application site and therefore the primary consideration in the assessment of these proposals is the impact on the setting of these listed buildings.

Historic Environment Scotland's document 'Managing change in the Historic Environment - Setting' states that 'setting' is the way the surroundings of an historic asset or place contribute to how it is understood, appreciated and experienced. The document states that where development is proposed it is important to:

- Identify the historic assets that might be affected;
- Define the setting of each historic asset and
- Assess the impact of any new development on this.

Part of the application site was originally the garden ground of the listed buildings at 334-346a Leith Walk (Category C). The long gardens contained a number of structures including boundary walls but, as stated in the site description, these structures were largely removed in the 20th century when the warehouse was built and the gardens became disassociated from the listed tenements on Leith Walk. This rear area is now basically a scrap yard and is filled with old cars.

In assessing the impact on the setting of these listed buildings, it is important to consider the features that contribute to their special interest and, in this case, it is the frontages to Leith Walk that are of most significance. The rear elevations cannot be appreciated from any public viewpoint and their original rear setting has been compromised by a change from domestic green areas to industrial landscape.

Notwithstanding this, it is important that attempts are made to reinstate a rear setting as views will be opened up when the development is implemented and the new side street is formed. In this respect, the 13 metres separation distance between the backs of the listed buildings and the new building provides an open setting between them. Whilst this does not reinstate the original garden ground, it does open up garden ground around the rear section of the development and the change from a scrap yard to gardens will positively enhance the setting of these listed buildings.

The plans also indicate that an existing rear boundary wall will be retained and repaired. A condition has been applied to require further details of all boundary treatments.

The warehouse was actually built in the rear garden of 9 Pilrig Street, a B listed building and its original setting has been lost for nearly 100 years. The rear area now includes a church building and a garage. The development will not affect the setting of this listed building or the other listed buildings in Pilrig Street, including the A listed church.

Conclusion in relation to the listed building

The proposal preserves the setting of the adjacent listed buildings in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

Character and Appearance of Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."

Pilrig Conservation Area is characterised by its varied street pattern and terraced properties, contrasted with the green space of Pilrig Park and Rosebank Cemetery. The scale is set by two storey housing. However, it acknowledges that whilst the area is mainly comprised of low rise residential development, there are a small number of flatted properties of mainly three and four storeys.

This section of Arthur Street is not characteristic of the essential character of the conservation area. The warehouse building is a utilitarian 1920's structure which dominates the street and does not make a positive contribution to the overall character and appearance of the conservation area. It has two big roller shutter doors and a glazed entrance to the former artist workshop use. The single storey garage to the west of the warehouse has consent for change of use to class 4 business use. It is also utilitarian in character. The demolition of both the warehouse building and the single storey garage is assessed under the conterminous application for conservation area consent and is deemed to be acceptable. However, their overall impact is of an expansive brick wall along the street.

This section of Arthur Street has a mix of building types and heights with no consistency of character. In terms of the appearance of the conservation area, the proposed new building, which is marginally higher than the previously approved building, will align with the height of the flats to the east ensuring a rhythm is created in terms of building heights. In addition, the use of brick will tie in with the flats to the north and east creating a continuity and a reference to the industrial history of the site.

The proposed new building is higher than the existing warehouse and so there will be changes to the appearance of the conservation area. However, replacing a poor quality warehouse with a high quality student housing development can be a positive enhancement of the appearance of the conservation area.

The overall character of the conservation area is mixed and the determination of whether a development preserves or enhances it is a matter of planning judgement. If a development has a neutral impact it is deemed to preserve that character. There is no requirement to mimic traditional buildings in the conservation area as the aim is to be able to read the historical and architectural progression of the area by the buildings within it. The proposed new development is different from the essential character of the conservation area but it replaces a building which is also not typical.

Owing to the distance between this site and the more traditional core areas of the conservation area, the building will read as an extension to the more modern buildings in the street rather than a threat to the more traditional townscape. In this respect it will have a neutral impact and so preserve the character of the conservation area.

Conclusion in relation to the conservation area

The proposal preserves the character and appearance of the conservation area in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals comply with the development plan?

National Planning Framework 4 (NPF 4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF 4 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 NPF 4.

The relevant NPF 4 and LDP policies to be considered are:

- NPF 4 Sustainable Places policies 1, 2, 3, 7, 9, 13
- NPF 4 Liveable Places policies 14, 15, 16, 18, 20, 21, 22, 23
- LDP Delivering the Strategy policy Del 1.
- LDP Design Principles for New Development policies Des 1, Des 3, Des 4, Des 5, Des 6, Des 7 and Des 8
- LDP Caring for the Environment Policies Env 9, Env 12 and Env 16
- LDP Employment and Economic Development policy Emp 9.
- LDP Housing and Community Facilities policies Hou 1 and Hou 8.
- LDP Transport Policies Tra 2, Tra 3 and Tra 4.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF 4 Policy 7.

