

# Development Management Sub-Committee Report

**Wednesday 20 September 2023**

**Application for Planning Permission  
14 Ashley Place, Edinburgh, EH6 5PX**

**Proposal: Proposed purpose-built student accommodation with associated infrastructure and landscaping.**

**Item – Committee Decision  
Application Number – 22/06251/FUL  
Ward – B12 - Leith Walk**

## **Reasons for Referral to Committee**

The application is referred to Development Management Sub-Committee as there has been 89 letters of representations including one letter of support and 88 objections to the development proposals. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

### **Recommendation**

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

### **Summary**

The proposal will make a positive contribution to the City's accommodation provision for those undertaking further and higher education and 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. The proposal will also make a positive contribution to the range of housing types across the city by providing purpose built student housing in an area with a current low concentration of such housing. The proposed locality is accessible and has a number of active travel connections and public transport in the vicinity. There is also a number of shops and services reinforcing the 20 minute neighbourhood and local level whilst allowing active travel and public transport access to further and higher education locations.

The proposed design is similar in height and scale to that already consented for residential and office development. This design has included more sustainable elements including blue/green infrastructure at roof and ground level.

The proposal is not considered to have a significantly adverse impact on surrounding residents and will provide an acceptable amount of indoor and outdoor amenity space for future residents. Landscape proposals include blue-green roofs and a mix of planting that will provide an improved level of habitat creation enhancing biodiversity on the site and create a positive setting for the building and enhancing the street scene.

The proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory guidance for student housing and the Edinburgh Design Guidance subject to the recommended conditions. There are no material considerations that outweigh this conclusion.

## **SECTION A – Application Background**

### **Site Description**

The application relates to a site of 0.24 ha. located in the north of Bonnington and to the east of Newhaven Road. Ashley Place is a cul-de-sac which leads off Newhaven Road in the Bonnington area in the north of Edinburgh.

The site is now vacant and surrounded by a hoarding fence. Previously it contained a two storey brick office building and its associated yard and car parking area.

To the south west, on Ashley Place, there is a terrace of traditional tenemental flats. Further to the east, on Ashley Place, is a six storey brick and render block of modern flats accessed from Tinto Place. There is also four storey red brick flatted blocks newly constructed. There is another large six storey high block of similar flats to the south east. To the north and east there are also low-rise industrial buildings.

The future use of the site is considered by the Bonnington Development Brief which is characterised by light industrial, and business uses typical of the wider area covered in the brief.

### **Description of the Proposal**

#### Scheme 2

Planning permission is sought for the erection of purpose-built student accommodation including amenity space, associated landscaping and ancillary facilities.

The 'U' shaped building is 4-6 storeys high fronting Ashley Place on two sides with an internal courtyard. There is a small south facing garden fronting onto Ashley Place. The building incorporates a roof terrace with the 5th storey set back from the Ashley Place frontage. The wing of the building overlooking towards the Elizafield Industrial estate is 4 storeys high with a roof garden.

The ground floor layout includes the main entrance, internal amenity space, gym, cycle stores, plant and bin store. The internal amenity space overlooks Ashley Place providing an active frontage to this part of the street.

## Accommodation

The student accommodation provides 232 rooms in total. This consists of 55 cluster flats (24%), 164 Studio Rooms (70%) and 13 accessible rooms (6%). The cluster flats each contain 5 bedrooms sharing a kitchen, dining, living area. The amenity areas include a south facing garden 195 sq. m, a 357 sq. courtyard, a 155 sq. m roof terrace - totalling 707 sq. and 252 sq. m internal amenity space.

## Materials

Dark and light grey brick is proposed with detailing parallel to the recessed windows and zinc cladding for the 4th and 5th floor set back. Fenestration is full height opening windows in grey as is the metalwork. Concrete entrances are also proposed.

## Landscaping

The three main areas of landscaping include the internal courtyard, the roof top terrace and street garden. The courtyard includes seating, three trees, shrubs, ornamental planting grass, and block paving. The roof terrace consists of a sedum green roof, with ornamental planting and a seating area. The street garden is mainly ornamental planting with three trees, seating and outdoor gym bars.

## Cycle Parking

232 cycle parking spaces (100%) are provided for students within the ground floor level of the building and within covered cycle parking storage in the courtyard. The bike storage consists of a mix of two tier bike racks with assisted upper bike racks for 93 spaces (40%) and 93 spaces on the lower tier (40%) as well as 46 spaces on Sheffield stands (20%) with a 2 metre separation distance between them for non-standard bikes. There are an additional six spaces for visitor and short stay cycle parking at the main entrance to the building.

## Sustainability

The roof terrace and upper roof will act as a blue roof attenuating, storing and filtering rainwater. The two lower roofs would be extensive green roofs. Photovoltaics and air source heat pumps will also be provided at roof level, to provide heating and hot water for the development.

