

Development Management Sub-Committee Report

Wednesday 28 February 2024

**Application for Planning Permission
Murrayfield Sports Bar, 20 Westfield Road, Edinburgh**

Proposal: Demolition of existing building and erection of a purpose-built student accommodation development (Sui Generis) with associated amenity space, access, cycle parking, and landscaping (as amended).

**Item – Committee Decision
Application Number – 23/05902/FUL
Ward – B07 - Sighthill/Gorgie**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as 57 objections and 22 support comments to the proposals have been made. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal demonstrates that on balance it is compliant with the development plan despite the site and area being at risk of flooding from a 1 in 200-year event in the future. The proposal will deliver a sustainable, well-designed development on a brownfield site that minimises environmental impact. The design is of a high quality and takes cues from the character of the surrounding area. The use will help support local living and is consistent with the six qualities of a successful place.

Subject to a condition in relation to noise mitigation, the proposal will result in a satisfactory living environment for future occupiers and will not result in an unreasonable impact on neighbouring occupiers. It encourages use of sustainable modes of transport and reduces reliance on car usage. No specific road or pedestrian safety issues are raised.

As SEPA has objected to the application, if the Development Management Sub-committee is minded to grant planning permission, the application must be notified to Scottish Ministers prior to a decision being issued.

Subject to recommended conditions and an appropriate legal agreement for a contribution towards the Edinburgh Tram, and notwithstanding the matter of a conflict with policy on flooding, the proposal is acceptable and on balance 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. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site ('the site') is on the southwest side of Westfield Road to the east of Stevenson Road which forms one of the main arterial routes to the city from the west. The site area is 0.09 hectares. Currently the Murrayfield Sports Bar, a single storey building with external yard with canopied seating space to its northwest elevation, is located at the site. The existing building is forward of the neighbouring building line of neighbouring four storey flats to the east, closer to Westfield Road. A car sales unit is situated at the neighbouring plot to the west, a seven and eight storey flatted development with surrounding parking and amenity ground is located south of the site boundary, and Westfield Road is at the front of the site where access is taken from. Four-storey tenement flats are located across Westfield Road opposite the site.

Other development in the area includes student accommodation at the crossroads of Westfield Road and Stevenson Road, a retail unit occupied by Sainsbury's to the north of the site behind tenements, four-in-a-block flats along Stevenson Road, flatted development at Westfield Avenue, and a variety of commercial buildings in the surrounding area.

Neighbouring sites include a number of trees near the site's mutual boundary to the south and east, and trees are a prominent feature along Westfield Road.

Description of the Proposal

Accommodation

Student accommodation comprising 87 rooms is proposed which includes 78 studio rooms, five accessible studio rooms, and four bedrooms within a cluster unit at the ground floor. At the ground floor of the proposed building an amenity space measuring approximately 144 sqm. is located to the front of the building with floor to ceiling height glazing to the Westfield Road. Other ancillary features on the ground floor include a management suite, lobby, accessible WC, bin store for different refuse streams including food recycling, glass recycling, mixed recycling, and non-recyclable waste. Seven accommodation rooms consisting of three studios and four cluster rooms with a living and kitchen space complete the ground floor plan along with circulation space and a plant room. In addition to the ground floor amenity space, a further lounge space measuring 19 sqm. with access to an amenity terrace measuring 42 sqm. is proposed at the fifth floor.

Building design

The proposal will reach six storeys at its tallest point, and there are stepped features at levels three and four to the rear wing of the building. The fifth floor is set-back at the front elevation to Westfield Road. Proposed materials include a mixture of engineered stone cladding mainly to the principal frontage combined with areas of glazing and bronze feature cladding, brick to the east, west and southern elevations, bronze metal cladding to the top floor, and use of aluminium windows throughout. Solar panels are proposed on the flat roof of the set-back top floor. The building is accessed from two different points of the Westfield Road pavement, one stepped and the other providing level surface; both entrance points from the street are a similar distance from the main entrance to the building. Access to a landscaped courtyard is available from the ground floor amenity room.

Landscape design

The proposal includes a detailed landscaping scheme which includes: the planting of three trees within a landscape designed frontage to Westfield inclusive of raised planters with in-built timber seating; a landscaped courtyard to the southwest corner of the building inclusive of eight trees of varying species and sizes, timber seating, block paving, flag paving, a mixture of shrubs, rain garden boundary planting, edge kerbing, and gravel surface to the west part of the site. Other hard landscape features include 650-millimetre-high railing at the site's frontage to the rear of the raised planters, and 1.8-metre-high secure fencing at the west and east sides of the building's frontage.

At the roof level of the set-back third floor and the top floor roof sedum planting is proposed on the flat roofs, and the amenity terrace at the fifth floor is to be paved with flag paving and furnished with two picnic tables.

Access and parking

The site is accessed from Westfield Road, with the main entrance to the street accessible from two points on the pavement one of which is stepped and one level. Bicycle parking is included in a secure external store to the rear of the building. In total, 87 bicycle parking spaces are proposed for occupants of the building and two Sheffield racks at the front of the building are proposed for visitors. Cycle parking spaces within the secure store is comprised of 22 x two-tier racks (44 spaces / 50% provision), 13 x Sheffield stand spaces inclusive of 4 x wide spaces for non-standard bikes (25 spaces / 29% provision), and 6 x lockers each capable of storing three folding bicycles (18 spaces / 21% provision). The cycle store can be accessed from the front of the building via a secure gate and there is a further access from the store to the rear courtyard which is a secured area.

Zero car parking is proposed. Refuse collection is proposed to be from the street, with a refuse store accessed via secure gate to the building's eastern side.

Sustainability

The applicant proposes to include solar panels, utilise solar gain, air source heat pumps and green roofs on the main building and cycle store for water attenuation. The soft landscape strategy includes rain garden drainage features and sustainable travel is proposed in the form of cycle parking and surrounding public transport.

Scheme 1

During the assessment phase the applicant amended the proposal by revising the mix of accommodation to include one cluster flat rather than 100% studio accommodation, adjusting above ordnance datum (AOD) heights on plans, adjusting window specifications, adjusting cycle parking provision for occupants in response to Council guidance, adding visitor cycle parking, and updating the ground floor plan to add entrance doors to the amenity courtyard.