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of several LPD housing, design, shopping and leisure and transport policies.

The Council's Non-Statutory Student Housing Guidance is a material consideration and expands on the interpretation and requirements of LDP policy Hou 8.

Acceptability of the development in principle

NPF 4 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 a brownfield site for sustainable, energy-efficient housing within an existing community.

NPF 4 Policy 2 a) (climate mitigation and adaptation) 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.

NPF 4 Policy 9 (Brownfield, vacant and derelict land and empty buildings) intends to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. Part d) supports development proposals for the reuse of existing buildings, taking into account their suitability for conversion to other uses and emphasises the need to conserve embodied energy, with demolition regarded as the least preferred option.

The application site is a brownfield site within Edinburgh's urban area. The existing warehouse and garage building on the site are utilitarian. The existing structure and cladding materials of the warehouse and garage are not considered suitable for the proposed PBSA use, where a robust, well-insulated and highly sustainable building is targeted. Their build performance precludes optimum air tightness, thermal bridging, and use of Air Source Heat Pumps (ASHPs) and Solar/Photovoltaic energy sources. Apart from the build performance, the form and design of the warehouse building and garage would not lend themselves to conversion to residential use. Moreover, owing to their two-storey and single storey height respectively, the warehouse and garage are not an efficient use of the site.

Policy 14 of NPF 4 requires development proposals to improve the quality of an area regardless of scale. The site is within the urban area. It is in close proximity local retail and other services, as well as public transport links. The proposal would improve local placemaking by bringing this site back in to use.

The approved Student Housing SG recognises that there is a demand for student accommodation in Edinburgh due to the presence of five higher education institutions. It states that it is preferable that student needs are met as far as possible in well managed and regulated schemes as these have reduced issues of antisocial behaviour. Additionally, it states that there is a need for more purpose built student housing in order to free up general housing stock through an increased offer and increased competition.

Policy 16 of NPF 4, in criterion c, lends support to development proposals for new homes that improve affordability and choice, by being adaptable to changing and diverse needs, and which address identified gaps in provision. Housing types for homes for people undertaking further and higher education are one of the categories of homes which are supported, subject to compliance with other categories of NPF 4.

Policy 9 of NPF 4 aims to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. Outcomes should maximise use of existing assets, minimise land take, contribute to nature recovery and productive green space, and regenerate to improve well-being and transform places. The proposal would bring a vacant site back in to use. The demolition of the existing warehouse and garage building would facilitate the reuse of the site to deliver accommodation for those studying in higher education.

The proposal complies with the overall policy objective to support sustainable re-use of brownfield, vacant and derelict land and buildings and to help reduce the need for greenfield development. Sustainable transport is prioritised by the lack of car parking. The proposal complies with the intentions of NPF 4 policy 9.

Housing land and student accommodation

Within the urban area, LDP Policy Hou 1 part d) 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 site is not included in the LDP housing land supply study, and previous appeal decisions have made clear there is no obligation to consider all potential development sites in the urban area for windfall housing land supply before being considered for other uses. The proposal for residential student flats at this site complies in principle with the requirements of Hou 1 (subject to other policy considerations, notably policy Hou 8).

LDP Policy Hou 8 has two requirements for assessing student accommodation. Part a) specifies that 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. Part b) states that development 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.

Location of student housing

With reference to Hou 8 part a), the site lies some 1.4 miles north of the Holyrood campus, which is the nearest university campus, which is approximately 30-minute walk to or a 10 minutes cycle. Student accommodation at this site is in accordance with criterion a) of policy Hou 8 as it is well connected by walking, cycling and public transport to Edinburgh's university and college facilities.

Concentration of student population

When considering the second criteria of policy Hou 8, the LDP does not define an excessive concentration of student accommodation. Therefore, it is necessary to refer to non-statutory supplementary guidance for student housing, published in 2016, which provides more detailed guidelines for student accommodation developments.

Within the supporting text of the guidance reference is made to a 50% figure as the level at which a student population in the locality would be considered excessive. In assessing the degree of concentration of student accommodation in an area, the supporting text of Policy Hou 8 requires the Council to consider the nature of the locality in terms of mix of land use and housing types, and the existing and proposed number of students in the locality.

In respect of LDP Policy Hou 8, no definition of what is an 'excessive concentration of student accommodation' is included. There is no indication of what extent might be considered the 'locality' for a given development.

The site is located in the Leith Walk ward. Recent decisions made by the Council with regards to purpose-built student accommodation applications have utilised two main statistical methods for determining the concentration of students within a defined locality.