## Waste

The existing site is asphalt with no remaining buildings on site for the reuse of materials. A target of 90% of the construction waste will be diverted from landfill and separated into key waste groups. All accommodation will be provided with recyclable waste storage areas and space will be allocated in communal bin stores. Refuse collection will be by a private collection service.

## Scheme 1

The initial scheme was for 229 student beds with the entire "U" shaped building all being six storeys in height. The cluster flats had 6 beds per flat. The landscaping quality of the external courtyard and garden was poor, with no blue/green roof infrastructure and less amenity space overall.

## **Supporting Information**

The following documents have been submitted in support of the application:

- Archaeology Assessment
- Design and Access Statement
- Geo-environmental Assessment
- Noise Impact Assessment
- PAC Report
- Planning statement
- Site Investigation Report
- Surface Water Management Plan and Flood Risk Assessment
- Sustainability Form
- Transport Statement

These documents are available on the Planning Portal.

## **Relevant Site History**

22/04004/PAN

14 Ashley Place

Bonnington

Edinburgh

EH6 5PX

Purpose-built student accommodation with associated infrastructure and landscaping.

Pre-application Consultation approved.

26 August 2022

19/05092/FUL

14 Ashley Place

Edinburgh

EH6 5PX

Demolition of existing building and erection of 65 flatted residential development with associated landscaping, car and cycle parking; formation of pedestrian access from Ashley Place and associated infrastructure.

Granted

15 October 2021

19/03433/PAN

14 Ashley Place

Edinburgh

EH6 5PX

Residential development comprising up to 63 apartments, associated infrastructure and landscaping.

Pre-application Consultation approved.

6 August 2019

14/05208/FUL  
14 Ashley Place  
Edinburgh  
EH6 5PX

The removal of an existing office building and associated storage yard and the erection of 40 Flats (as amended).

Granted

25 May 2017

99/03340/FUL  
14 Ashley Place  
Edinburgh  
EH6 5PX

Use of the ground floor premises as a leisure centre (Class 11) and first floor premises as offices (Class 4) (in retrospect).

Granted

19 January 2000

04/00306/FUL  
Bonnington Road Lane/Ashley Drive/Tinto Place  
Edinburgh  
EH6 5BJ

Proposed mixed development.

Granted

21 February 2006

### **Other Relevant Site History**

Application reference 04/00306/FUL was a mixed use development encompassing Bonnington Road Lane, Ashley Place - including the application site and Tinto Place. The application site was to be a six storey office block around a central courtyard with associated car parking and landscaping. This planning permission has been implemented on neighbouring sites and therefore this permission is extant in relation to the application site.

### **Pre-Application process**

Pre-application discussions took place on this application.

### **Consultation Engagement**

Transport Officer

Environmental Protection

Leith Central Community Council

Scottish Water

SEPA

Contaminated Land Officer

Environmental Protection

Nature Scotland

Waste Services

Scottish Water

Archaeology

Flood Prevention

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

## **Publicity and Public Engagement**

**Date of Neighbour Notification:** 15 June 2023

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

**Press Publication Date(s):** Not Applicable

**Site Notices Date(s):** Not Applicable

**Number of Contributors:** 89

## **Section B - Assessment**

### **Determining Issues**

This report will 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) Do the proposals comply with the development plan?**

National Planning Framework 4 (NPF4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. There are several policies in the Edinburgh Local Development Plan (2016) (LDP) that are equivalent to policies in NPF4.

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

- NPF 4 Sustainable Places policies 1, 2, 3, 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 7, Des 8 and Des 11.
- LDP Caring for the Environment policies Env 8, Env 9 and Env 16.
- LDP Employment and Economic Development policy Emp 9.
- LDP Housing and Community Facilities policies Hou 1, Hou 8 and Hou 10; and
- LDP Transport policies Tra 1, 2, Tra 3, Tra 4 and Tra 8.

The Action Programme 2023 accompanies the adopted Edinburgh Local Development Plan as it sets out how the Council proposes to implement the LDP. The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of several LPD housing, design and transport policies and other environment policies listed above. The Council's Non-Statutory Student Housing Guidance is a material consideration and expands on the interpretation and requirements of LDP policy Hou 8. The Bonnington Development Brief (2008) is also relevant.

### **Principle**

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

Within the urban area, LDP Policy Hou 1 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 site has existing planning permission for residential use, which has not yet been implemented. 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 accommodation

With reference to Hou 8 part a) the sites proximity for walking, cycling using public transport to reach the universities has been assessed below. The site is in the urban area. The transport statement submitted shows the accessibility with the site having 12 bus stops within 400m and several local shops and services. There are also several supermarkets and doctors' surgeries within 1600m. The Ferry Road local centre is 700m walk as is the Leith and Leith Walk town centre. Pilrig Park and Leith Victoria Leisure Centre are around four to seven minutes' walk (350 and 600m) respectively.

