

Development Management Sub-Committee Report

Wednesday 29 May 2024

Application for Planning Permission

185 - 187 Dundee Street & 4 Dundee Terrace, Edinburgh, EH11 1DH

Proposal: Demolition of existing buildings and erection of student accommodation (Sui Generis) with commercial /retail floorspace (Class 1A) and associated amenity space, landscaping, and cycle parking.

Item – Committee Decision

Application Number – 24/00211/FUL

Ward – B09 - Fountainbridge/Craiglockhart

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because it has received sixty-three objections, and the application is being recommended for grant. 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 does not harm the setting of the neighbouring listed buildings and is, therefore, acceptable with regard to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Overall, the proposal complies with the development plan comprising NPF4 and LDP 2016, with the use of conditions. The principle of development is acceptable, and the proposal will contribute to local, compact, and sustainable living and 20-minute neighbourhoods. The proposed development will support placemaking and is of an appropriate scale, form, and design. It is in a sustainable location and will complement the vitality and viability of Dundee Street Local Centre. The impact on amenity of neighbouring properties is not unreasonable and future occupiers will have a satisfactory living environment, with the use of conditions. There are no Transport, Archaeology or Flood Planning issues with the use of conditions and informatives. The proposal is acceptable, and the recommendation is to grant permission, subject to a financial contribution towards healthcare infrastructure. There are no other material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is a triangular shaped site bounded by Dundee Street, Dundee Terrace, the West Approach Road, and the pedestrian bridge linking Dundee Street and Dundee Terrace (over the West Approach Road). Currently the site is occupied by a grouping of buildings: a single storey building fronting Dundee Street and returning into Dundee Terrace, an adjoining double storey building fronting Dundee Terrace and a larger industrial type building on the west of the site fronting Dundee Terrace and West Approach Road which has a forecourt/parking area accessed from Dundee Terrace. Land uses on the site are all commercial businesses including a retail unit and a car garage/sales. There are level differences in the site with the rear of the site to the north west being lower at West Approach Road than the level at Dundee Street and Dundee Terrace.

South of the application site and then both eastwards and westwards, the predominant land use is residential in tenemental form and street pattern. Fountainbridge Library is further eastwards and beyond it, there is student accommodation and Boroughmuir High School. North of the site is the road network of Dundee Street and West Approach Road and beyond that Dalry Cemetery and Dalry Community Park. Further east on the north side there are student accommodation and Fountain Park, a leisure park. There are street trees on the pavement on Dundee Terrace.

Fountainbridge Public Library (137 Dundee Street) is a category B listed building (ref: LB30322; date of listing 21/04/1995) and Dalry Cemetery is a category C listed building (ref: LB26733; date of listing 09/02/1993) including gate piers, boundary walls and railings. There are also other nearby listed buildings including 1-7 Angle Park Terrace (ref: LB48568; date of listing 22/03/2002).

The application site is not in a conservation area.

Description of the Proposal

The proposal is to demolish the existing buildings and erect student accommodation (Sui Generis) with commercial/retail floorspace (Class 1A) and associated amenity space, landscaping, and cycle parking. There will be 206 bedrooms in the form of 154 studios (75%) and 52 (25%) cluster bedrooms and including 11 accessible bedrooms.

The proposed commercial/retail space will be 74m² and positioned on the east side of the site with an access from Dundee Street.

The proposed building will be between 5-6 storeys, mostly six storeys, high on Dundee Street and Dundee Terrace and 8 storeys next to the West Approach Road.

The ground floor will have studio rooms including an accessible studio room with amenity space/management suite to the east with access from Dundee Street. Adjacent to the amenity space on the eastern most part of the proposed building, commercial or retail space is proposed which will also take access from Dundee Street. A cycle store and bin storage will be on the ground floor.

Floors one, two and three will all have the same layout: two cluster units positioned on the most eastern and most western parts of the building with studio units between them. Accessible units are proposed for both the cluster units and studios.

The fourth floor will have a similar layout to floors one, two and three, with cluster units at either end and studio units in between. It will have an amenity space and access to an external amenity area in the form of a roof terrace.

At roof top level there will be Internal amenity space, solar panels and plant located behind screening. The basement will house the plant room.

The lower ground floor will consist of studio rooms, amenity rooms with access to external amenity space, staff facilities and cycle storage.

Materials proposed are light buff brick single and multi-brick, aluminium framed windows, canopy, and flashings and PPC (prism powder coating) railings.

External amenity space will be provided at lower ground floor on Dundee Terrace and in a terrace on the fourth floor.

A new footpath will be installed on the north side of Dundee Terrace, along the boundary of the proposed building and landscaped courtyard. Reconfiguration of the on-street parking on Dundee Terrace is proposed with trees and planting between some of the parking bays. Public realm landscaping works in the form of a raised planter at the east end of the development is also proposed.

A total of 206 cycle parking spaces will be provided for residents. This will be in a mix of folding bike lockers, premium solo bike racks Sheffield racks and two-tier bike racks with Sheffield racks at low level. Six long Sheffield cycle stands are proposed on the pavement on Dundee Terrace which will give twelve visitor cycle parking spaces. There will be an external stair on Dundee Street giving access to cycle storage and plant room. Four cycle parking spaces are proposed for staff. Electric bike charging points will be provided in the cycle stores.

A substation is also proposed on the west side of the side on Dundee Terrace.

Supporting Information

- PAC Report
- Planning Statement
- Design and Access Statement
- Flood Risk Assessment
- Certificate B1 (Independent check - flooding)
- Certificate A1 Self Certification (flooding)
- Surface Water Management Plan
- Surface Water Management Plan checklist
- Cultural heritage desk-based assessment
- Daylight assessment
- Tree Survey
- Landscape Statement
- Planting Schedules

- Phase 1 - Geo-environmental desk study
- Preliminary Ecological Assessment
- Preliminary Roost Assessment
- Sustainability Statement
- Transport Statement
- Noise Impact Assessment

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

Relevant Site History

23/03685/PAN

185 - 187 Dundee Street &

4/5 Dundee Terrace

Edinburgh

EH11 1DH

Purpose built student accommodation, retail/commercial space, and associated works.