Supporting Information

The below information was submitted in support of the application:

- Design and Access Statement.
- Planning statement.
- Visualisations.
- Landscape strategy, plans, and planting scheme
- Transport statement.
- Noise impact assessment.
- Air quality impact assessment.
- Preliminary ecological appraisal.
- Bat roost survey.
- Flooding and drainage assessments.
- Archaeological desk-based assessment.
- Daylighting study.
- Utilities assessment.
- Energy statement.

The above information is available to view on the online Planning and Building Standards portal.

Relevant Site History

00/02021/FUL

22 Westfield Road

Edinburgh

EH11 2QF

Form small cellar extension to rear, re clad existing front porch roof in tiles.

Granted

16 August 2000

17/03679/FUL

Murrayfield Sports Bar

20 Westfield Road

Edinburgh

EH11 2QR

Erection of two lightweight structures/car port including external screens/fencing to external spaces, in retrospect

Granted

9 October 2017

Other Relevant Site History

None.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

SEPA

Flood Planning service

Environmental Protection service

Scottish Water

Archaeology service

Roads Authority

Gorgie Dalry Community Council

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

Publicity and Public Engagement

Date of Neighbour Notification: 25 October 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 79

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:

- qualities and human rights.
- public representations; and
- any other identified material considerations.

Assessment

To address these determining issues, it needs to be considered whether:

a) The proposals comply with the development plan.

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

- NPF 4 Sustainable Places policies 1, 2, 3, 9, 11, 12, 13.
- NPF 4 Liveable Places policies 14, 15, 16, 18, 19, 20, 22, 23, 25.
- 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.
- LDP Caring for the Environment policies Env 12, Env 21, Env 22.
- LDP Housing and Community Facilities policies Hou1, Hou 8.
- LDP Transport policies Tra 2, Tra 3.
- LDP Resources and Services policy RS 6.

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of several LDP 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 proposal in principle

Policy 1 of the NPF 4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. It is to be applied together with the other policies in NPF 4 and its weight must be considered when considering the proposal in the context of the development plan and material considerations. These considerations should be assessed holistically in the context of other development plan policies.

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. Part c) of this policy does not apply. This policy is considered throughout the assessment.

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 policies in other categories of NPF 4. The applicant's supporting information asserts that there is an identified gap in provision for student accommodation in the City. Adaptability of the proposal is addressed below.

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. The proposal uses a brownfield site and draws support from part a) of the policy subject to sustainable re-use. The policy confirms that 'In determining whether the reuse is sustainable, the biodiversity value of the brownfield land which has naturalised should be taken into account'; in this case the site has little biodiversity value in its current condition, and it is not naturalised. Part b) of the policy does not apply as the site is not greenfield. Part c) of the policy requires development proposals to demonstrate the land can be made safe and suitable for the proposed new use. 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. Compliance with this condition would ensure the development accords with the terms of LDP policy Env 22 (Pollution and Air, Water and Soil Quality).

Part d) of NPF 4 policy 9 states that demolition is the least preferred option and reuse of existing buildings is supported taking into account their suitability for conversion or other uses. The applicant is of the view that re-use of the existing building would not be suitable for the proposed use and given the difference in the existing building's footprint and materials it is accepted that demolition is required for the proposal to deliver a new and sustainable building at the site. Despite demolition of the existing building, the proposal complies with the intent of NPF 4 policy 9 by directing development to a sustainable location, minimising additional land take, and reusing brownfield land.

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 identified in the 2014 LDP housing land supply study as being a low probability for housing delivery, 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. In addition to the two criteria of policy Hou 8, the policy's supporting text states that *'It is preferable in principle that student needs are met as far as possible in purpose-built and managed schemes rather than the widespread conversion of family housing'* and it is further stated that student accommodation schemes can take place at relatively high densities to support the growth of the City's universities and the City's attractiveness for higher education.

Location of student housing

With reference to Hou 8 part a), the site is within a distance of approximately 100 metres - 300 metres of bus stops at Westfield Road, Stevenson Road, and Gorgie Road; these stops are served by a selection of bus services including the 1, 2, 3, 22, 25, 30, 33, 38, N22, N25, N28, N30. The Edinburgh Tram stop beside Murrayfield Stadium is an eight-minute walk from the site as well. Active travel routes immediately around the site are mostly on-road and provide onward connectivity to the City's existing core path and path network the nearest being the Water of Leith Walkway nearby at Westfield Avenue.

Although the site is not within or immediately adjacent to a main campus the site is in the urban area of the city and within an appropriate and accessible location for universities. The applicant's supporting planning statement sets out that proximity to the main higher education institutions in Edinburgh ranges between 28 minutes and approximately an hour walking, between 8 minutes to 21 minutes by bicycle, and between 17 minutes to 27 minutes by public transport. Community council comments question the distances and times quoted in supporting information and a review of online route planning and mapping confirms that the distances quoted by the applicant are accurate.

Although the site is not within or immediately adjacent to a main campus the site is within an appropriate and accessible location to access universities. The proposal accords with part a) of LDP policy Hou 8.

Concentration of student housing

Criterion b) of policy Hou 8 seeks to limit the concentration of student accommodation where it would have an adverse impact on the maintenance of balanced communities, or to the established character and residential amenity of the locality. The Council's Student Housing Guidance clarifies that where the student population is dominant, exceeding 50% of the population, there will be a greater potential imbalance within the community.

While there is no definition of what constitutes an area for the purposes of calculating student population, the data zones from the 2011 census area provide a reasonable basis for determining this, however as these data zones are tightly drawn, considering them in isolation does not give an accurate reflection of the population demographic within the local area. The Council has typically used the data zones that fall within an 800m radius, an approximate 10-minute walk from the application site. Using this method considers a wider catchment and provides a more accurate representation of the local population.

The nearest student operational student accommodation in the area is located at 24 Westfield Road with a capacity for 394 students, with the other operational developments located at The Mill House, Napier University Student Accommodation at Slateford Road which has capacity for 256 students. Other nearby applications for student accommodation that were approved in 2023 include the former Tynecastle High School which includes 468 student beds (granted on appeal PPA-230-2393), and at 36-44 Westfield Road for 289 students (reference: 22/02539/FUL).

The census data for 2011 shows that the population for the local area was 12,059 people, and this consisted of 1,612 students meaning in 2011 the student population in this area was 13%. Within the site's data zone, the 2011 census data shows a total population of 793, which included 103 students or 13% of the population. When the 2021 adjusted single census zone within which this application site is located is considered with the additional 87 students proposed, the overall population would be 1,246, with 446 of those being students (36%). When the census data is adjusted to include population figures inclusive of consented development in the local area up to the year 2021 and the proposed student accommodation of 87 in this application, the population in the local area would be 15,033 consisting of 3,106 students, or 21%.