The first is the 'worst case scenario' method which is an agreed method by the DPEA Reporter in the decision on an appeal for PBSA at 7-10 Lower Gilmore Place (reference PPA-230-2323). This method involves identifying a locality and using the relevant data zones based on 2011 Census data for each of the data zones within the defined locality, as a baseline figure. These figures are then expanded upon by including the number of student beds approved within the defined study area, by identifying all approved and pending consideration student accommodation applications post 2011. The 'worst case' nature of this approach is demonstrated by the exclusion of any residential developments that had either been approved or were pending consideration post 2011, thereby increasing the resident population by students only (which is clearly unrealistic).

In a recent assessment of the PBSA proposal at the former Tynecastle High School (reference 21/04469/FUL) the Council used an 800-metre method to define the study area/locality with respect to the application site.

This 800-metre method is based on the principle of the 20-minute neighbourhood approach, whereby a development should have access to a reasonable level of amenity and facilities within a 20-minute walk from the development.

Using only the 2011 census to provide base data for the 800-metre data zones, the 2011 total population was 25,241 with students representing 3,131 (12%) of this 2011 population. However, since the 2011 census, residential development has been consented or is pending consideration within the study zone, although the majority of this development has occurred within the data zone reference S01008817 which relates to the Bonnington area, which lies to the north of the application site. With regards to student accommodation which has been consented or is pending consideration post 2011 there appears to be limited development of this nature across the study area. The current application, for 112 student beds is the one of three student accommodation developments within the study area consented/pending consideration post 2011.

The estimated student population is 3,722 within the study area. This figure has been reached by taking into consideration PBSA that has been consented or is pending consideration post 2011 across the study area. This figure is inclusive of the 112 student beds proposed as part of the current application.

The population (excluding full-time students) is estimated to be 5,663. This figure has been reached by taking into consideration residential development that has been consented or is pending consideration post 2011 across the study area.

Taking these estimated total student and general population figures into account the student concentration within the 800-metre study area is approximately 14% which falls well below the 50% threshold set out in the CEC Student Housing Guidance. The non-statutory Student Housing Guidance refers to 50% as the level at which student population in a locality would be considered excessive.

The proposed development of 112 student beds will therefore not lead to an excessive concentration of students in the local area. Consequently, the proposed development will not lead to an imbalance of the local community or negatively impact on the character of the local area.

The 'worst case scenario' method identifies a locality which is typically smaller than that of the 800-metre locality, defined above, as it focuses on a more concentrated data set from the 2011 census. This method assumes that all population growth within the defined study area occurs only through the addition of students and does not account for any residential developments consented or pending consideration (which is clearly unrealistic). By its nature, the student density figure reached as part of the 'worst case scenario' method as the estimated student concentration as per the 800-metre is only 14% which falls well below the 50% threshold set by Edinburgh Student Housing Guidance published by City of Edinburgh Council. On the 26th of April 2023 the development management sub-committee resolved to grant planning application 22/01563/FUL for a development at Land to East of 139 Leith Walk which includes 230 managed student beds. The addition of both a 112 bed and 230 bed student accommodation (342 students in total) would bring the concentration up to approximately 16% and so would not lead to there being an excessive number of students in the local community.

There is a need for all types of homes in Edinburgh, including student accommodation. The proposed student accommodation is sustainable in terms of access to local shops, services and facilities, thus helping to contribute to their viability, and will reduce car dependency. The location of student housing near to a prominent and frequented north-south route within the city will support the prioritisation of woman's safety.

The proposal complies with parts a) and b) of LDP policy Hou 8.

Student Housing Guidance

The Council's non-statutory student housing guidance recognises the value of higher education to the city and sets out the locational and design guidance to be applied for student housing. Part a) accepts student housing in locations within or sharing a boundary with a main university. This clause does not apply to the application site. Part b) states that outwith criteria a), student housing will generally be supported on sites with less than 0.25ha of developable area. The proposal has a developable area of 0.167 hectares and is supported by this part of the guidance. Criterion c) of the guidance requires sites with a developable area of over 0.25 hectares to include 50% of the gross student accommodation floor area as residential housing. This clause does not apply as the developable site area is below the threshold. Criterion (d) of the Student Housing Guidance states that student accommodation should comprise a mix of type of accommodation, including cluster units, to meet varying needs of students. The proposal is for studio flats only, six of which are wheelchair accessible. Given the relatively small amount of student accommodation proposed and the fact that the proposal includes communal amenity areas, both internal and external to encourage social activity between residents, the absence of a mix of types of accommodation is a minor infringement to the guidance and not grounds in itself to refuse the application. Finally, the guidance discourages large mono-use developments on sites above 0.25 hectares; in this case the developable area falls below the threshold.

The proposal broadly complies with the Council's guidance for student housing.