Pre-application Consultation approved.

31 August 2023

Other Relevant Site History

07/00385/REM

Land Adjacent To 194 Fountainbridge

Edinburgh

Student residences and ground floor retail unit

Granted

22.05.2007

(Relates to 05/00106/OUT - Land Adjacent To 194 Fountainbridge Edinburgh

Mixed use development on brownfield site - Granted 06.12.2006)

11/00123/FUL

Site 57 Metres Southeast Of 55 - 63 Dundee Street

Edinburgh

The proposed erection of student residence (117 flats) with student centre and associated ancillary facilities, access, infrastructure and landscaping, a retail unit (Class 1), a community facility (Class 10 with ancillary cafe) and a public park.

Granted

22.09.2011

15/05422/FUL

Site 56 Metres West Of 160 Dundee Street

Edinburgh

Full Planning Permission for change of use from office (Class 4) to purpose-built student accommodation with ancillary reception and social hub, Class 1 retail and associated landscape, public realm, access, and parking (as amended).

Refused

21 April 2017

PPA-230-2208

Appeal of 15/05422/FUL

Appeal allowed – permission Granted.

6 July 2018

17/03296/FUL

114 Dundee Street

Edinburgh

Formation of new amenity areas + accommodation for existing student residential accommodation with associated external works comprising installation of glazing within existing openings within former retail unit (in retrospect).

Granted

28 November 2017

20/02976/FUL

7 Lower Gilmore Place

Edinburgh

Demolition of existing buildings and erection of student residential development with associated landscaping.

Deemed Refusal

11.12.2020

PPA-230-2323

Appeal of 20/020976/FUL

Appeal Allowed – permission granted.

4 March 2021

22/03556/FUL

23 Yeaman Place

Edinburgh

Proposed demolition of existing buildings and structures and erection of a purpose-built student accommodation development, with associated active travel routes, landscaping, cycle parking and other associated infrastructure, as amended.

Granted

18.04.2023

22/06109/FUL

12- 18 Lower Gilmore Place

Edinburgh

Demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping and cycle parking (as amended).

Refused

04.07.2023

PPA-230-2436

Appeal of 22/06109/FUL

Appeal Allowed – permission granted.

11 March 2024

24/01157/PAN

160 Dundee Street

Fountainbridge

Edinburgh

EH11 1DQ

Deconstruction /demolition of existing office building and proposed mixed use development (purpose-built student accommodation, residential and commercial uses) with associated parking, access, public realm, landscaping, and infrastructure.
Pre-application Consultation approved.
26 March 2024

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Roads Authority (Transport)

Flood Planning

Environmental Protection

Scottish Water

Archaeology

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

Publicity and Public Engagement

Date of Neighbour Notification: 1 February 2024

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 9 February 2024

Site Notices Date(s): Not Applicable

Number of Contributors: 87

Section B - Assessment

Determining Issues

Due to the proposals relating to a listed building(s), this report will first consider the proposals in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development harming the listed building or its setting?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

This report will then consider the proposed development under Sections 24, 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act):

Having regard to the legal requirement of Section 24(3), in the event of any policy incompatibility between National Planning Framework 4 (NPF4) & Edinburgh Local Development Plan 2016 (LDP) the newer policy shall prevail.

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals harm the listed building or its setting.

The following HES guidance is relevant in the determination of this application:

- Managing Change in the Historic Environment: Setting

Managing Change in the Historic Environment: Setting sets out the principles that apply to developments affecting the setting of historic assets or places including listed buildings and conservation areas. It includes factors to be considered in assessing the impact of a change on the setting.

The application site is separated from Dalry Cemetery by two busy roads, at different levels, and trees and this to some extent makes the application site feel fairly remote from the listed boundary walls of the Cemetery. In addition, the entrance to the Cemetery is from Dalry Road which is not within the immediate setting of the application site.

The listed buildings in Angle Park Terrace will not experience a change to their current setting due to the proposed development. The setting of Fountainbridge Public Library is currently next to both traditional and modern buildings with the Fountain Park leisure park development opposite.

In these circumstances, the setting of neighbouring listed buildings will not be harmed by the proposal.

Conclusion in relation to the listed building

The proposal does not harm the setting of neighbouring listed buildings and is, therefore, acceptable with regard to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) 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, 4, 6, 7, 9, 11, 13, 16
- NPF 4 Liveable Places policies 14, 15, 16, 18, 22
- NPF 4 Productive Places policies 27, 28
- LDP Design policies Des 1, Des 4, Des 5, Des 8, Des 11
- LDP Environment policies Env 12, Env 21
- LDP Housing policies Hou 1, Hou 7, Hou 8
- LDP Transport policies Tra 2, Tra 3, Tra 4,
- LDP Shopping and Leisure policies Ret 5
- LDP Developer Contributions policies Del 1

The non-statutory Student Housing Guidance, non-statutory Edinburgh Design Guidance and non-statutory Listed Buildings and Conservation Area guidance are material considerations relevant when considering the above policies.

Principle of Development - proposed use

Student Housing

Policy NPF4 Policy 16 (Quality Homes) intent is to encourage, promote and facilitate the delivery of more high quality, affordable and sustainable homes, in the right locations, providing choice across tenures that meet the diverse housing needs of people and communities across Scotland. This includes student housing, as per Part c) of Policy 16 of NPF4. The Council has not to date carried out an assessment of the need and demand for student accommodation.

LDP Policy Hou 1 (Housing Development) gives priority to the delivery of housing land supply and the relevant infrastructure on suitable sites in the urban area provided proposals are compatible with other policies in the plan. The proposal for residential student flats at this site complies in principle with the requirements of this policy (subject to other policy considerations). Part d) of the policy relates to "other suitable sites in the urban area" which is applicable for the proposal. The application site is not identified as a housing site in the LDP 2016, and there is no obligation for housing to be considered as a use on windfall sites over other potential land uses. The principle of student housing as a land use on the site is, therefore, considered to be appropriate in the context of LDP Policy Hou 1, provided that other relevant policy criteria in the LDP can be met.