The proportion of students in the site's data zone and in the 800-metre radius from the site would not exceed the 50% identified in the Council's guidance on student housing and the proposal would not lead to an over-concentrated student population in the area. The proposal accords with part b) of LDP policy Hou 8.

Gorgie Dalry Community Council (GDCC) submitted calculations for levels of student concentration using the Community Council boundary area and contend that the level of student concentration would reach 29% for the GDCC area, and up to 45% of the 'Gorgie West - 03' census data zone. This would still be below the 50% threshold outlined in the Council's guidance.

In relation to appeal decisions for student accommodation in the area such as at Tynecastle High School and more recently in other parts of the City at Lower Gilmore Place and Arthur Street, Scottish Ministers have accepted as appropriate the methodology used by the Council to calculate concentration levels and establish locality when considering proposals for student accommodation. In this context, the proposal would comply with policy and guidance requirements for student concentration levels.

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 out with 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 approximately 0.09 ha 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 guidance states that student accommodation should comprise a mixture of accommodation types including clusters. Scheme 1 was for 87 studio bedrooms, and during the assessment process the applicant amended the proposal to include one cluster unit with four bedrooms. The student guidance is non-specific about what mixture of studios and clusters should be provided in proposals. While one cluster with four bedrooms is a small proportion of the 87 rooms proposed, it does provide a mix in accordance with the guidance. The applicant highlights that other proposals for studio only student accommodation have been approved in the City, for example following appeal decisions for student accommodation at Arthur Street and Lower Gilmore Place (appeal references PPA-230-2439 and PPA-230-2436), and where good quality common and external areas are included within proposals a higher proportion of studios should be supported. Amenity is addressed below within this report, however in summary, the useable external amenity area at the ground floor is approximately 18% of the site area (approximately 170 sqm.) and a terrace at the fifth floor measuring 42 sqm. is also proposed. These external amenity spaces in combination with the two internal common lounges at the ground and fifth floors which measure 163 sqm. provide a variety of options for students to spend time with other occupiers if they wish.

The application accords with condition d) of the non-statutory guidance, and despite the mix of bedrooms being mostly studios, the provision of an internal common room, an external courtyard, seating at the front of the building and a rooftop terrace and a with amenity common room at the fifth floor provides adequate space for occupants to mix and socialise in the development.

Principle Conclusion

The development plan through NPF 4 policy 16 and LDP policy Hou 8 supports development for purpose-built student accommodation in the City and the proposal accords with these policies. With reference to the Council's non-statutory guidance for student housing the proposal accords with the aims of the guidance and the applicable criteria b) and d).

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. LDP policies Des 1 to Des 8 also sets out requirements for new development 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 and local living

The proposal demonstrates a variety of the NPF 4 six qualities for successful places which are outlined in NPF 4 policy 14 as well as meeting many of the requirements outlined for new development in NPF 4 policy 15 in relation to local living. For example, the application site is close to local amenities in the Westfield Road and Gorgie areas allowing for sustainable living, the proposal facilitates active travel storage and is well-located on main arterial routes to the City, it is well-located for access to public transport to other parts of the City without the need to use a car, and it introduces a new building with high-density accommodation on brownfield land in the urban area. 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. With reference to adaptability of the proposal for other uses in future, the applicant asserts that the proposal is a viable long-term use at this site, however it is conceivable that due to the configuration of circulation cores, external envelope and fenestration strategy that the proposal could be adapted in future to accommodate a different use if necessary.

Design, height, mass and layout

In the surrounding area there are a mixture of building forms and a wide range of heights with no settled or prevailing height in this part of the city. Buildings on Westfield Road typically face the street and range from three to four storey tenements while other buildings on Stevenson Road are taller and larger in their form.

Policy Des 1 (Design Quality and Context) of the LDP requires new development to draw upon the positive characteristics of the surrounding area and contribute to creating a sense of place while policy Des 4 lends support to development that will have a positive effect on its surroundings in respect of height and form, scale and proportions, position of buildings, and materials and detailing.

Policy 14 of NPF 4 requires development proposals to improve the quality of an area regardless of scale and support is given to proposals that are consistent with the six qualities of successful places. The proposal is in close proximity local retail and other services, as well as public transport links and it demonstrates a series of sustainable design features. The proposal would contribute to local placemaking by introducing a new use to the site.

The proposal is six storeys in height with its set-back top floor flat roof rising to a similar height as the top of chimney stacks of the opposite tenements, while the eaves height of the fifth floor which will be visible from Westfield Road will be marginally higher than the eaves of the opposite tenements. Although the proposal is taller than residential flats at the eastern boundary, it sits comfortably lower than the neighbouring flats at Westfield Court to the west which rise to eight storeys in height. The position of the building and its 'T' shape form are appropriate, and its frontage will have a positive impact on the character of the townscape of the street in terms of the position of buildings and other features on the site, as required by LDP policy Des 4 c) and NPF4 policy 14 parts a) and b).

The proposal will be distinctive in its appearance while drawing from the positive characteristics of the surrounding area such as the fenestration of tenements, height, and form both of which are within the parameters of surrounding development scale, respecting the established urban grain, and a pleasant frontage to the street will be introduced. The building's entrance is taken from the street and large glazing provides activation to the frontage, as required by LDP policy Des 5-part c). Materials including brick, reconstituted stone, and bronze or metallic cladding at ground and upper levels are appropriate in this setting and are of a high quality, while the soft landscaping scheme at the site's frontage draws upon the tree-lined character of the street. While the material strategy is appropriate a condition to secure the specification of materials to be used in the development is recommended. The proposal is appropriate in the context of the surrounding area, and it complies with part c) of NPF 4 policy 14.

Part a) of LDP policy Des 2 (Co-ordinated development) encourages a comprehensive approach to redevelopment and regeneration with a view to avoiding piecemeal development in the City. The applicant's supporting information includes details of how the proposal does not adversely affect the development of adjacent sites, notably the neighbouring garage at the corner of Westfield Road and Stevenson Road, and this shows that the proposal is designed in such a way that it could be extended as part of a terrace along Westfield Road and its layout does not compromise the effective development of adjacent land. Clause b) of policy Des 2 does not apply in this case. The committee should note that further development at the site or neighbouring land would require a separate planning permission.

Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) of the LDP supports proposals where existing features on site or in the surrounding area worthy of retention are retained and incorporated into the design. While in this case the existing bar is to be demolished and there is little on the site worthy of retention that would be compatible with the design of the proposal the applicant has resolved to ensure the proposal does not impact on surrounding trees and the proposal would accord with this policy.

With reference to landscape design the supporting landscape strategy and landscape plans demonstrate that the proposal will integrate with the surrounding area, notably by complementing the treeline in the streetscape with three new trees, while the other features including the courtyard with 15 new trees, shrubs, bench seating, and a green roof provide a well-balanced soft and hard landscape design at the site. A clear distinction between private and public spaces is provided by secure gates at the sides of the building, in compliance with LDP policy Des 5 d). The landscape design aspects of the proposal comply with LDP policy Des 8 (Public Realm and Landscape Design) and the objectives of NPF 4 policy 14 which both require a high-quality and design-led approach to new development.

The design, height, mass, and layout of the proposal are appropriate, and the proposal complies with LDP policies Des 1, Des 2, Des 3, Des 4, Des 7, and Des 8 as well as NPF 4 policy 14.

Amenity

Policy 23 of NPF 4 supports development that will have positive effects on human health and protect people and places from environmental harm. Policy Des 5 (Development Design - Amenity) sets out further policy requirements for new development to achieve a good standard of amenity for new development and to protect sensitive neighbouring land uses.

The applicant submitted a design statement and accompanying information in relation to amenity of future occupiers of the proposal and the amenity of neighbouring properties in relation to air quality, noise, and daylight.

Amenity of neighbours

Surrounding development is comprised of tenements to the north of the site across Westfield Road, flatted properties to the east, flatted properties to the south, and a garage to the west beyond which lies four-in-a-block flats. The applicant submitted a daylighting study to establish the effect(s) of the proposal on neighbouring amenity; the study was completed with reference to the recommended methodology in the Edinburgh Design Guidance (EDG) and the Building Research Establishment's guidance 'Site Layout planning for daylight and sunlight: A guide to good practice' (BRE 209 3rd Edition, 2022).

The supporting daylighting information advises that of the 153 windows assessed in tenements across Westfield Road (23-35 Westfield Road) and flats in Westfield Court to the south, 148 would achieve at least 80% of the former value for vertical sky component (VSC) which is in accordance with the EDG. The EDG advises that where daylighting cannot meet the desired VSC, alternatively further analysis using the average daylight factor (ADF) can be conducted to establish the amount of daylight in affected rooms in existing buildings. Of the 153 windows assessed, five at numbers 29 and 31 Westfield Road at the ground floor do not achieve 80% of their former VSC value. The applicant's supporting assessment concludes that the ADF for bedrooms and living rooms at these properties are compliant with the ADF targets that are acceptable in the EDG. The proposal's effect on daylight to neighbouring buildings is therefore acceptable.

The EDG requires that new buildings should be laid out so that reasonable levels of sunlight are maintained to existing gardens and spaces. It is noted in the guidance that the use of the affected area of the garden and the size of the garden as a whole is to be taken into account when assessing whether any loss of sunlight is adverse, and the qualities of the existing space and the effects of sunlight, both before and after will inform whether any loss of sunlight is considered adverse. A sunlight assessment and associated shadow plans were submitted in support of the proposal. The supporting information includes shadow plans on 21 March (Spring equinox) and 21 June (midsummer). The assessment shows that secondary front garden spaces to the ground floor tenements opposite the application site on Westfield Road, notably numbers 29 and 31 as the Gorgie Dalry Community Council confirm in objection comments, will receive less sunlight than they currently do. The data for March 21 shows that these front garden spaces will receive the same sunlight from 10am to 12pm but reduced sunlight thereafter. While these secondary garden spaces will receive reduced sunlight in the afternoons, they receive over two hours of sunlight which is comparable to the standard for new development in the EDG. Larger garden spaces are available to the rear of tenements as well and the impact of the proposal is acceptable with reference to levels of sunlight. During midsummer, the shadow plan shows no encroachment to the front garden spaces.

Policy Des 5 of the LDP part a) also requires new development to consider noise, privacy, and immediate outlook. The proposal for purpose-built student accommodation within this part of the urban area would not lead to unacceptable effects for neighbours as window positions and gable designs of the proposal are suitable positioned and distanced. The proposed external terrace is located at the fifth floor and any noise complaints from neighbours associated with this space can be effectively managed on-site by the accommodation operators; Environmental Protection note in comments that the existing bar has outdoor seating areas and the proposal is unlikely to impact upon residential amenity by way of the external terrace any more than is presently the case. While the outlook for surrounding properties will change, a proposal of this scale and design is appropriate in the urban area of the City. Plant in the form of air source heat pumps is proposed at the southeast corner of the site, sitting on the roof of the proposed bicycle store; this is to be housed in an acoustic enclosure to mitigate noise to an acceptable standard for neighbouring residential receptors. The proposal complies with part a) of Des 5.

Amenity of future occupants

Future occupants will enjoy good quality external amenity in the courtyard area, which is furnished with seating and a picnic table, the front landscaped space which has seats, and balcony area which has picnic tables. The applicant has included a study demonstrating that the proposal offers a high level of external amenity space in comparison to other student accommodation in the city and the external space is suitable for the proposed use. Internal amenity spaces offer a good quality environment for occupants to interact with each other at the ground floor level and at the fifth floor. There are no minimum room size standards for student accommodation in the Edinburgh Design Guidance (EDG), however the proposed sizes are in line with other student accommodation developments in the city. The applicant submitted preliminary daylighting information for the ground and first floor accommodation in the proposal (13 bedrooms); this summarises that 84% of proposed rooms on these floors would comply with the EDG average daylight factor standards. This is acceptable for commercial student accommodation and in combination with access for occupants to other areas which are well lit the proposal is acceptable.