The site lies some 1.7 miles north of the University of Edinburgh Holyrood campus, the nearest university campus, which is approximately a 36 minute walk or a 14 minute cycle. The site has easy access to the Water of Leith walkway part of the Core Path network.

There is easy access via Newhaven Road to the Warriston Path which forms part of the National Cycle Network Route 75 connecting Leith with central Edinburgh and connecting with Quiet Routes 11 and 13. Edinburgh University's George Square area would be around a 16 min cycle (3.4km) with Merchiston Campus of Napier University around a 26 minute cycle (5.8km).

The nearest Bus stops on Newhaven Road and Bonnington Road are 80 metres away or 2 mins walk allowing travel north-south, east and west. These bus stops are served by Lothian Buses services 10, 11, 36 which are every 20, 12, and 30 minutes respectively during the day and 20, 30, 30 minutes respectively in the evenings. Services 10 and 11 pass along Princes Street, allowing walking the further 1.2km to Edinburgh University main campus. Services 11 and 36 pass within a 4 minute walk from Edinburgh Napier University Craiglockhart and service 36 within a 4 minute walk of the Sighthill campus. The nearest trams stop is at Balfour Street is 0.7 miles or 13 minutes' walk away with the frequent service to Granton and the Airport as well as the city centre.

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 accommodation

When considering the second criteria of policy Hou 8, the LDP does not define an excessive concentration of student accommodation, however the non-statutory supplementary guidance for student housing (2016) states that 50% is the level at which a student population in the locality would be considered excessive and that the nature of the locality, in terms of mix of land use and housing types, and the existing and proposed number of students should also be taken into account.



The locality is defined as an area 800m (10 minutes' walk) around the proposal and the percentage of student increases from 8% in 2011 to 9% in 2023 including if the proposed development goes ahead. This locality is considered mixed use with a range of use classes and a mix of housing types.

The Edinburgh guidance for Student Housing shows the sites within the Broughton area. All the data zones in the vicinity, collectively and separately, have quite low concentrations of students - therefore, however you define the locality, there is not an excessive level of students as a result of the proposal. It is well below the 50% where student concentration could be considered excessive in terms of the CEC student housing guidance.

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 states a preference for 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.

The guidance sets out the locational and design criteria for student housing. Part a) accepts student housing in locations within or sharing a boundary with a main university - and therefore 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 site extends to 0.24 hectares with a development area of 0.22 hectares and is supported by this part of the guidance. The proposal is below the threshold for Criterion c) which is therefore not applicable.

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 student accommodation provides 232 rooms in total. This consists of 55 cluster flats (24%), 164 Studio Rooms (70%) and 13 accessible rooms (6%). The proposal is for a mix of:

- 55 cluster units with 5 bedrooms per flat (24%).
- 164 studio rooms (70%) and
- 13 accessible rooms (6%).

The proposal also includes communal amenity areas, both internal and external to encourage social activity between residents.

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

## Previous Employment Use

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. In this instance, the site already has extant permission as office and a live permission as residential use. The character of the surrounding area is increasingly residential within the mixed use area. The proposal will not inhibit surrounding commercial uses and the proposal will contribute to the comprehensive regeneration and improvement of the wider areas in line with LDP Policy Emp 9. Therefore, a change of use to student housing is considered acceptable in principle.

## Bonnington Development Brief

The Bonnington Development Brief (2008) also covers the site. The brief sought to establish an appropriate mix of uses that would ensure that the introduction of residential uses in this location would not compromise the operation of existing businesses at a time when there was general concern regarding the loss of employment uses in the city. The brief proposed a mix of residential and office use for Ashley Place. The change from business to residential was assessed in the previous planning applications (14/05208/FUL) and (19/05092/FUL) and planning permission granted for residential use. Whilst student housing is *suis generis*, in terms of assessment against the brief, it is considered that student housing on this site would also be acceptable as it is unlikely to compromise the operation of existing businesses.

## Principle Conclusion

NPF4 Policy 16 considers that student housing is one of the new housing types supported. The proposal complies with LDP Policy Hou 1 as a suitable site within the urban area for residential use. It complies with LDP Policy Hou 8 as the proposed location is accessible and would not result in an excessive concentration of student accommodation to the extent that it would be detrimental to the established character and residential amenity of the locality. The student housing guidance criteria b) requiring a small site of 0.25 hectare or less and criteria d) requiring an acceptable mix of studio rooms, cluster flats and accessible rooms are both adhered to and criteria a) and c) do not apply to this development proposal. The proposal complies with LDP policy Emp 9 and the Bonnington Development Brief, and therefore there is no objection in principle to the proposed development.