LDP Policy Hou 8 (Student Accommodation) supports the development of purpose-built student accommodation subject to two requirements. Firstly, proposals must be in a suitable location in relation to university and college facilities, and be well connected by means of walking, cycling or public transport. Secondly, it must not lead to an excessive concentration of student accommodation or transient population in the locality to an extent that would adversely affect the area and its established residential amenity or character.

The Council's Non-Statutory Student Housing Guidance re-enforces the requirements of policy Hou 8 and identifies that student accommodation needs should be met in well managed and regulated schemes where possible. The LDP advises that it is preferable in principle that student needs are met as far as possible in purpose-built student schemes. The guidance also refers to there being a greater potential for community imbalance where the student population is dominant, exceeding 50%.

Location of Student Housing

In terms of criterion a) of LDP Policy Hou 8, the site is located within walking distance of Napier University campuses at Merchiston and Craiglockhart. A longer walk to University of Edinburgh George Square campus and Edinburgh College of Art is also possible. Cycling to the nearest campuses would take generally between 10 - 20 minutes. Bus services along Dundee Street and nearby Gorgie and Slateford Roads offer routes to education establishments such as Napier University and Heriot Watt University. The site can offer easy access to educational establishments via sustainable travel modes.

Criterion a) within the non-statutory Student Housing Guidance accepts student housing in locations within or sharing a boundary with a main university or college campus. The application site is not adjacent to a defined university campus as stated in the Student Housing Guidance.

Criterion b) advises that out with criterion a) student housing will generally be supported on sites with less than 0.25 developable area. The application site has a site area of 0.247ha which is below the developable area threshold set out in the Guidance. In addition, an alternative ground floor retail/community use is proposed on the ground floor, which is characteristic of the street.

Criterion b) also advises that consideration be given to the cumulative impact of student housing, and other land uses which contribute to a transient population, where these uses will have a detrimental impact on character.

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 non-statutory Student Housing Guidance advises that where the student population is dominant, exceeding 50% of the population, there will be a greater potential imbalance within the community.

The student population within the area is based on 2011 census data and the National Records of Scotland's Special Area population Estimates 2018. This data is then adjusted to include consented developments in the area to provide a 2021 figure. The data zones are tightly drawn and, as such, it is normal procedure to use the data zones that fall within an 800m radius, an approximate 10-minute walk from the application site. This method considers a wider catchment and provides a more accurate representation of the local population.

The 2021 figure assumes that all pending and consented applications for Purpose Built Student Accommodation (PBSA) have been granted and are fully occupied. The figure for the data zone is then adjusted to accommodate the application to provide an updated maximum figure for student percentage. Using 2021 population estimates as a base and taking account of student accommodation developments since 2011, along with the proposed 206 units in this planning application, there is an estimated student population within the 800m area equal to 32% of the population. Within the tightly drawn individual data zone of the development the estimated student population would be 40%. The estimate of student concentration in the area should be considered a maximum as it does not allow for any displacement which may have occurred of students who may have been living in dwellings but have moved to student accommodation which has been built in that period.

When considering a wider area of a 10-minute walk (approximately 800m) the 2011 census shows an overall student population concentration of 32%, as narrated above. This walking distance includes other areas such as Dalry, Fountainbridge and Polwarth.

Within the 800m area, the 2011 census shows an overall population of 19,157 and a student population of 4072 (21%) and adjusted for 2021 to equate to 21,761, population and 6750 (32%) student population.

The non-statutory Student Housing Guidance acknowledges that the concentration of students can undermine the social and physical fabric which defines a community and place. Where the student population is dominant, exceeding 50% of the population, there will be a greater potential imbalance within the community. In considering any potential imbalance it is necessary to consider the character of the area and the existing level of students within it. However, the overall concentration must also be considered as even small cumulative increases may have an impact depending on the character of the area and its existing uses. The area is a mix of residential, commercial, and industrial uses. The residential properties in the immediate vicinity have commercial units at ground floor and Dundee Street is a main thoroughfare. The concentration of students is not considered to be excessive in the context of the area and would not be likely to be detrimental to the maintenance of balanced communities or to the established character and residential amenity of the locality.

Given that the data zone of the application site falls below the 50% criteria, the proposal would contribute to a balanced community. This proportion would not lead to an overconcentrated student population in the area and, thus, meets criterion b) of policy Hou 8.

In terms of LDP Policy Hou 8 criterion a) and b) the proposal complies with these criteria relating to location.

Site Area and Mix of Uses

The site area is 0.247ha.

Student Housing Guidance for Locational and Design states criteria b) that Out with criteria a) student housing will generally be supported on sites with less than 0.25ha developable area. Consideration should be given to the cumulative impact of student housing, and other land uses which contribute to a transient population, where these uses will have a detrimental impact on character.

The proposed retail/community unit will contribute to the character of the area where retail and other uses are found at ground floor level. This will also contribute to a sense of place.

The site is bounded by roads and does not form part of a larger area.

Criterion c) of the Student Housing Supplementary Guidance advises that "sites identified as having a high probability of delivering housing within Map 5 taken from the LDP Housing Land Study (June 2014) and sites with greater than 0.25 hectares of developable area must comprise a proportion of housing as part of the proposed development". The site is not identified in the LDP for delivering housing and, therefore, does not contribute towards the housing land supply. The site area does not exceed the size criterion set out in the non-statutory Student Housing Guidance and, as such, there is no requirement to provide mainstream housing on the site.

Mix of Accommodation Type

Student Housing Guidance requires that student accommodation should comprise a mix of type of accommodation, including cluster units. Of the 206 bedrooms, there will be 154 studios (75%) and 52 (25%) cluster bedrooms with 11 accessible bedrooms. This would comply with criterion d) of the Student Housing Guidance in terms of a mix of type of accommodation and, therefore, the range of units would be acceptable.