Employment land

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. The existing garage on the western part of the site has extant planning permission for conversion to class 4 workshop space under application 21/03965/FUL, 27a Arthur Street. The application includes the site of the garage and its repurposing as amenity open space. A condition is recommended to ensure that the amenity open space is formed prior to the first occupation of the proposed new building. There are no other employment uses that might be prejudiced by the development.

The current warehouse is largely empty and the current uses are temporary. The building is in poor condition. A building inspection report submitted with the previous application notes the roof has water ingress and other defects and, as it has no insulation, a new roof would be required. Other defects in the walls and guttering and general lack of ventilation, sound insulation and thermal insulation and lack of Equalities Act compliant access means a substantial amount of money would be needed to bring it up to standard.

It is acknowledged that in the past the warehouse hosted an artist workshop. The Planning Statement submitted with the previous planning application included correspondence between the applicant and the operator of the workshop making it clear that this was being let on a temporary basis. This was on a rolling basis with a 3 month notice period. According to the statement, the artist workshop was offered the potential to occupy the adjacent building, following completion of the change of use and extension. It is understood that the building was not suitable for its purposes. There is no policy protection for employment uses under one hectare.

Some of the objections consider the artist workshop use was a community use. However, the workshops would come under class 4 Business use (this is permitted development in terms of a change of use from class 5 (General Industry) or class 6 (Storage)). There is no planning permission in place for community use which can come under class 10 (Non-residential institutions) so any such use would have been unauthorised in planning terms.

The proposal complies with NPF 4 Policy 26 and LDP policy Emp 9.

Principle conclusion

The proposal is acceptable in land use terms with reference to NPF 4 policies 9, 14 and 16 as well as LDP objectives set out in policies Hou 1, Hou 8, Emp 9 and Council guidance for student accommodation. Further policy considerations are addressed below in relation to other policy themes.

Climate change, biodiversity, and sustainability

Policies 1, 2 and 3 of NPF 4 refer to climate change, mitigation, adaptation and biodiversity matters. Linked to these policies is NPF 4 policy 20, which concerns blue and green infrastructure. LDP policies, noted below within the assessment text, also address these policy themes.

Drainage

NPF 4 Policy Env 22 (Flood risk and water management) states that planning permission will not be granted for development that would:

- a) increase a flood risk or be at risk of flooding itself
- b) impede the flow of flood water or deprive a river system of flood water storage within the areas shown on the Proposals Map as areas of importance for flood management
- c) be prejudicial to existing or planned flood defence systems.

The site is not at risk of flooding. However, a Surface Water Management Plan (SWMP) has been submitted and this includes a drainage strategy as part of the self-certification (with third party verification) process. The proposed SUDS includes a combination of blue roof system, underground cellular attenuation and a raingarden. The proposed SUDS measures are acceptable for a high-density urban development on a constrained site. The development will be required to go through a separate statutory regime in terms of connection to Scottish Water assets, including connecting to sewars.

Biodiversity

NPF 4 Policy 3 (Biodiversity) seeks to protect biodiversity, reverse biodiversity loss, deliver positive effects from development and strengthen nature networks.

LDP policy Env 16 (Species Protection) presumes against development which would have an adverse impact on species protected under European or UK law.

A report on the bat roost potential of the existing building has been submitted with the application and concludes that there was no direct evidence of any past or present use by roosting bats. Subsequent bat roosts surveys were completed during June and July 2021 and no bat roosts were present. Updated surveys were completed in September 2021 and October 2022 and no bats roosts were present on the site. On this basis, bats are not an ecological constraint for the proposed redevelopment of the site and require no further consideration.

Biodiversity enhancements will be delivered through the landscape plan. It is recommended that an informative be added encouraging other measures such as swift bricks.

The proposal complies with the objectives of NPF 4 policy 3 and LDP policy Env 16 (Species Protection).

Energy and sustainability

NPF 4 policy 19 in criterion f) supports development proposals that will be occupied by people where they are designed to promote sustainable temperature management by use of passive solutions and materials. Policy 11 a) iv of NPF 4 also supports development proposal for all forms of renewable technologies at a small scale. In terms of embodied carbon, the proposed new building is far more efficient than the existing building, creating less total carbon emissions. The applicant has submitted an energy statement of energy intent in support of the application. Part A of the standards is met through the provision of a combination of Air Source Heat Pumps (ASHP) and photovoltaic panels. The proposal meets the essential criteria. Additional desirable measures including enhanced U-values and an airtight construction, so as to rely on the low and zero carbon equipment to achieve the energy standards. In addition, the proposal includes the provision of facilities to encourage recycling and will maximise use of materials from local and/or sustainable sources. The proposal complies with the aims of NPF 4 and will be subject to detailed building design methods will be subject to Scottish Building Standards.