## **Placemaking and Design Considerations**

### Context

NPF4 Liveable Places Policies 14 and 15 set out that proposals should improve the quality of an area, contribute to local living including 20 minute neighbourhoods and have an acceptable level of interconnectivity with the surrounding area. NPF4 16 requires proposals for new homes to improve affordability and choice by being adaptable to changing and diverse needs including student housing.

Policies Des 1 to Des 8 of the LDP set out the policy framework for the design of developments to ensure that proposals integrate within the city and help to create a sense of place. Also relevant is the Bonnington Development Brief (2008), the Edinburgh Design Guidance and the Student Housing guidance (2016).

The surrounding area is being redeveloped and contains a range of flatted blocks in a variety of designs, heights and materials. The proposal continues Ashley Place as a street integrating with the new residential development nearby. In line with Policy Des 2, the building provides two frontages to Ashley Place and would allow a future connection into Elizafield. This proposal does not compromise the effective development of neighbouring land and aligns with the aims of the development brief.

### Height, Scale and Massing

The Bonnington Development brief sought to ensure a predominant building form of tenemental scale buildings around 4-5 storeys high to protect city views.

The general height of the buildings in the locality range from 4 storey traditional tenements to new buildings ranging from 4-6 storeys opposite on Ashley Place and nearby on Tinto Place. The extant planning permission is for a six storey office block on the site and similarly the live residential permission is also for six storeys. The top floor and part of the fifth floor are set back from the eaves with zinc cladding. The material differentiation and set back helps reduce the mass at roof level and when viewed in the street scene and neighbouring properties. The flatted roof is not traditional tenemental style but is found in nearby new buildings and includes a green roof.

LDP Policy Des 11 protects skyline and key views from adverse impact. A townscape assessment was undertaken which illustrated that Ashley Place site lies within the field of view of two key views - No. N8 and No. C1b. However, the proposed six storey height would not be visible in either view above existing rooflines and is acceptable.

Whilst the scale of the building is substantial with a deep floor plate and 'U' shape footprint, it is similar to the consented 'L' with an additional four storey wing extending towards Elizafield Industrial Estate with an accessible roof terrace.

### Layout

Policy Des 7 (Layout Design) outlines the criteria to assess layout of proposals. The proposed 'U' shaped layout of the building provides a street frontage to Ashley Place, front garden area, and courtyard communal garden, replicating the tenemental form and an integrated approach to the building's layout with public space as a focal point. The courtyard garden is accessed by two paths from Ashley Place and would include external bike sheds which would be overlooked. There is already a cycle path along the opposite side of Ashley Place which is easily accessible and therefore would encourage cycling.

The proposal has the same building line to Ashley Place as previously, set back from the existing Ashley Place building line by 6 metres, allowing an enhanced streetscape, greater distances between flatted blocks, and removing cars from one side of the street. The ground floor amenity space are set back from the street by ornamental planting and trees whilst also providing activity at ground floor level and natural surveillance.

## Density

The proposal at 6 storeys is similar in built form to some of the neighbouring buildings. The proposals comprise 232 student units which would be a higher density, but which would contribute to local placemaking by reusing this vacant site and providing another use which is compatible with the residential and mixed use character of the area.

## Landscaping and Public Realm

LDP Policy Des 8 (Public Realm and Landscape Design) and Policy Env 20 (Open Space in New Development) set out how external spaces should be integrated, appropriate, coordinated and proportionate with a maintenance scheme in place. The street garden would be 195 sq. m and publicly accessible which is considered acceptable in line with Policy Env 20.

The 357.sq.m courtyard and the 155sqm roof terrace provide sufficient external amenity space for the new residents. The applicant has included plans which are generally well coordinated with the proposed student housing and the maintenance arrangements are acceptable.

In line with Policy Des8 in order to ensure coordination of street furniture and that the materials used are appropriate for their intended purpose as well as to the use and character of the area, a condition is required to ensure that here are further landscape plans are provided and implemented. This would ensure that the seating area materials, the inclusion of Sheffield cycle racks at the main entrance, and the replacement of the multi-gym bars with more recessed seating areas facilitate the integration and coordination of the proposals with the general streetscape. Therefore, it is considered that which can be ensured by condition.

## Materials and Detailing

The elevational treatments include a mix of dark and light facing brick and floor to ceiling windows and decorative brickwork at the main entrance. The elevation details and materials complement those of the existing flats nearby. A condition is recommended to secure materials appropriate to the character of the local area.

## **Climate Change, Biodiversity and Sustainability**

NPF4 Policy 1 (Tackling the climate and nature crisis) gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. NPF4 Policy 2 NPF 4 Policy 2 a) (climate mitigation and adaption) and NPF 4 Policy 9 (Brownfield land) are also relevant.