Retail/Commercial Uses

NPF4 Policy 28 (Retail) intent is to encourage, promote and facilitate retail investment to the most sustainable locations that are most accessible by a range of sustainable transport modes. It supports proposals for small scale neighbourhood retail development if (i) it contributes to local living, including where relevant 20-minute neighbourhoods and/or (ii) can be demonstrated to contribute to the health and wellbeing of the local community. The retail/commercial/community unit will be in an accessible location within a fairly densely populated area. As such, these proposed uses will contribute to local living and 20-minute neighbourhoods, which is also the intent of NPF4 Policy 15. Offering community space will provide places which can aid health and wellbeing.

The proposal is consistent with NPF 4 Policy 28.

NPF4 Policy 27 (City, town, local and commercial centres) intent is to encourage, promote and facilitate development in our city and town centres, recognising they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental, and societal changes, and by encouraging town centre living. Although the application site is out with the Local Centre, the proposal will encourage local centre living through and encourage future residents to use and support the facilities found in the Local Centre.

The proposed commercial use is just outside Dundee Street (No.s 137-183) Local Centre and, as such, requires to be considered under LDP Policy Ret 5 as narrated below.

LDP Policy Ret 5 (Local Centres) states that planning permission in or on the edge of a local centre will be permitted provided certain criteria is met: - a) integrated into centre; compatibility with scale and type, with the character and function of the centre; c) makes a positive contribution to the shopping environment and appearance of the centre; d) would not have a significant adverse impact on the city centre retail core or any town or local centre; e) is easily accessible by public transport. The application site is next to Dundee Street (No.s 137 - 183) Local Centre and will appear as a continuation of the Local Centre. It will be relatively small scale which reflects the sizes of the shops in the adjacent Dundee Street Local Centre and would complement the existing Centre.

Should the Class 1A retail unit be used for community use, it will offer a new local indoor community facility. The unit will make a positive contribution to the shopping environment and improve the appearance of the edge of the local centre. Its small scale will not have a significant adverse impact on the Local Centre. The application site is well served by public transport.

As a Class 1A unit (Shops, financial, professional and other services) it can change use to selling hot food for consumption on the premises without requiring further planning permission, should the current application be granted, as long as it met the criteria set out in the Town and Country Planning (Use Classes) (Scotland) Order 1997 as amended (April 2023). Therefore, to protect residential amenity in terms of odours, a condition is recommended restricting cooking methods on the premises.

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) states that developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents will not be permitted. The proposed uses are not expected to contribute to a significant or unacceptable increase in noise or disturbance on street, with the use of the recommended condition restricting the use of the commercial units. Anti-social behaviour such as noise disturbance can be dealt with through relevant legislation, such as by Police Scotland or Environmental Health Acts.

A noise impact assessment (NIA) has been provided in support of the application which considers the noise implications of the development both on surrounding and proposed noise sensitive properties. However, a further detailed Noise Impact Assessment is required relating to the proposed plant and substation noise. This is discussed further below under the heading Amenity.

The proposed mixed uses are acceptable. The proposal complies with NPF4 Policies 16, 27 and 28 and LDP Policies Hou 1, Hou 8, Ret 5, Ret 6, and Hou 7.

Fountainbridge Development Brief

The application site is just out with the Fountainbridge Development Brief Area and, thus, the proposed development does not require to be assessed in terms of the Brief.

Climate Change and Mitigation

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. The proposed development contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of an existing developed site for alternative uses.

NPF4 Policy 2 a) (Climate mitigation and adaption) 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. The new buildings will be constructed to be more energy efficient and insulated than the existing buildings and building fabric performance and overall energy consumption will meet relevant building standards. Solar panels and ASHPs are proposed and the new substation is intended to help assist with a renewable energy strategy.

Air Quality

Environmental Protection has advised that the development is likely to have minimal air quality impacts associated with the operational phase of the development. Energy will be provided by solar panels and air source heat pumps. The site is well served by public transport, will provide cycle parking, electric bike charging points and the development will have zero parking. The proposal will contribute to mitigating climate change.

Flood Planning

NPF4 Policy 22 (Flood Risk and Water Management) intent is to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

LDP Policy Env 21 (Flood Protection) states that planning will not be granted for development that would increase flood risk or be at risk of flooding.

Flood Planning has advised that, following the submission of additional information, it does not have further comments and, therefore, the application can proceed to determination. It has recommended that a planning condition regarding Scottish Water approval be added to the planning permission.

Therefore, there are no flooding issues, with the use of a condition.

Brownfield Land and Demolition

NPF 4 Policy 9 encourages the use of previously developed land over greenfield development. In particular, criterion a) states development proposals that will result in the sustainable reuse of brownfield land will be supported. NPF4 Policy 9 also stated in part d) that, "demolition will be regarded as the least preferred option."

The proposal will reuse brownfield land and is located in a sustainable location where there are existing local facilities within walking distance. As such, it will contribute to compact growth and local living. The proposed development will use the land more efficiently. In this context, the demolition of the buildings is acceptable.

Biodiversity, Natural Environment and Trees

NPF 4 Policy 3 (Biodiversity) states that proposals for local development should include appropriate measures to conserve, restore and enhance biodiversity.

NPF4 Policy 4 (Natural Places) intent is to protect, restore and enhance natural assets making best use of nature-based solutions.

There is currently limited biodiversity and opportunities for wildlife within the application site due to it being nearly all comprising hardstanding and building, although there are some trees and shrubs along the western boundary. Adjacent and nearby, there are street trees and clusters of trees and some areas of vegetation which contribute to biodiversity and green networks. The proposal will introduce an area of landscaping fronting Dundee Terrace and also proposes to plant replacement and additional street trees. Landscape drawings show the inclusion of habitats including rain gardens, native planting, and street trees. To secure the biodiversity enhancements, it is recommended that a condition be used requiring a Biodiversity Enhancement Plan to ensure that biodiversity enhancements and opportunities for wildlife are delivered on site.