Zero waste

NPF 4 policy 12 aims for the reduction and reuse of materials in construction, with a view to supporting the circular economy. The proposal will include waste management facilities with an integral ground floor refuse store providing bins for future residents for mixed, food and glass recycling. Waste collection would be privately managed for a development of this type. Refuse and recycling collection vehicles and personnel will access the bin stored directly from Arthur Street. The proposal is consistent with the waste hierarchy and complies with NPF 4 policy 12.

The proposal includes a range of design features in respect of climate change, biodiversity and sustainability and complies with the development plan in this regard.

Transport

NPF 4 Policy 13 (sustainable transport) requires proposals to demonstrate that the transport requirements generated have been considered in line with sustainable travel and meet a series of criteria (where appropriate).

LDP Policy Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) ensures that private car parking and cycle parking in new developments complies with and does not exceed the parking levels set out in the Edinburgh Design Guidance.

In addition, Policy Tra 4 (Design of Off-Street Car and Cycle Parking) expects the layout and design of parking to comply with Council guidance.

Of relevance to the proposed development are its accessibility by public transport, supporting the use of existing services; supplying safe, secure and convenient cycle parking.

The Council's Parking Standards allow for a zero-parking approach for student accommodation where justified. No vehicular parking is proposed. This approach complies with the aims of both NPF 4 and the Council's aims to reduce car journeys. The site is located close to a range of sustainable transport options.

Walking and cycling connections are provided adjacent to the site with multiple bus stops within a short walking distance of the site. The Transport Statement submitted with the planning application demonstrates the sustainable travel characteristics of the proposed development given its highly accessible urban location. In these particular circumstances zero car parking is acceptable. The Roads Authority request that a total of four motorcycle parking spaces be provided. For the above stated reasons this is not required to make the development acceptable.

The cycle parking provision proposed will exceed the required 1:1 ratio with 120 spaces provided within a mix of dedicated cycle stores and stands which will be situated under cover and accessed via a secure gate at the rear of the site, at ground floor level. 112 of these cycle parking spaces will be for students and 8 will be designated for staff. In addition, the proposal includes the provision of 8 cycle parking spaces within the community garden which can be used by visitors. The cycle storage is a two-tier system however it is not the type that holds only traditional cycles on guided rails, rather it is a hybrid that utilises 50% traditional guide rails to the upper half and 50% Sheffield hoops to the lower half. The upper guides will facilitate traditional cycles and the Sheffield hoops will facilitate the non-standard cycle types.

The proposal accords with LDP policies Tra 2 Private Car Parking and Tra 3 Private Cycle Parking and the Council's parking standards. The transport aspects of the proposal comply with the aims of NPF 4 policy 13 which supports development that promotes and facilitates sustainable travel to prioritise walking, wheeling, cycling and public transport for everyday travel. The proposal allows for reduced car dependency and is also consistent with NPF 4 Policy 15 which supports developments that contribute to local living, including 20-minute neighbourhoods.

The Roads Authority has requested tram contributions as noted below but the request for monies for car club spaces is not required to make the development acceptable.

Design and liveable places

Policies 14, 15 and 16 of NPF 4 support development that delivers quality places, spaces and environments that can further contribute to achieving 20-minute neighbourhood principles. The delivery of good quality homes in the right location is also supported. LDP policies Des 1 to Des 8 also sets out requirements for new development in the City and require proposals to be based on an overall design concept which takes influence from positive characteristics of the surrounding area to deliver high quality design.

Liveable Places

The proposal demonstrates a variety of the NPF 4 six qualities for successful places which are outlined in NPF 4 policy 14. For example, the application site is close to local amenities in Leith Walk to allow sustainable living, the proposal facilitates active travel and is very well-located for public transport to other parts of the City without the need to use a car, and it introduces a distinctive building at a brownfield vacant site. With reference to safety, the proposal will be managed by the applicant and entrances to and from the site would be well-overlooked from the public footway and road.

It is conceivable that the proposal could be adaptable in future to accommodate a different use if necessary, however specific alternative uses are not identified by the applicant in the submission. With reference to distinctive design, this matter is considered further below within this report.

Design considerations

LDP Policy Hou 4 (Housing Density) seeks appropriate densities on development sites, having regard to the surrounding area. The surrounding area has a mix of densities, including flats, and ranges from low to high density depending on the context. The currently proposed development is of a similar scale and height to recent surrounding residential development and is highly accessible to local facilities and public transport. A high amenity environment will be provided. The proposed density on this site is appropriate to its location. It is important to achieve suitable density on brownfield sites such as this and this proposed high-density development is compatible with the surrounding area.

Overall, the design is high quality, contemporary architecture and the development will be a positive addition to the street and the area in compliance with design policies.