The application site is a vacant brownfield site within Edinburgh's urban area with the previous office building having been demolished and the site already cleared and left as hardstanding with no remaining buildings nor materials on site for reuse. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' using a vacant brownfield site for sustainable, energy-efficient bespoke student housing within an existing community.

The proposed building would include energy efficiency measures and biodiversity enhancements. The building envelope would exceed current building regulations in terms of external wall thermal insulation and air leakage. Lighting includes low energy LED lamps.

The proposed roof terrace would act as a blue roof, attenuating, storing and filtering rainwater. The upper roofs would be green roofs (providing attenuation and enhancing biodiversity) with PV solar panels, (not visible from the street). The 4th floor roof would have air source heat pumps for heating and hot water.

### Biodiversity

Both NPF4 Policy 3 (Biodiversity) and LDP policy Env 16 (Species Protection) seek to protect biodiversity, reverse biodiversity loss, deliver positive effects from development, strengthen nature networks and prevent adverse impact on protected species.

Biodiversity enhancements will be delivered through the landscape proposals including trees, shrubs, climbers, ornamental planting and grasses. The green sedum roof would also enhance biodiversity. Bird boxes are proposed however, it is recommended that an informative be added encouraging swift bricks to be incorporated with the building given its proximity to the Water of Leith.

The proposal complies with the objectives of NPF4 policy 3 and LDP policy Env 16 (Species Protection).

### Sustainability

NPF4 Policy 20 (Blue and Green Infrastructure) supports the incorporation of new infrastructure as an integral part of the design and requires effective management and maintenance plans for their long term delivery and upkeep. NPF4 Policy 22 (Flood risk and water management) and LDP Env 22 (Pollution and Water Quality) are also relevant. A Flood Risk Assessment, and 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 green/blue roof system, underground cellular attenuation and a rain garden. 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 sewers. A condition will also be attached to ensure the long term maintenance of the blue/green infrastructure.

### Waste

In line with Policy NPF12 (Zero Waste) which seeks to reduce, reuse or recycle materials in line with the waste hierarchy, Site Waste Management plan has been submitted with a target of 90% of construction waste to be diverted from landfill. Recyclable waste storage areas will be allocated within the communal bin stores. Waste collection would be a commercial waste operation.

## Contaminated Land

Policy Env 22 relates to significant adverse effects for health, the environment and amenity in relation to air, soil and water quality and ground stability. It also requires appropriate mitigation to minimise any adverse impacts. A Geo-Environmental Desk Study and Ground Investigation has been submitted. Whilst Environmental Protection accepts these findings and conclusions and recommendations it requires further localised investigation targeted on amenity landscaping areas. A condition is required to ensure that the proposed development is safe and suitable for its intended use.

## Archaeology

The site is within an area of archaeological significance and LDP policies Env 8 (Protection of Important Remains) and Env 9 (Development of Sites of Archaeological Significance) are relevant. The results of previous archaeological excavations indicated that significant industrial archaeology had survived over the northern half of the site. Therefore, a condition is required to ensure that a programme of archaeological mitigation is undertaken.

## Transport

NPF4 Policy 13 (Sustainable transport) and the Council's transport policies aims to reduce car journeys and improve active travel infrastructure and public transport infrastructure. The Council's Parking Standards allow for a zero-parking approach for student accommodation where justified. There are no car parking spaces provided within the red line application site and this is considered acceptable given the walking, cycling and public transport available within the locality and the accessibility of the application site.

LDP Policies Tra 1 (Location of Major Travel Generating Developments) and Tra 8 (Provision of Transport Infrastructure) require development proposals to demonstrate through appropriate transport assessment and proposed mitigation in relation to its impact on the existing transport networks and accessibility of the site by modes other than the car. The application is supported by a Transport Statement. The Transport Statement shows that the number of weekday people trips by all modes is an increase of 192 person trips or around 50% more trips than the consented residential development during the weekdays. Residents of the proposed development would be unlikely to drive given the absence of parking spaces at the proposed development. Therefore, the proposed development would give rise to more cycling, walking and public transport use.

The LDP Action Programme (April 2023) also sets out requirements to mitigate the impact of development. Contributions are required to be secured by legal agreement, in line with the LDP Action Programme and include:

- Contribute the sum of £14,976 to Leith and City Centre (East) Cycle Route.
- Contribute the sum of £10,380 to The Water of Leith Path - Commercial Street to Warriston and
- Contribute the sum of £3,140 to Jane Street / Tennant Street Active Travel Connections.

## Cycle Parking

The development will provide 100% cycle parking provision comprising 232 cycle spaces within secure parking internal at ground floor level and within the courtyard area to the rear of the building. An additional six spaces will be provided at the main entrance for visitors' use which is conditioned to ensure Sheffield Stands are provided.