The proposal, with the use of conditions, will comply with NPF4 Policies 3 and 4.

LDP Policy Env 12 (Trees) aims to protect existing trees and requires replacement trees to offset the loss to amenity.

The existing street trees at the eastern end of Dundee Terrace will be retained. Trees and shrubs along the southern boundary, near the western part of the site will be removed. Replacement tree planting is proposed in the street public realm and in the outdoor amenity area/ courtyard fronting Dundee Terrace. It is recommended that a condition relating to landscaping includes tree planting.

The proposal will contribute to NPF4 Policies 1, 2, 3, 9 and 21 and will comply with LDP Policies Env 12 and Env 21.

Historic Assets

NPF4 Policy 7 (Historic assets and places) intent is to protect and enhance historic environment assets and places, and to enable positive change as a catalyst for the regeneration of places. It has been established in section a) above that there will be no harm caused to the setting of neighbouring listed buildings.

The City Archaeologist has advised that this site is regarded as being of local archaeological interest in terms of Edinburgh's 19th and 20th century transport heritage and that the loss of the building is not regarded as having a significant adverse impact.

Therefore, it is recommended that a condition be attached requiring a Programme of Archaeological Works.

The proposal will comply with NPF4 Policy 7, with the use of a condition.

Design Quality and Place

NPF4 Policy 14 (Design, Quality and Place) supports development proposals that are designed to improve the quality of an area and are consistent with the six qualities of successful places. NPF4 Policy 15 (Local Living and 20-minute neighbourhoods) intent is to encourage, promote and facilitate the application of the Place Principle and create connected and compact neighbourhoods where people can meet the majority of their daily needs within a reasonable distance of their home, preferably by walking, wheeling, cycling or using sustainable transport options.

LDP Design Policies Des 1, Des 2, Des 4, Des 8 and Des 11 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials.

The building has been designed "in the round" (having no specific rear elevation). It retains an active frontage along most of its boundary with Dundee Street and introduces an active frontage in Dundee Terrace. On Dundee Street, the building will create a strong entrance into Dundee Street Local Centre and surrounding area from the west and will demarcate leaving the locality and going into Angle Park and into Gorgie, Dalry, Slateford, and Harrison Park area. The proposal will strengthen the sense of place.

The prevailing spatial pattern is of tenement rectangular blocks with heights of four storeys high. The existing buildings on site sit on a triangular shaped site mainly at the equivalent of two storey residential heights. The section drawings submitted show that the proposed building sitting in Dundee Terrace will be just higher, at 83.85, compared to than the existing tenements opposite which are 82.66 AOD. The proposed building will be slightly higher than the existing tenements with the top floor amenity space adding more height. However, it will be set back from the building line fronting Dundee Terrace. The scale of buildings in the area is predominantly four storeys high or higher with newer buildings of a similar mass and scale. As such, the proposed building will not be overly dominant and will sit comfortably on the site and within the surrounding area. Information submitted shows that key public views will not be interrupted/eroded or lost.

Materials proposed are modern and reflect those in other nearby modern developments in the surrounding area, and, therefore, are acceptable. Although the immediate surrounding area consists of predominantly stone buildings, there are other buildings of brick, and the use of brick will contrast with the traditional stone buildings. A condition is recommended relating to material details and samples. The use of sustainable and energy efficient materials with a minimal or zero impact on the climate is encouraged.

Public Realm improvements will be made on Dundee Terrace where the on-street parking will be rationalised, and a pavement constructed on the north side along the frontage of the new building. This will improve the pedestrian environment. Street trees will be planted and the existing street trees at the eastern end of and adjacent to the application site will remain. As these works will fall within the public street, agreement with the Roads Authority and Road Construction Consent will be required. The amenity area proposed below street level on Dundee Terrace will provide some openness to the street view. Active frontages on Dundee Terrace and most of the Dundee Street frontage will introduce and retain overlooking thus providing surveillance of the public streets.

The proposal is in an accessible and sustainable location with easy access to a range of facilities for everyday need and will be a well-connected place. It will also contribute to a compact neighbourhood, in line with NPF4 Policy 15.

The scale and built form of the proposals will contribute to the sense of place. The proposal complies with NPF4 Policies 14 and 15 and LDP policies Des 1, Des 4, Des 5, Des 8 and Des 11.

Amenity

LDP Policy Des 5 (Development Design - Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy, or immediate outlook.

Neighbouring Amenity

The application site is opposite residential properties. A Daylight Assessment was submitted with the application and shows that daylighting to some windows will be reduced by the development. Of the 302 windows tested using the Vertical Sky Component (VSC), the Daylight Assessment showed that 88 (i.e. a third) windows will experience a loss of daylight and would not meet the daylight requirements. As the proposal would not meet the VSC, the daylight impact was also assessed using the Average Daylight Factor (ADF). This found that 95% of the rooms analysed would meet the technical guidance in the Edinburgh Design Guidance. Therefore, the impact on daylight is within the limits set out in the Edinburgh Design Guidance and, as such, is acceptable.

A loss of sunlight in the evenings will be experienced by the small front tenement gardens along Dundee Terrace and this was raised in the public comments. Shadow diagrams submitted indicate that at 5pm (on the Spring Equinox 21 March) sunshine will be received in the front gardens and that at 6pm those gardens on the western part of Dundee Terrace (between Tay Street and Fowler Terrace) will receive sunshine with those gardens approximately a third of the way along eastwards (from number 27) experiencing a loss of sunlight. As a minimum of 2hrs sunlight will not be received to gardens, the impact infringes the Edinburgh Design Guidance. However, other benefits of the proposal, such as re-using brownfield land more efficiently, contributing to compact local living and relating to townscape, outweigh the loss of sunlight to residential gardens.

Windows will overlook public streets and most of them will be at an angle to the street and not directly opposite existing windows. Therefore, there are no overlooking or loss of privacy issues. Outlook from existing neighbouring windows will be changed; however, the minimum building-to-building distance will be 12 metres, and this will not result in a loss of immediate outlook.