The footprint and height of the currently proposed building would see a modest increase as well as some minor amendments to the fenestration compared to the extant permission. The proposal will be in keeping with the scale of developments that were established on Arthur Street by the warehouses and their subsequent replacements. It aligns with the flats to the east in terms of heights stepping down to three-storey in the south-west section. On the Arthur Street elevation, the massing has been reducing by stepping down the eaves level from four to three storeys to create interest in the facade. Vertical insets introduced between the front and rear wings further break up the appearance of the proposed development's massing. An inset balcony is introduced along Arthur Street to provide amenity and step back the massing from the street.

It is acknowledged that L shaped developments are not necessarily characteristic of the area, but the shape of the site is unusual, and the building has been designed to fit in with this making best use of brownfield land. There is no requirement for a townscape audit in current policies.

The use of brick is compatible with other developments in this part of the street and reflects the industrial character of the warehouse to be removed. A mix of masonry tones is proposed to break up the visual appearance of the building and introduce further contemporary styling. The lighter tones proposed are intended to sit well alongside the flats opposite that employ a similar colour. The setback areas of the façade are proposed to receive dark grey PPC raised standing seam cladding. Both the setbacks and the proposed finish help to further break up the proposed massing. Dark timber battens are proposed throughout the facades alongside the window openings. The introduction of the timber adds texture to the façade and helps to reduce the extent of the masonry. The darker stain to the timber relates to the proposed standing seam cladding, ironmongery and window frames. The use of balconies adds interest to the roofscape and creates additional activity to the street.

The proposed layout respects the existing building lines directly to the east and west of the site and creates a new street to the side. The rear area of the site is currently accessed through the pend from Leith Walk and whilst a right of access remains over this access, it is proposed that the amenity area at the back of the site will be bounded by a wall (as an extension to the existing boundary wall) such that there will be no access through to the site from the pend. This responds to the concerns of objectors about security, but others are concerned about how this will affect their access and daylighting. There remains around 1 metre between the boundary wall and the back of the Leith Walk tenements to allow access for repairs. As detailed below, the impacts in terms of daylighting are acceptable.

Natural surveillance onto communal areas has been encouraged by design to create safer and more communal shared amenity.

A landscaping plan has been provided. It illustrates hedges along site boundaries and landscape pockets containing trees. A condition has been added requiring that the landscaping is carried out within a specified timescale.

The proposal is a well-designed and distinctive, in accordance with NPF 4 policy 14 and LDP policies Hou 4 (Housing Density), Des 1 (Design Quality and Context), Des 3 (Incorporating and Enhancing Existing and Potential Features), Des 4 (Development Design - Impact on Setting), Des 7 (Layout Design), and Des 8 (Public Realm and Landscape Design).

Amenity

Policy 23 of NPF 4 supports development that will have positive effects on human health and protect people and places from environmental harm. LDP Policy Des 5 (Development Design - Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

There are no potential noise sources which would affect residential amenity. Housing lies to the north and east. The neighbouring church building is occupied by the Free Church of Scotland. This building forms the boundary to and is adjoining existing residential properties and appears to co-exist without impact. The proposed development lies further from this church. Noise is not an issue, and a NIA is not required.

Environmental Protection acknowledge that the operator will require to manage the student accommodation appropriately to ensure that internal and external noise from the premises is adequately controlled.

An integral bins store has been provided and Waste Planning has confirmed the layout is acceptable.

The proposal includes 235 square metres of internal student amenity space at ground floor level, which will create an active frontage to the building. Additionally, 780 square metres of external amenity spaces for students is proposed.

In terms of privacy, there will be over 20 metres to the flats on the other side of Arthur Street. There will be over 30 metres to the Pilrig Street windows. There is a minimum separating distance of 16.2 metres to the Pilrig Glebe flats south-west of the site. Most windows are however at a slight angle to each other and there is a 2.7 metres high wall between the two properties, with the application site being on a lower level, meaning the ground and most of the first-floor level windows are protected from overlooking. This is considered acceptable in this tight urban context. The east elevation faces communal gardens which are already overlooked. Windows in the south east gable elevation that serve corridors, face onto the Leith Walk tenements. To safeguard the amenity of residential properties in these neighbouring tenements it should be made a condition of a grant of planning permission that these gable windows are installed with obscure glazing. Subject to this recommended condition, the application is acceptable in terms of privacy and overlooking.

A Daylighting and Overshadowing Study accompanies the application. The analysis reviews the impact of the proposed development on the adjacent buildings and potential impact of shading, and the available daylight provision to the new dwellings formed within the development.

The Study shows that there is no notable additional shading to the existing adjacent buildings and properties as a result of the new development. There is a slight increase to the existing dwellings opposite the site in Arthur Street, but this is limited to 9am in the spring and autumn solstices only. The impact is negligible.

In addition, a vertical sky component (VSC) calculation of the impact of the proposed development on the adjacent buildings was undertaken in line with the EDG requirements. The result is that all neighbouring windows pass the VSC test.