The proposed cycle parking will be on two tiers with 93 spaces on the upper tier (40%) and 93 spaces on the lower tier (40%) both of which can be used independently and with a gas-assisted strut to aid accessibility to the upper tier. The Sheffield stands comprise the remaining 46 spaces (20%) with 2m separation distance between them for non-standard bikes.

The location, design and variety of bicycles that can be accommodated comply with the Council's parking standards and cycle parking fact sheet C7. Guidance requires that no more than 80% of cycle parking spaces should be one type.

The cycle parking provision has been amended through the assessment of the application, and the proposed layout has been changed from provision including a 100% two-tier storage solution to a mix of two tier stands and Sheffield stands and extra visitor spaces at the main entrance.

This provides the required quantum and mix of cycle parking for the development. The proposed cycle storage will be secure and easily accessible to students, with access to/from Ashley Place to allow access to the road and path network in the city.

NPF policy 13 (Sustainable Transport) supports development that promotes and facilitates sustainable travel to prioritise walking, wheeling, cycling and public transport for everyday travel. NPF4 Policy 15 (Local Living) supports developments that contribute to local living and the 20 minute neighbourhood. The proposal allows for reduced car dependency and complies with NF4 policies 13 and 15 as well as LDP policies Tra 1- Tra 4 and Tra 8 and is acceptable.

## Amenity

LDP Policy Des 5 requires assessment of amenity in relation to noise, daylight and sunlight, privacy or immediate outlook as well as considerations of future adaptability and community security.

## Noise

A Noise Impact Assessment has been submitted. This states that the BS8233:2014 standards can be met provided that appropriate designed glazing and ventilation standards are included. It was recommended that a glazing specification with a minimum performance of 30 Rw +Ctr dB is used to reduce the impact of commercial noise internally within student accommodation during the day and night-time periods. This can be secured by condition. Environmental Protection has no objection to the proposals.

## Daylight to Existing Buildings

The impact on daylight to existing buildings has been assessed and refers to location 1(a) the six storey modern flatted building to the south-east and 1(b) the four storey traditional tenement flats to the south of the proposed development. Location 2 is the newly constructed four storey flatted block to the north-east of the proposed development.

In terms of the Vertical Sky Component Analysis, the existing windows need to retain 80% of its former daylight value. For locations 1a and 1b, 16 windows do not comply and in location 2, 32 windows do not comply. The Average Daylight Factor assessment was then undertaken for those windows to habitable rooms that did not pass the VSC analysis. All 16 windows in location 1a and 1b and all 32 windows in location 2, fully pass the Average Daylight Factor test in therefore comply with Edinburgh Design Guidance.

## Daylight to New Buildings

All windows pass the 'No Sky Line' daylighting test apart from some lower areas of the internal courtyard. An ADF assessment revealed that all these windows passed the requirements using the calculation methods set out in BRE209 and Edinburgh Design Guidelines. It is noted that all rooms surpass the minimum 25% glazing on an external wall with some cases having over 50% glazing.

## Sunlight To New Gardens and Spaces

The Edinburgh Design Guidance requires half the areas of new garden spaces to be capable of receiving potential sunlight during the Spring Equinox for more than 2 hours and the proposed external amenity spaces do comply with this standard.

## Overall Amenity

The proposed development is set back on Ashley Place in the same position as the consented residential development and would not result in significant levels of overlooking nor loss of privacy to existing residents. Community security would be provided with the main entrance and street elevations having active frontages and therefore natural surveillance. The courtyard garden would be secure, and there would be some overlooking to the adjacent footpaths. Refuse and recycling facilities have been included within the proposals. The proposals would also have a positive impact on the health of the proposed occupiers with the mix of cluster, studio and accessible flats and the different areas of amenity space provided. The proposal therefore complies with LDP policy Des 5 and NPF4 Policy 23 Health and Safety.

## Health services

The proposal is not located in a contribution zone for health care as shown in the Council's finalised guidance on Developer Contributions and Infrastructure Delivery (August 2018). There is no necessity to apply a planning contribution for this proposal in the context of NPF4 policy 18 despite some public comments raising concerns with regard to impacts on local health services such as doctors and dentists.



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, the 2016 Edinburgh LDP and associated guidance, and there is not considered to be any significant issues of conflict.

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

The following material planning considerations have been identified:

#### Emerging Policy Context

City Plan 2030 represents the settled will of the Council, and it has been submitted to Scottish Ministers for examination. As such, limited weight can be attached to it as a material consideration in the determination of this application.