A condition relating to noise from plant and the substation is recommended to ensure that such noise will not result in an unreasonable loss to neighbouring properties.

From the drawings, there is no access for residents to the proposed outdoor amenity space/courtyard in the proposal and this matter has been raised in the public comments. The planning authority is unable to control access and, therefore, an informative is recommended encouraging the applicant/future operator to consider access for neighbours.

There will not be an unreasonable impact on neighbouring amenity, subject to the use of a condition.

Amenity of Future Occupiers

Environmental Protection has no objection to the application subject to conditions relating to site contamination, noise, and cooking odours from the proposed Class 1A use.

The application site was previously occupied by a number of different uses (including railway servicing and garage) and may have become contaminated through the previous uses on site. A condition is therefore recommended which ensures that the site will be made suitable for the proposed end use.

The rooms will receive adequate daylighting and the outdoor amenity spaces will receive sufficient sunlight and this complies with the EDG.

Environmental Protection has advised that road traffic is the main noise source affecting the proposed development and recommends a condition relating to the mitigation measures that the NIA recommended for glazing and ventilation specifications.

Environmental Protection has also advised that noise from the roof top plant will exceed the criteria required for internal plant noise. It is concerned that internal noise levels from rooftop plant within the nearest residential dwellings and student accommodation are likely to exceed the criteria required for internal plant noise. Environmental Protection is of the opinion that suitable wall, floor, and ceiling specifications will be required to ensure internal plant noise, substation noise and commercial Class 1A noise will meet appropriate noise and vibration levels as such details have not been outlined within the NIA. Therefore, a condition is recommended relating to mitigation measures to rooftop plant to meet the nominated NR25 criteria and requiring a further Noise Impact Assessment to identify any noise mitigation required.

The application includes a Class 1A commercial unit on the ground floor. No ventilation proposals are included within the application and so a condition is recommended limiting food equipment to ensure that cooking odours do not impact upon the amenity of surrounding odour sensitive properties.

Future occupiers will have a satisfactory living environment, with the use of conditions.

The proposal complies with LDP Policy Des 5, with the use of conditions.

Transport

NPF4 Policy 13 intent is to encourage, promote and facilitate developments that prioritise walking, wheeling, cycling and public transport for everyday travel and reduce the need to travel unsustainably.

LDP Policies Tra 2 - Tra 4 sets out the requirements for private car and cycle parking. The Council's Parking Standards are set out in the Edinburgh Design Guidance.

The Roads Authority (Transport) has advised that it has no objections subject to conditions or informatives as appropriate relating to the extent of adoptable road and Road Construction Consent, "traffic sensitive street", footway width (minimum of 2 metres), the reconfiguration of the on-street parking spaces, the number and type of cycle parking spaces/racks, residential parking permits, a Travel Plan and City Car Club vehicles. It has also advised that zero parking is acceptable. It has advised that the proposed zero parking is acceptable.

Provision of the footpath along Dundee Terrace will need a Redetermination Order as the proposed works are within the publicly adopted road and verge. The process falls under the responsibility of Scottish Ministers and is open to public comments. Therefore, there may be a delay in implementation of the footpath. Reconfiguration of the parking spaces on Dundee Terrace will require an Order promoted by the Roads Authority. Both of these changes, to the public road and public on-street parking, require Orders in legislative regimes out with Planning legislation and, as such, Planning has no locus in these matters. However, the proposed building and associated courtyard and substation could be built without these Orders and whilst the Orders are being progressed. Therefore, an informative is recommended relating to this matter.

The overall number of cycle parking spaces proposed is acceptable. However, the proportion of cycle parking types does not comply with the Edinburgh Design Guidance and factsheet C7. At least 50% of the total should be Sheffield style racks and the two-tier parking and premium solo vertical racks combined should account for no more than 50% of the total. Folding bike lockers are not to be included in the total provision. Therefore, a condition is recommended to ensure that appropriate cycle parking is provided.

Waste

Bin storage areas are proposed. The applicant or developer or operator is responsible for a commercial waste agreement, which must comply with the relevant legislation, for the proposed development.

Infrastructure - and Developer Contributions

LDP policy Del 1 (Developer Contributions and Infrastructure Delivery) states proposals will be required to contribute to infrastructure provision where relevant and necessary to mitigate any negative additional impact and where commensurate to the scale of the proposed development.

The site is within the Polwarth Healthcare Contribution Zone and a developer contribution of £11.34 per student is required. Therefore, an informative is recommended to secure the financial contribution of £2,336.04 (206 x £11.34).

Conclusion in relation to the Development Plan

Overall, the proposal complies with the development plan comprising NPF4 and LDP 2016, with the use of conditions. The principle of development is acceptable, and the proposal will contribute to local, compact, and sustainable living and 20-minute neighbourhoods. The proposed development will support placemaking and is of an appropriate scale and design. It is in a sustainable location and will complement the vitality and viability of Dundee Street Local Centre. The impact on amenity of neighbouring properties will not be unreasonable and future occupiers will have a satisfactory living environment, with the use of conditions. There are no Transport, Archaeology or Flood Planning issues with the use of conditions and informatives. A financial contribution towards healthcare infrastructure is required. The proposal is acceptable.

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

The following material planning considerations have been identified:

Emerging policy context

On 5 April 2024, the Planning and Environmental Appeals Division published its report into the examination of the Proposed City Plan 2030 and supporting documents in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. The Council is currently considering the recommendations and modifications required to the Proposed City Plan 2030. It is the intention that the modifications will be considered by the Council before the end of June 2024. At this time in the context of the consideration of this particular application limited weight can be given to the relevant policies of City Plan 2030 until the proposed modifications have been fully considered.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010.

Level access to ground floor and 11 accessible units will be provided. There will be internal lifts for access to all floors.

It is recognised that studio flats can have a negative impact on the mental health and wellbeing of students due to lack of social interaction. Cluster flats are proposed as well as communal and amenity spaces which will encourage mixing socially with other students thus helping contribute to good mental health and wellbeing.