Due to surrounding noise sources including the neighbouring garage to the west, a nearby food truck generator on Stevenson Road, and plant associated with the proposal itself the applicant submitted a noise impact assessment to establish what mitigation is required for the proposal to ensure a satisfactory living environment can be secured for future occupants of rooms in the west façade of the proposal. Plenum windows with pre-designed opening distances are proposed as mitigation to allow for fresh air to enter the accommodation and Environmental Protection accepts the proposed mitigation as it complies with Scottish Building Regulations. At the southeast corner of the proposal some rooms will be facing the bicycle store with air source heat pumps on its roof; the acoustic enclosure for this plant will provide suitable mitigation for this noise source. Internally, rooms that are adjacent or above the ground floor plant room will not be affected due to enhanced wall specification to insulate against noise impact. A condition is proposed in relation to securing the above noted mitigation measures.

In respect of amenity the proposal provides an acceptable standard in the context of LDP policy Des 5, NPF 4 policy aspirations for quality homes, liveable places and health and safety, and the EDG.

Climate change, flood risk, biodiversity, and sustainability

Drainage and flood risk

The applicant submitted a flooding, drainage, and surface water strategy report in support of the application. the assessment process further information on flood risk was submitted in response to comments from the Council's Flood Planning service and SEPA.

The Water of Leith is approximately 250 metres west of the site. The site is shown to be at risk of flooding from the Water of Leith based on the SEPA Flood Maps which provide high-level information on flood risk. The applicant's supporting documentation advises that in a 1-in-200-year flood event including an uplift of 56% for climate change the site would flood, leaving the development with no pedestrian access or egress in such an event. Flood levels would be approximately 0.6 metres to 0.8 metres.

The Council's Flood Planning service notes in comments that the supporting information identifies there would be approximately 0.8m of flooding at the site and Westfield Road in a 1:200-year event, including a climate change allowance. Comments advise that while the proposals include residential development on the upper floors, dry pedestrian access and egress to the site cannot be achieved and the proposals therefore do not comply with Flood Planning's guidance.

SEPA objects in principle to the application on the grounds of flood risk from the Water of Leith which they expect to put people or property at risk of flooding. In summary, SEPA advises that the proposal will result in a change from 'Least' to 'Highly' vulnerable as set out in SEPA's Land Use Vulnerability Guidance resulting in an increased land use vulnerability at the site. SEPA is of the view the proposal would not comply with Policy 22 of NPF 4 which intends to protect development from flood risk and that there would be no exception for the proposal under part a) of the policy as the site is not specifically allocated for the proposed use in the development plan and it does not demonstrate long-term safety and resilience can be secured in accordance with relevant SEPA advice.

SEPA is also of the view that site is shown to be at risk in a 1 in 200-year flood event without an appropriate allowance for climate change; it is noted in the comments that SEPA guidance requires a greater uplift than the Council's Flood Planning service for climate change within flood modelling.

The applicant contends that the proposal draws a degree of support from the development plan as student accommodation is supported through LDP policy Hou 8 and associated guidance, as well as NPF 4 policies 16 and 9, and is of the view that these policies mean the terms of NPF 4 policy 22 part a) iv are satisfied as the development plan has identified a need to bring previously used sites into positive use. The proposal however would not comply with the final qualifying part of the policy criterion which requires proposals to demonstrate that long-term safety and resilience can be secured in accordance with relevant SEPA advice. In respect of remaining text of policy NPF 4 policy 22 part a) iv, applicants are required to demonstrate: that all risks of flooding are understood and addressed; there is no reduction in floodplain capacity, increased risk for others or need for future flood prevention schemes; development remains safe and operational during floods; flood resistant and resilient materials and construction methods are used; and, future adaptations can be made to accommodate the effects of climate change.

The applicant demonstrates that flood risk at the proposal is understood, that loss of floodplain capacity and any resultant increase in flood risk to others is considered and accommodated in the development through the development's design as it allows potential flood water to enter the site in an extreme event, and resilient materials are used in external spaces and the front of house element of the ground floor. The applicant acknowledges that safe access and egress from the development during a flood event will not be possible, but specifies that the floor level of accommodation set at 45.25 metres above ordnance datum (AOD) will be above the potential flood level of 44.8 metres AOD and above the general levels of Westfield Road (approx. 44.2 metres AOD) where emergency services vehicles would be stationed. While the front of house parts of the building would flood, accommodation at the ground floor and upper levels would not flood due to mitigation in the form of higher ground floor levels.

While student accommodation does draw support from the development plan, SEPA correctly notes that in the context of NPF 4 policy 22 a iv the proposal is not capable of complying with relevant SEPA guidance. The proposal does not comply with NPF 4 policy 22 and there is a tension between the above noted policies of the development plan. The supporting text of LDP policy Env 21 also states proposals *...will only be favourably considered if accompanied by a flood risk assessment demonstrating how compensating measures are to be carried out, both on and off the site, and that any loss of flood storage capacity is mitigated to achieve a neutral or better outcome*. While the applicant has demonstrated a clear understanding of the flood risk and introduced mitigation measures by design to minimise impact, the proposal is contrary to LDP policy Env 21 (Flood Protection) part a) as it will be at risk of flooding.

As SEPA has objected to the application, if the Council is minded to grant planning permission, it must refer the application to Scottish Ministers prior to the determination of the application.

In relation to adequate drainage infrastructure being available for the proposal, Scottish Water does not object to the proposal but notes feedback provided does not confirm that the proposed development can currently be serviced. The comments go on to note that there would be sufficient water capacity for the proposal and sufficient capacity for foul only connection and specifies that the developer should contact Scottish Water to discuss requirements for surface water discharge. Flood Planning notes that the applicant will also need to confirm that Scottish Water accept the surface water discharge to the combined network. On the basis of no objection from Scottish Water the proposal complies with LDP policy RS 6 (Water and Drainage) which requires new development to be served by adequate water supply and sewerage capacity.

Transport

The development plan lends support to development where sustainable travel is available. Zero car parking is proposed at this development, and this complies with the Council's Parking Standards which allow for a zero-parking approach for student accommodation where justified. The site is well-located with reference to public transport along nearby Stevenson Road and in Gorgie Road, and the existing road and path network in the city allows access to surrounding retail and community facilities within a reasonable walking distance. The Edinburgh Tram is approximately 650m away with the nearest stop at Murrayfield. The proposal for zero parking complies with the aims of both NPF 4 and the Council's aims to reduce car journeys and locate development close to local amenities, and the Roads Authority is satisfied with no car parking provision at this development.

A total of 87 bicycle parking spaces are proposed. Council guidance states that no more than 80% of cycle parking spaces should be of one type, and that no more than 50% of provision should be two-tier racks. The number of bicycles that can be accommodated comply with the Council's parking by providing cycle parking at a rate of 100%. The location and design of the secure store complies with the Council's street design guidance part C fact sheet C7 for new development.