#### Equalities and Human Rights

Due regard has been given to section 149 of the Equalities Act 2010 in relation to the assessment of the proposed development and in the context of representations received from the public. The development plan recognises the need for a variety of housing types to be provided across the city including purpose built student accommodation. The assessment set out in section (a) above demonstrates that this site provides an acceptable location in principle for student housing as it was previously for residential development and for office development of commensurate size and footprint. The provision of student housing is therefore considered to be a compatible housing type and does not result in any negative impacts in relation to equalities. The proposal has been considered in relation to accessibility. The development provides 13 accessible rooms and there are internal lifts to access all floors. The development has been designed to be car free and it accessible by active travel and public transport. There is also on-street car parking within the vicinity.

The development will provide natural surveillance opportunities of adjacent Ashley Place and will increase the quantum of residential accommodation in the local area. The proposed use provides an opportunity to improve street safety. The proposal has been assessed in relation to impacts on amenity of existing and future occupiers in section (a) above. No concerns relating to equalities have been raised in this regard.

#### Public Representations

A number of representations were received including:

##### Material objections

- Insufficient parking provision, including disable car parking
- Increased traffic
- Insufficient road infrastructure

- Insufficient contribution to cycle paths improvement
- Increased noise and disturbance in local area
- Insufficient public transport links
- Loss of daylight/sunlight to neighbours
- Overlooking of neighbouring properties, loss of privacy
- Unsuitable location for student housing due to distance from further education establishments
- Unsuitable location for student due to the impact on residential amenity
- Insufficient local amenities
- Failure of the proposal to make a sufficient contribution to affordable housing need.
- Insufficient contribution towards meeting local demand for housing.
- Overdevelopment of the area
- Large scale building dominating the area.
- Failure of the proposal to provide community amenity.
- Failure of the proposal to create a sense of place.
- Failure of the proposal to comply with the 20 minutes neighbourhood.
- Insufficient sustainable building design, including SUD's.
- Failure of the proposal to provide mix-uses unit, including flexible business space.
- Unappealing design
- Inadequate palette of materials for the area
- General over provision of student housing

#### Material support:

- Overall good appearance and design quality

#### Non-material representations:

- Potential short term let of student accommodation.
- Transient nature of the student community
- Construction noise
- Loss of value for neighbouring properties
- Site boundary reduced compared to previous applications.

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

There are no equalities or human rights issues and 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 proposal will make a positive contribution to the City's accommodation provision for those undertaking further and higher education and 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. The proposal will also make a positive contribution to the range of housing types across the city by providing purpose built student housing in an area with a current low concentration of such housing. The proposed locality is accessible and has several active travel connections and public

transport in the vicinity. There is also shops and services reinforcing the 20 minute neighbourhood and local level whilst allowing active travel and public transport access to further and higher education locations.

The proposed design is similar in height and scale to that already consented for residential and office development. This design has included more sustainable elements including blue/green infrastructure at roof and ground level.

The proposal is not considered to have a significantly adverse impact on surrounding residents and will provide an acceptable amount of indoor and outdoor amenity space for future residents. Landscape proposals include blue-green roofs and a mix of planting that will provide an improved level of habitat creation enhancing biodiversity on the site and create a positive setting for the building and enhancing the street scene. The proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory guidance for student housing and the Edinburgh Design Guidance subject to the recommended conditions. 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. i). Prior to 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.
  - (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.
    - 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 to the satisfaction of the Head of Planning.
3. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

4. 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. This plan shall include the provision of Sheffield Stands are the main entrance to the building.

Thereafter, the approved landscaping plan shall be implemented within six months of the completion of the proposed development.

5. 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.
6. A management plan for all the blue/green infrastructure and landscaping shall be submitted to the Local Planning Authority. Thereafter the approved plan shall be implemented within 6 months of the completion of the development.
7. The noise mitigation measures as specified within the RMO Noise Impact Assessment Technical Report No. R-7243A-LH5-RGM, dated 28th April 2023, shall be installed and operational prior to occupation of the development.
8. Once the specification of all mechanical and ventilation plant has been determined, a further Noise Impact Assessment (NIA) shall be provided that demonstrates that acceptable noise and ventilation mitigation measures have been provided and that the cumulative noise levels from all plant will be within acceptable noise levels that are agreed in writing with the Local Planning Authority.
9. The ventilation mitigation measures as specified within the RMO Noise Impact Assessment Technical Report No. R-7243A-LH5-RGM, dated 28th April 2023, shall be installed and operational prior to occupation of the development.

## **Reasons**

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to protect the health of the building's occupants.
3. In order to safeguard the interests of archaeological heritage.
4. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
5. In order to enable the planning authority to consider this/these matter/s in detail.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.

7. In order to protect the amenity of the existing neighbours and future occupiers of the development.
8. In order to safeguard the amenity of occupiers of the development.
9. In order to safeguard the amenity of occupiers of the development.