Public comments raised the impact on health, wellbeing, and quality of life, including working from home. Loss of daylight, overshadowing and loss of sunlight have been considered in section b) above and it has been concluded that this is acceptable. Loss of privacy was also raised, and the proposed building will look onto public streets. Safety using the street in the dark and women's safety was also raised in the public comments. The building will introduce more overlooking and surveillance onto the public street. There will also be more light emanating from the building and spilling onto the street. The new footpath on the north side of Dundee Terrace will improve the pedestrian environment.

Construction impacts, such as dust and pollution, can be controlled through other legislative regimes.

No equalities issues have been raised that outweigh the recommendation to grant planning permission, and, therefore, refuse planning permission.

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

Public representations

Objection 63, Support 23, General 1

A summary of the representations is provided below:

material considerations

- Oversaturation of student accommodation in area; cumulative impact; increase PBSA density to excessive levels; does not conform with LDP policy Hou8 or Student Housing Guidance 2016.
- impact on local community; changing character of area; will not contribute to long term community development; feels like a student campus; densely populated.
- accept it is a development site.
- design - too large and bulky; indifferent architecture; poor siting; too high; impact on skyline/impact on local views.
- ratio of flats to studios - should be more flats (so can be adapted to mainstream housing)
- impact on traffic - increased volume; congestion; increased number of bin lorries; no improvements for Active Travel immediate to site area; disruption to roads
- impact on/loss of parking; secure cycle parking on street removed/loss of secure cycle storage on Dundee Terrace for residents.
- impact on road safety
- impact on public transport - strain from other student accommodation built.
- impact on pavement users, cyclists, and traffic; pavement widths should be wider than min 2m.
- new footpath of no benefit - few use bridge to nowhere - comes out at dangerous junction to cross.
- impact on infrastructure/amenities - GPs

- amenity - outdoor amenity space at lower ground level - not accessible to residents (only to student) i.e. public open space
- loss of daylighting and impact on overshadowing - to living spaces/rooms; impact on quality of life; light - positive benefit to mental health especially in winter
- loss of outlook and privacy
- privacy of student occupiers
- poorer living environment (for new residents)
- loss of sunlight - evening sun loss
- loss of trees
- impact on insects and birds (from loss of trees)
- noise and disturbance; noise from plant room -close to residential
- site used for successful business space.
- increased carbon emissions from heating the 206 flats proposed.
- environmental sustainability
- impact on drainage; flood risk; climate change
- Equalities - negative impact on mental wellbeing e.g. sleep; deny workspace/working from home and daily privacy; impact on women's safety.
- street is very narrow and dark and with this building being built the safety of the local residents will be negatively impacted.
- demolition - takes away the beauty of the area.
- Background Papers/supporting information - inaccurate and misleading; interpretation and manipulation of student concentration data. *Sufficient information has been provided; planning authority has student data zone/concentration information.*
- errors in description of site/incorrect address, *Address corrected by Agent. Drawings clearly showed site and its boundary.*

material support comments

- provision of community space locally
- design - high quality; elegant and unique looking.
- improve visual appearance of/enhances site - site underutilised; brownfield site - required development/redevelopment for several decades/long overdue.
- sustainable and energy efficient structure
- improving public realm, including new footpath long Dundee Terrace - improve public accessibility in the area-, and local area.
- release/free up of traditional housing from student occupation/ increases availability of existing residences for families and couples.
- will mitigate disturbances for many city residents, as students often have lifestyles that can disrupt non-student neighbours.
- location - facilitate and promote sustainable movement of residents by foot, cycle, and public transport.
- not result in an over population of students in accordance with Council guidance for Student Housing
- substantial other residential use in the immediate area
- area provides facilities which would benefit from students' patronage.
- constitutes a degree of activity at street level.
- proposed building will provide much needed acoustic barriers to the flats behind,

- location of this development will promote sustainable movement of residents due to the nearby bus routes and the cycle/footpath along the canal.
- addresses the pressing issue of student housing shortages.
- promotes sustainability; energy-efficient structures, green spaces, and habitat interventions will enhance biodiversity and reduce environmental impact; efficient and sustainable low energy building with enhanced green spaces.
- location will promote sustainable transportation options, contributing to a healthier and more vibrant community.

general comment

- accept this is a development site.
- neutral view re: suitability of this site for student accommodation
- cumulative impact assessment important
- provide a 35% affordable housing component (re: City Plan 2030 policies)
- too large and bulky to support.

non-material considerations

- conversion of student accommodation to short term lets in summer.
- application of a City Plan 2030 policies - student housing sites provide 35% affordable housing component.
- congestion at bus stops - impact on footfall/passengers waiting at bus stops on Dundee Street
- more housing/standard low cost/affordable housing provision needed/site should be used for housing/family housing needed/Housing emergency.
- Council should improve public transport capacity.
- increased littering
- parking permits/parking permit spaces
- PBSA lucrative for developers; benefit developers
- Council Tax - students will not pay this but will use facilities.
- impact on public services
- dust and air pollution from demolition.
- loss of private views
- takes away properties for local people to buy.
- increases the rent crisis in the city.
- suggest mixes affordable accommodation into development.
- increase the price for existing flats.
- commercial space should be used for student amenity.
- maintenance of green space
- demarcation of green space
- construction works - major disruption to roads; impact on integrity/structure of tenements opposite; dust/air pollution.
- compensation to owners (if planning application acceptable)

Merchiston Community Council

- design - poor; jarring with context; contrary to Des 1
- disjunction between proposed development and Victorian tenements along Dundee Terrace; out of character and sympathy

- height - too great and will dominate Dundee Terrace; an oppressive, poorly designed, unremitting mass of unornamented brick facing residential properties.
- situated at the endpoint of a vista seen from Fountainbridge and Dundee Street, commanding viewpoint.
- daylighting - will affect the daylight to living rooms and bedrooms along Dundee Terrace
- concentration/saturation of purpose-built student accommodation (PBSA)
- City Plan 2030 advocates for a 35% affordable housing component but none is mentioned here.
- Surface Water Management and Drainage - doubtful green/blue roof proposals sufficient/ access needed to combined public sewer - strain on system already struggling to absorb flood water.
- parking, vehicle access and amenity - development car free but increased traffic from taxis and delivery vehicles- obstruction; unsafe parking

Material comments have been taken into account in sections b) and c).