No more than 50% of racks are two tier, 29% are Sheffield racks with provision for four non-standard bicycles, and 21% are bike lockers for foldable bicycles. Transport comments note that foldable bikes are not listed in the Council's street design guidance sheet C7, however this list of non-standard bicycles is not exhaustive in the guidance.

Overall, the proposal complies with the required number of spaces set in parking standards and a mix of cycle parking spaces is provided. The applicant amended the cycle parking layout during the assessment period in an attempt to better comply with Council guidance; in Scheme 1 the store had 87 spaces formed of 64 spaces on two-tier racks, 18 spaces on Sheffield racks, and five spaces in bike lockers. It is recommended that details of the four visitor bicycle parking spaces identified in supporting information that are to be integrated into the front landscaping space be secured by condition.

The proposal complies with LDP policies Tra 2 Private Car Parking and Tra 3 Private Cycle Parking and the Council's parking standards. The transport strategy of the proposal complies 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 site is well-located for bus travel, the proposal does not rely on the private car, and it is consistent with NPF 4 policy 15 which supports developments that contribute to local living. The proposal complies with parking standards and despite the mix of cycle parking for non-standard spaces deviating from the example types of bicycles listed in guidance, provision for a mix of bicycle types is provided and offers a suitable solution at this site.

Biodiversity and trees

The applicant's Preliminary Ecology Appraisal notes that there are no notable plants or habitat within the site boundary, and there was no evidence of otter, badger, water vole, or breeding birds at the time of survey. Low bat roost potential was identified in the existing building, and a subsequent Bat Roost Survey report was prepared following a survey which confirmed that roosting bats were absent from the site. With reference to habitat and species protection the proposal would accord with the terms of LDP policy Env 16 (Species Protection). With reference to NPF 4 policy 3 which seeks to protect biodiversity and strengthen nature networks the introduction of rain garden features, green roofs, a swale, trees, and other planting within the site's amenity areas to the rear and front of the site will result in an enhanced environment for biodiversity. This approach means the proposal complies with the intention of the policy.

Despite little habitat value within the site, the value of surrounding trees at the site's mutual boundaries is highlighted in the supporting ecology information. Trees are located close to the site's boundaries on three sides and the ecology survey recommends tree protection measures are put in place for habitat and species protection. The applicant submitted a tree survey and tree protection details for surrounding trees at the north, south and east boundaries which are all category A and B. Works to four trees are recommended in supporting information including crown reductions of up to approximately one metre and pruning to avoid potential damage from construction activities at the application site; it is recommended that a condition is attached to ensure protection of these trees in accordance with the applicant's tree protection plan and arboricultural impact assessment is put in place as part of the redevelopment activities at the site should permission be granted. Subject to a condition the proposal complies with LDP policy Env 12 (Trees) and NPF 4 policy 6 which both seek to protect and retain trees.

Subject to the recommended condition the proposal complies with the above noted policies of the development plan.

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 supports development proposal for all forms of renewable technologies at a small scale.

The proposal features photovoltaic panels at the roof level and air source heat pumps located at the roof level of the external bicycle store and these features are supported. The applicant's supporting documentation further notes that materials will be to a specification that reduces energy demand for heat and cooling the building, while other features including green roofs will offer further benefits for drainage and ecology. The supporting sustainability strategy details that the proposal will aspire toward use of materials that are low in embodied carbon, water efficient, and energy efficient lighting and systems within the building, while the site's location will allow for use of existing facilities in the local area in accordance with 20-minute neighbourhood principles. Other considerations that have informed the design are stated to include levels or natural daylighting, passive solar design, choice of fabric for the building, and level of air tightness. The energy statement further notes that the site is located in the urban area and is car free with facilities to allow or active travel and will reduce the use of resources associated with private car travel.

The supporting utilities appraisal confirms the building will be disconnected from the existing gas pipework as the proposal is to be fully electric, while existing infrastructure for telecommunications, water, and electricity will be utilised.

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 and upon operation of new development.

The proposal will include waste management facilities with a refuse store at the ground floor and this will be capable of providing bins for future occupants for mixed, food and glass recycling. Waste collection would be privately managed for a development of this type, with collection proposed from Westfield Road and the Transport Authority comments do not note any concern with this arrangement within comments.

Policy 12 policy supports development proposals where they re-use buildings and infrastructure, minimise demolition and salvage materials for re-use, minimise waste, use materials with low embodied emissions, and use materials that are suitable for reuse. The sustainability information submitted with the proposal notes that the development will seek to reuse material from any demolition in the new build where it might be appropriate to do so. The applicant also advises that any material removed from the site will be recycled wherever possible. Supporting documentation states that construction waste management plan(s) could be prepared if necessary for planning purposes, however the management of construction waste is a matter that can be managed out with the planning system.

The applicant has demonstrated that the proposal when operational can contribute to zero waste objectives identified in NPF 4 policy 12 criterion c). Criterion b) of policy 12 supports development where amongst a variety of criteria; existing buildings and infrastructure is re-used; materials can be salvaged for re-use; waste is minimised, and use of virgin resources reduced; use of recycled and natural materials is maximised; and use of materials that can themselves be recycled with minimal processing. While the existing building will be demolished, existing physical and social infrastructure can support the new use due to the site's sustainable location. The supporting information states that materials shall be selected which are considered sustainable, low impact and healthy and contribute to the longevity and robustness of the proposed development, while re-use of site-won materials will be reviewed.

The proposal allows for sustainable management of waste and commits to reducing its embodied carbon impact. The proposal complies with the objectives of NPF 4 policy 12.

Archaeology and built heritage.

National Planning Framework 4 Policy 7 intends to protect the historic environment, and criterion o) states that non-designated historic environment assets, places and their setting should be protected and preserved in situ wherever feasible. During the assessment stage the applicant submitted a desk-based archaeology assessment in support of the proposal. With reference to built heritage there are no listed buildings that would be affected by the proposal nor is the application site in a conservation area. As the proposal involves the demolition of the existing Murrayfield Sports Bar the City's Archaeology Service recommends that a basic historic building survey is undertaken (photographic record, description, and annotated plans) of the public house prior to its demolition, as part of an overall programme of works.