## **Informatives**

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement relating to Transport contributions has been concluded and signed. The transport contributions toward the LDP Action Programme (2023) include:
  - (a) Contribute the sum of £14,976 to Leith and City Centre (East) Cycle Route;
  - (b) Contribute the sum of £10,380 to The Water of Leith Path - Commercial Street to Warriston;
  - (c) Contribute the sum of £3, 140 to Jane Street / Tennant Street Active Travel Connections.

These contributions are all to be indexed as appropriate and the use period to be 10 years from date of payment. Contributions to progress traffic orders for footway or waiting/loading restrictions would also be required as necessary for the development.

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. Waste arrangements for the development will be undertaken by a private contractor. The proposed arrangements do not comply with CEC waste services and therefore could not be considered for CEC collection in the future.
5. The applicant shall provide swift bricks in the development. Details of their proposed location should be submitted to the authority for approval.

6. No noisy work from the construction phase should be generated outwith 7am-7pm, Monday through to Saturday. This is enforced under the Control of Pollution Act 1974.

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

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

**Further Information - Local Development Plan**

**Date Registered: 13 December 2022**

### **Drawing Numbers/Scheme**

1A - 4A, 5B-10B, 11A, 12A, 13 - 16

Scheme 2

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

Contact: Catriona Reece-Heal, Senior Planning Officer  
E-mail: [catriona.reece-heal@edinburgh.gov.uk](mailto:catriona.reece-heal@edinburgh.gov.uk)

## Appendix 1

### Summary of Consultation Responses

NAME: Transport Officer

COMMENT: No objections subject to conditions and informatives.

DATE: 17 February 2023

NAME: Environmental Protection

COMMENT: No serious concerns about residential use and therefore this use. Would prefer no fossil fuel useage and heat and energy demand should be met by on-site renewables.

DATE: 9 January 2023

NAME: Leith Central Community Council

COMMENT: Object as the proposal is contrary to :

Student Housing Guidance - as site area is incorrect 0.24 Ha to avoid providing housing on the site and cumulative impact of a transient population not assessed;  
LDP - no sense of place, impact on amenity, excessive concentration of student accommodation;

Development Brief - no new small business space and concerns about the submitted plans.

DATE: 18 January 2023

NAME: Scottish Water

COMMENT: No Objection

DATE: 5 January 2023

NAME: SEPA

COMMENT: No Comment

DATE: 13 January 2023

NAME: Contaminated Land Officer

COMMENT:

DATE: 7 July 2023

NAME: Environmental Protection

COMMENT: No objection subject to condition to ensure the site is safe and suitable for the intended use.

DATE: 7 July 2023

NAME: Nature Scotland

COMMENT: No comment

DATE: 16 June 2023

NAME: Waste Services

COMMENT: Waste strategy is not agreed.

As this is to be a student residential development, waste and cleansing services would be expected to be the service provider for the collection of any household domestic and recycling waste produced.

Further input would be required.

DATE: 20 June 2023

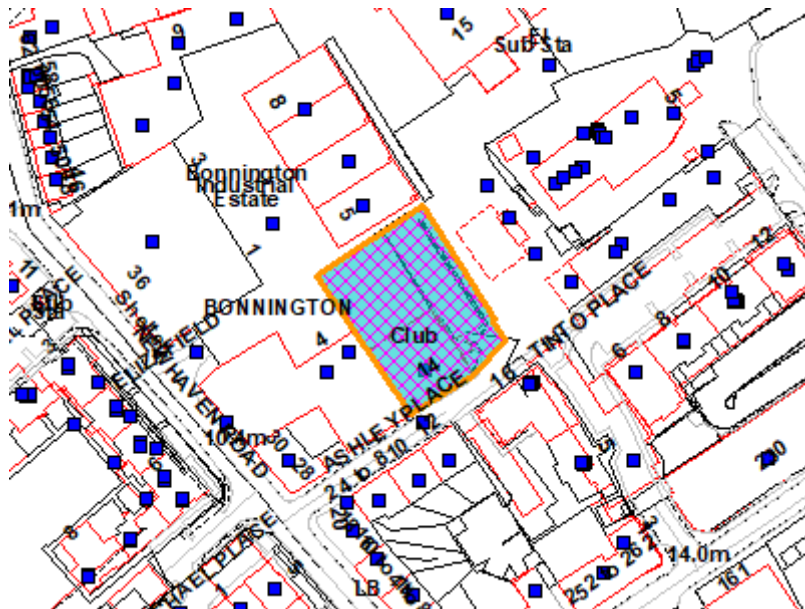
NAME: Scottish Water  
COMMENT: No Objection.  
DATE: 20 June 2023

NAME: Archaeology  
COMMENT: No objection subject to condition.  
DATE: 6 January 2023

NAME: Flood Prevention  
COMMENT: No objection.  
DATE: 29 August 2023

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

## Location Plan



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