A sunlight analysis of impact on neighbouring gardens was undertaken in line with EDG guidance and the results show that the proposal does not adversely impact the neighbouring gardens, which all receive a minimum of 3 hours sunlight over 50% of the garden.

It is acknowledged that the current proposal will result in mutual overlooking of existing gardens. However, those gardens are not wholly private at present as mutual overlooking already takes place due to the relationship of existing buildings within this area. The proposal maintains existing levels of privacy and provides for adequate residential amenity to existing properties and the proposed student accommodation.

The immediate surroundings are typically residential in nature. The proposed student accommodation use is compatible with the residential area. It is not expected that additional noise will be created.

The proposal complies with Policy 23 of NPF 4 and criteria a) of LDP Policy Des 5.

Ground conditions

Due to the previously developed nature of the site, a condition is attached requiring a site contamination investigation to be carried out and any necessary mitigation measures to be put in place in the interests of future occupiers of the development, as recommended by Environmental Protection.

Built heritage and archaeology

NPF 4 Policy 7 (Historic assets and places) requires that proposals with a potentially significant impact on historic assets or places should be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records.

Setting of Listed Buildings

NPF 4 Policy 7 supports proposals for the alteration or extension of a listed building, or works that impact on its setting, where its character, special architectural or historic interest are not adversely affected.

This has been assessed in section a) and the proposal complies with NPF 4 Policy 7 part b).

Character and Appearance of Conservation Area

NPF 4 Policy 7 only supports development proposals in conservation areas where they preserve or enhance the character and appearance of the conservation area and its setting.

This has been assessed in section a) and the proposals comply with NPF 4 Policy 7 parts d)- g).

Archaeological Remains

LDP Policy Env 8 (Protection of Important Remains) and Env 9 (Development of Site of Archaeological Significance) ensures that development does not have an adverse impact on archaeological features.

The City Archaeologist has confirmed that the site should be regarded as occurring within an area of archaeological and historic importance. Accordingly, a condition is applied regarding a programme of archaeological work.

Subject to the recommended condition, the proposed development is in accordance with the Planning (Listed Building and Conservation Areas)(Scotland) Act 1997 and NPF 4 Policy 7.

Infrastructure first

Tram

Policy 18 of NPF 4 encourages an infrastructure first approach to planning and placemaking. The Edinburgh LDP, through policy Del 1 (Developer Contributions) part 1a) and associated Action Programme items, promote sustainable travel and continuing development of Edinburgh's tram network. The application site is within the Tram Contribution Zone as defined in the Council's finalised guidance on Developer Contributions and Infrastructure Delivery (August 2018). The Roads Authority has requested that the applicant contributes the sum of £ 111,453 towards the Edinburgh Tram and this will be secured through a Section 75 legal agreement should the committee be minded to grant planning permission.

NPF 4 policy 18 notes that where planning obligations are entered into, they should meet five tests, which reflect those in Planning Circular 3/2012 (Planning Obligations and Good Neighbour Agreements). Subject to securing the above contribution towards sustainable transport infrastructure, the proposal is acceptable and complies with the above noted development plan policies.

Health services

Public comments raise concern with regard to the effect of the proposal on local health services such as doctors and dentists. The site is not within a healthcare contribution zone within the Council's Developer Contributions & Infrastructure Delivery Supplementary Guidance and therefore a contribution towards healthcare is not required. There is no necessity to apply a planning contribution for this proposal in the context of NPF 4 policy 18. LDP policy Hou 10 (Community Facilities) sets out the circumstances where impacts of housing development on health or community facilities are required; this policy does not apply to student accommodation developments.

Conclusion in relation to the Development Plan

The proposed development broadly complies with the provisions of NPF 4 and the LDP and associated guidance, and there is not considered to be any significant issues of conflict.

There are any other material considerations which must be addressed?

The following matters have been identified for consideration:

Emerging policy context

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

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights. The proposal provides six accessible rooms within the development and there are internal lifts to access all floors.

Public representations

Seventy two representations were received. Representations include 40 objections, 31 support comments, and 1 neutral comment. A summary of the representations is provided below:

Material comments - objection:

- loss of important cultural and community space
- loss of employment premises
- warehouse is of heritage value and could be re-purposed
- setting of listed buildings
- fails to preserve the historic environment
- demolition of boundary wall
- poor design of development
- security of properties affected
- closure of pend not acceptable
- development too dense
- daylight and sunlight analysis is inaccurate
- daylighting, privacy and overshadowing impacts unacceptable
- noise and pollution
- traffic problems and insufficient car parking leading to parking congestion
- no mention of developer contributions
- pressure on local amenities
- presence of bats
- no biodiversity enhancements
- drainage issues
- carbon neutrality not addressed
- loss of open space
- strain on sewage provision
- security concerns

These are addressed in the sections of the main report, above.