A condition in relation to a programme of archaeological work is attached on the recommendation of the Archaeology Service. Subject to the recommended condition, the proposal complies with the aims and intentions of NPF 4 policy 7.

Infrastructure first

Tram

Policy 18 of NPF4 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 (zone 2) as defined in the Council's finalised guidance on Developer Contributions and Infrastructure Delivery (August 2018). The Transport Authority has requested that the applicant contributes the sum of £120,000 towards the Edinburgh Tram and this will be secured through a Section 75 legal agreement. Transport comments note the applicant should consider the provision of a car club vehicle in the area which would require a contribution of £7,000; this is not a requirement for the proposed development and an informative is attached for the applicant's consideration.

Healthcare

Public comments raise concern with regard to the effect of the proposal on local health services such as doctors and dentists. 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 NPF 4 policy 18.

Conclusion in relation to the Development Plan

Overall, the proposed development broadly complies with the provisions of NPF 4, the 2016 Edinburgh LDP and associated guidance although there is one notable issue of conflict as the proposal is anticipated to be at risk of flooding from the Water of Leith in the future.

The Scottish Government Chief Planner's letter on 'Transitional arrangements for National Planning Framework 4 notes that 'Conflicts between policies are to be expected. Factors for and against development will be weighed up in the balance of planning judgement.'

The location of the site within a flood risk area from the Water of Leith and non-compliance with both NPF 4 policy 22 and LDP policy Env 21 in the event of a 1 in 200-year flood with a 56% uplift for climate change. There is potential for future flood risk for the proposal which is anticipated to be a 0.5 % chance of flooding. This risk cannot reasonably be mitigated against within this application as it relates to the external land level out with the application site. The proposal would not comply with Council standards or NPF 4 policy 22 as it would be an island in an extreme flood event without dry access and egress in contravention of relevant SEPA guidance.

In this case, the proposal delivers accommodation at a reasonable scale on a brownfield site in the urban area of the city. Subject to the recommended conditions the proposal is generally in accordance with policies relating to principle, design, transport, and sustainability. The site is within an established urban area with surrounding residential accommodation and other existing uses that would also be susceptible to extreme flood events in the future. While dry access and egress from the building in an extreme flood event would not be possible, the proposal's floor level is set at a level high enough to ensure accommodation would not flood, providing a comparable or better level of security from flood water than surrounding residential developments in this part of the city. Flood depth would be at a level of approximately 0.6 metres and water is envisaged to be a low flood flow due to the site's location near the periphery of the flood area.

While non-compliance with NPF 4 policy 22 cannot be overcome at this site, the LDP supports purpose-built student accommodation through policy Hou 8, NPF 4 policy 16, and NPF 4 policy 9 supports development on brownfield sites.

NPF 4 policies 1 and 2 require place significant weight on climate change mitigation and adaptation. The proposal demonstrates a range of sustainable design features that mean the proposal has appropriately considered climate change and managed the impact of future climate risks to an acceptable level. The applicant has considered flood risk and included mitigation measures as far as practicable, with consideration of adaptation to climate change. In relation to NPF 4 policy 2, the building will be sustainable in terms of energy efficiency and durability, and while it does not fully adapt to future flood risk from the Water of Leith, it includes mitigation measures that manage flood water in extreme events without accommodation quarters flooding.

Taking a balanced approach to applying the policies of the development plan the proposal is an efficient use of brownfield land in the established urban area of the City; the matter of the building being within an area flood risk for a 1 in 200 year event does not outweigh the benefits of the proposal and its broad compliance with the objectives of the development plan.

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

The following material planning considerations have been identified:

Emerging policy context

On 30 November 2022, the Planning Committee approved the Schedule 4 summaries and responses to Representations on the Proposed City Plan 2030 and its supporting documents. These documents have now been submitted 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 City Plan 2030 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. The proposal provides five accessible rooms within the development and there are internal lifts to access all floors including the balcony amenity area. Access to the external courtyard amenity area is at the ground floor level.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

A summary of the representations is provided below:

Material objections

- Opposition to principle of student accommodation at this site - addressed in Section B.
- Non-compliance with student housing policy and guidance including over concentration of students and proximity to universities - addressed in Section B.
- Adverse impact on local community and health services - addressed in Section B.

- Design objections in relation to mass and scale - addressed in Section B.
- Impact on neighbouring amenity - addressed in Section B.
- Lack of adaptability of the proposed building - addressed in Section B.
- Non-compliance with City Plan 2030 - addressed in Section B.
- Loss of existing use - addressed in Section B.
- Non-compliance with NPF 4 policy 25 (Community wealth building) - the proposal will contribute to the local economy by using local services and job creation.

Non-material considerations

- Preference for social or affordable housing at this site - the applicant has not proposed this form of development.
- Cost of student accommodation.
- Dissatisfaction in relation to applicant's business practices.
- Potential for students to use private parking spaces in the local area - the management of private parking spaces is not a planning matter.
- Alleged adverse impact students will have on the local area related to noise and littering.
- Impact on historic Hearts turnstiles at the site - these are private property and their re-use not a planning matter.

Material support comments

- Support for student accommodation and positive effect on housing pressure - addressed in Section B.
- Positive economic impact of proposal to local businesses, facilities, services, and the City's universities.
- Support for scale and design of proposal including landscape features - addressed in Section B.
- Support replacing existing building and use - addressed in Section B.
- Car free development and good sustainable transport options - addressed in Section B.

Community Council comments

Gorgie Dalry Council submitted comments objecting to the proposal. The objection raised the following matters:

- Preference for social and affordable housing.
- Concentration of students in the area being too high and non-compliant with policy and Student Housing Guidance.
- Object to 100% studio room provision.
- Dispute travel times to university campuses within supporting information.
- Objection to the proposal's design, scale, massing, and streetscape features and resultant non-compliance with development plan LDP policy Des 4.
- Impact of proposal on amenity (daylight impact) on tenement flats across Westfield Road and resultant non-compliance with LDP policy Des 5.
- Proposal does not accord with NPF 4 policy 14b in relation to adaptability to housing or other uses for the proposal should student accommodation demand in the City reduce.

- Price of student accommodation for students.
- Non-compliance with City Plan 2030 policy Hou 6.

Despite its overall opposition, the Community Council welcomed the proposed approach to sustainable drainage in the proposals.

Conclusion in relation to identified material considerations.

The material considerations do not raise any matters which would result in recommending the application for refusal.