Material comments - support:

- car free development encourages active travel
- efficient use of derelict brownfield land for much needed housing
- will enhance the appearance of this area
- sustainable development
- high quality development
- a range of apartment types and size to meet unmet housing needs in the city
- scale, height and materials used in the proposal fitting to the local area
- the current building not fit for purpose

Non-material comments

- damage caused by construction work. - This is a civil matter out with the control of the planning authority.
- access rights.
- lack of new facilities for new development. - There is no requirement to provide new facilities for this scale of development.
- no consultation with residents. - There is no statutory consultation on applications for local development.
- devaluation of property.
- disruption due to construction works.

- Dust during construction.
- indiscriminate parking/parking offences.
- Title to land and property. - This is a legal matter and not a planning matter.

Community Council comments

Both Leith Central Community Council and Leith Links Community Council object to the application. The themes of the objections are included in the objections section above.

Conclusion in relation to other matters considered

There are no equalities or human rights issues. 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 proposed development is acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The principle of the development is acceptable in this location. The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20-minute neighbourhood principles to be delivered. The proposal is compatible with these principles, as well as policy priorities that include sustainability in terms of transport and materials use, climate change mitigation and adaptation, and development on brownfield land.

Subject to recommended conditions and an appropriate legal agreement for a contribution towards the Edinburgh Tram, the proposal is acceptable and complies with National Planning Framework 4 and the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory Edinburgh Design Guidance. The proposal is broadly compliant with the non-statutory guidance for student housing. There are no material considerations that 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. 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.

3. Details of all boundary treatments, including the retention of existing walls and their repair, shall be submitted for the further approval of the planning authority. The boundary treatments will be then be implemented as per the agreed details.
4. 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.
5.
 - i) 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.
6. The final Surface Water Management Plan is subject to the further approval of the planning authority and shall thereafter be implemented prior to the occupation of the student accommodation hereby approved.
7. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
8. Prior to the commencement of development, a phasing plan and phasing schedule shall be submitted to and approved in writing by the Planning Authority. The phasing schedule shall include the provision of open spaces, SUDS, landscaping, public realm and cycle parking. Development shall be carried out in accordance with the approved phasing unless agreed in writing with the Planning Authority.
9. The student accommodation building hereby approved shall not come into use unless and until the amenity open space to be formed on the site of the existing garage at 27a Arthur Street, has been formed and made available for use.

10. Prior to the building first coming into use and notwithstanding that delineated on application drawings, the windows on the southeast elevation of the new building that serves corridors and which face onto the Leith Walk tenements, shall be installed with obscure glazing. Thereafter, these windows shall continue to have obscure glazing installed. There shall be no variation therefrom unless with the prior written approval of the planning authority.

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to ensure that the approved landscaping works are properly established on site.
5. To ensure that the development is implemented in a manner which mitigates the impact of the development process on existing land users and the future occupants of the development.
6. To ensure that the drainage scheme implemented is sustainable.
7. To ensure that impacts on archaeology is mitigated.
8. To ensure that the development is implemented in a manner which mitigates the impact of the development process on existing land users and the future occupants of the development.
9. In the interests of the amenity of the future occupants of the student accommodation.
10. To safeguard the privacy and residential amenity of neighbouring flatted properties.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement relating to the tram for the sum of £111,453 has been concluded and signed.

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.

2. 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.
3. 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.
4. The applicant is required to restore footway along the site frontage on all existing vehicular access points to the site on Arthur Street.
5. A total of 24 of the cycle parking spaces should be suitable for the storage of nonstandard type cycles e.g. tandems and cargo bikes. In addition, charging points for electric cycles should be provided.
6. A draft travel plan is included in the TS. 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.
7. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 11 January 2023

Drawing Numbers/Scheme

1-6, 7a, 8a, 9-13, 15a-18a, 21-23, 19-30

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Adam Thomson, Planning Officer
E-mail: adam.thomson@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Archaeology

COMMENT: No objection. a condition is recommended.

DATE: 24 January 2023

NAME: Leith Central Community Council

COMMENT: Objection.

DATE: 24 February 2023

NAME: Leith Links Community Council

COMMENT: Objection.

DATE: 10 February 2023

NAME: Environmental Protection

COMMENT: No objection. A condition is recommended.

DATE: 25 January 2023

NAME: Transportation

COMMENT: No objection. It is recommended that a Tram contribution be secured through a legal agreement.

DATE: 10 May 2023

NAME: Waste Services

COMMENT: No objection.

DATE: 14 April 2023

NAME: Historic Environment Scotland

COMMENT: No objection

DATE: 15 May 2023

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

Location Plan



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