Overall conclusion

The proposal demonstrates that on balance it is compliant with the development plan despite the site and area being at risk of flooding from a 1 in 200-year event in the future. The proposal will deliver a sustainable, well-designed development on a brownfield site that minimises environmental impact. The design is of a high quality and takes cues from the character of the surrounding area. The use will help support local living and is consistent with the six qualities of a successful place.

Subject to a condition in relation to noise mitigation, the proposal will result in a satisfactory living environment for future occupiers and will not result in an unreasonable impact on neighbouring occupiers. It encourages use of sustainable modes of transport and reduces reliance on car usage. No specific road or pedestrian safety issues are raised.

As SEPA has objected to the application, if the Development Management Subcommittee is minded-to-grant planning permission, it must notify the application to Scottish Ministers prior to determination of the application.

Subject to recommended conditions and an appropriate legal agreement for a contribution towards the Edinburgh Tram, and notwithstanding the matter of a conflict with policy on flooding, the proposal is acceptable and on balance 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. 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 construction work is commenced on site; Note: samples of the materials may be required.
3. The approved landscape scheme including boundary treatments as shown in planning drawing reference 14 and the associated planting and maintenance schedules shown on page eight of the Landscape Statement prepared by Christopher Palmer Associates dated 4th October 2023 shall be implemented within six months of the occupation of the development. The maintenance schedule shall apply for a five-year period.
4. Details of the four visitor bicycle parking spaces that are identified in planning drawing reference 15A and titled 'Cycle Parking' shall be submitted to the planning authority for approval prior to the commencement of development at the site. Thereafter the approved bicycle parking shall be available for use at the development prior to its first occupation.
5. No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis & reporting, publication, community engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
6. 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.
7. Noise mitigation measures specified within ITP Energised Noise Impact Assessment referenced 6519 Version 2 and dated 2023-12-20 should shall be installed and operational prior to occupation of the development.
8. Proposed plant noise shall operate within noise levels specified in the ITP Energised Noise Impact Assessment referenced 6519 Version 2 and dated 2023-12-20 unless otherwise agreed with the planning authority.

Reasons

1. In order to accord with the statutory requirements of the Town and Country Planning (Scotland) Acts.

2. In order to enable the planning authority to consider this matter in detail, in the interests of visual amenity.
3. In order to ensure that the approved landscaping works are properly established and maintained at the site.
4. In order for the development to comply with the Council's bicycle parking standards and to provide appropriate sustainable travel facilities.
5. In order to safeguard the archaeological heritage of the site.
6. In order to protect the health of the building's occupants.
7. In order to protect the health of the building's occupants and to safeguard neighbouring amenity.
8. In order to protect the health of the building's occupants and to safeguard neighbouring amenity.

Informatives

It should be noted that:

1. Planning permission shall not be issued until a suitable legal agreement has been concluded to secure the following:

Contribute the sum of £120,000 (based on 87 units in Zone 2) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment.

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. This consent is for planning permission only. Work must not begin until other necessary consents, e.g. listed building consent, have been obtained.
3. 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.
4. 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.
5. The applicant should note the following Transport matters:

- The applicant should consider the provision of a car club vehicles in the area. A contribution of £7,000 (£1,500 per order plus £5,500 per car) would be required.
- All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges, and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car, and cycle parking numbers including location, design, and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.
- The applicant should note that doors must not open outwards on to footways or carriageways.
- 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.
- The applicant should be advised that:
 - a. as the development is student housing, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf (Category F - All student housing).
- The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.
- The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 24 October 2023

Drawing Numbers/Scheme

01,02,03B,04-07,08A-12A,13,14,15A

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Sean Fallon, Planning Officer
E-mail: sean.fallon@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: SEPA

COMMENT: Object in principle to proposals on grounds of flood risk and non-compliance with National Planning Framework 4 policy 22a.

DATE: 31 October 2023

NAME: Flood Planning service

COMMENT: Object on grounds of non-compliance with Council guidance.

DATE: 10 January 2024

NAME: Environmental Protection service

COMMENT: No objection subject to recommended conditions.

DATE: 23 January 2024

NAME: Scottish Water

COMMENT: No objections subject to information in full comments.

DATE: 31 October 2023

NAME: Archaeology service

COMMENT: No objection subject to recommended condition to secure the implementation of a programme of archaeological work (historic building recording, excavation, analysis & reporting, publication, community engagement) in accordance with a written scheme of investigation.

DATE: 3 November 2023

NAME: Roads Authority

COMMENT: No objections subject to conditions and informatives.

DATE: 18 December 2023

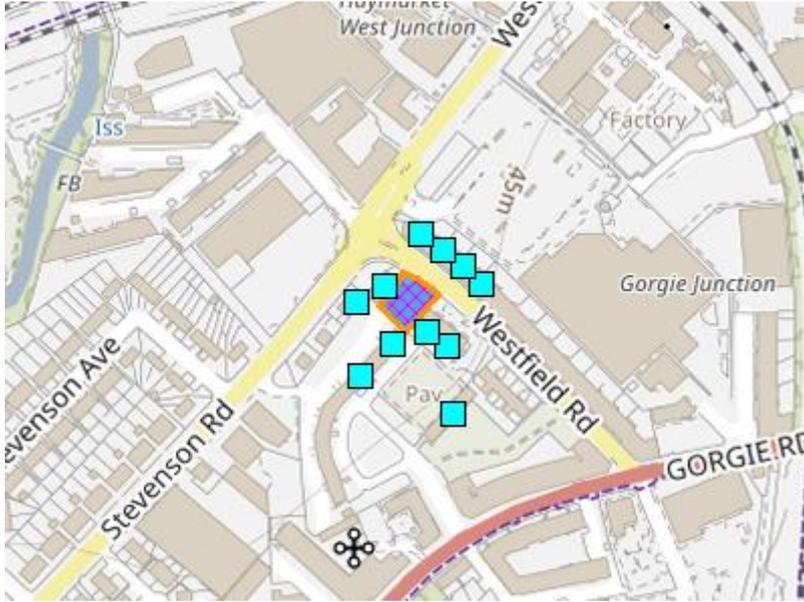
NAME: Gorgie Dalry Community Council

COMMENT: Object to proposals on grounds of non-compliance with LDP policy Hou 8, the Council's Student Housing Guidance (dated 2016), LDP policy Des 4, Des 5, and National Planning Framework 4.

DATE: 27 November 2023

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

Location Plan



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