Conclusion in relation to identified material considerations.

There are no compelling reasons in the other material planning considerations why the application should be refused. The material considerations support the presumption to grant planning permission.

Overall conclusion

The proposal does not harm the setting of the neighbouring listed buildings and is, therefore, acceptable with regard to Sections 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

Overall, the proposal complies with the development plan comprising NPF4 and LDP 2016, with the use of conditions. The principle of development is acceptable, and the proposal will contribute to local, compact, and sustainable living and 20-minute neighbourhoods. The proposed development will support placemaking and is of an appropriate scale, form, and design. It is in a sustainable location and will complement the vitality and viability of Dundee Street Local Centre. The impact on amenity of neighbouring properties will not be unreasonable and future occupiers will have a satisfactory living environment, with the use of conditions. There are no Transport, Archaeology or Flood Planning issues with the use of conditions and informatives. The proposal is acceptable, and the recommendation is to grant permission, subject to a financial contribution towards healthcare infrastructure being secured by the use of an informative relating to the developer contribution. There are no other 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 the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to, and approved in writing by the Planning Authority.
 - ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
4. Cooking operations in the Class 1A unit/premises shall be restricted to the use of one microwave, one soup urn, one single sandwich Panini machine and one toaster only; no other forms of cooking shall take place.
5. The noise mitigation measures as specified within RMP Noise Impact Assessment Technical Report R-9796-LH3-RGM and dated 12th February 2024 should be installed and operational prior to occupation of the development.
6. A further noise impact assessment of the substation noise, plant noise and vibration and Use Class 1A wall, floor and ceiling noise and vibration control specification measures should be undertaken once further design details become available. The assessment should recommend measures to ensure that noise and vibration levels will be within acceptable levels within surrounding and proposed noise sensitive properties. All noise and vibration control measures should be submitted and agreed with the Planning Authority prior to occupation of the development.
7. No development shall take place until Scottish Water accepts surface water discharge into the combined sewer and this approval has been submitted in writing to the planning authority. Should Scottish Water not accept discharge into the sewer, the applicant will be required to provide a surface water discharge strategy to be approved by the planning authority in writing and implemented thereafter.

8. Prior to commencement of development a Biodiversity Enhancement Plan, in accordance with the template in Annex C of NatureScot's "Developing with Nature Guidance" shall be submitted to and approved in writing by the planning authority. The biodiversity enhancements shall be implemented thereafter.
9. 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.
10. Notwithstanding what is shown on the approved plans, details of cycle parking in compliance with the Edinburgh Design Guidance and the Cycle Parking Factsheet C7, to be submitted to and approved in writing by the Council as planning authority and installed thereafter.
11. Notwithstanding what is shown on the approved drawings, a landscape plan including new tree planting, shall be submitted to, and approved in writing by the planning authority.
12. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
3. In order to safeguard the interests of archaeological heritage.
4. In order to protect the amenity of the occupiers of the development.
5. In order to protect the amenity of the occupiers of the development.
6. In order to protect existing residential amenity and the amenity of the occupiers of the development.
7. In order to ensure that the development and neighbouring properties are not at risk of flooding.
8. In order to ensure biodiversity enhancements are provided on site.
9. In order to enable the planning authority to consider this/these matter/s in detail.
10. In order to provide appropriate cycle parking.
11. In order to enable the planning authority to consider this/these matter/s in detail.

12. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

1. Consent shall not be issued until a financial developer contribution of £2,336.04 (206 x £11.34) has been paid to the City of Edinburgh Council or payment secured through the conclusion of a suitable legal agreement.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The applicant should note that:
 - a. A Redetermination Order will be required to install the new footpath in the adopted road.
 - b. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges, and service strips to be agreed; and
 - c. Commencement of building works or construction of roads without Road Construction Consent may constitute an offence.
5. The applicant should note that the proposed development lies on or adjacent to a 'traffic sensitive street' and that this may affect the method and timing of construction, including public utilities - see <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/2>.
6. 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%20Environment%20Committee/20130604/Agenda/item_77_-_controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf (Category F - All student housing).
7. 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.
8. The applicant should consider the provision of car club vehicles in the area. Contributions towards the costs of the necessary order and vehicles would be required.

9. The applicant/operator is encouraged to provide access for neighbours to the outdoor amenity space/courtyard on Dundee Terrace.
10. Reconfiguration of the on-street parking on Dundee Terrace requires agreement from the Roads Authority and would be subject to the relevant legislative regimes.

Background Reading/External References

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

Further Information - [Local Development Plan](#)

Date Registered: 30 January 2024

Drawing Numbers/Scheme

01-07,08A,09-15

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Jackie McInnes, Planning officer
E-mail: jackie.mcinnnes@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Roads Authority (Transport)

COMMENT: No objections subject to conditions or informatives relating to: -

- adoptable roads
- Road Construction Consent
- traffic sensitive street
- minimum footway widths
- reconfigured parking spaces - should be parallel bays.
- cycle parking - numbers acceptable; type of parking not compliant with Edinburgh Design Guidance and factsheet C7 of the Street Design Guidance
- residents parking permits
- Travel Plan
- car club vehicles

Note:

The proposed zero parking is considered acceptable.

DATE: 2 May 2024

NAME: Flood Planning

COMMENT:

Additional information addresses our concerns; therefore, this can proceed to determination.

Planning condition regarding Scottish Water approval suggested.

DATE: 19 March 2024

NAME: Environmental Protection

COMMENT:

Environmental Protection offers no objections to the application subject to the following conditions:

1. 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.

2. The noise mitigation measures as specified within RMP Noise Impact Assessment Technical Report R-9796-LH3-RGM and dated 12th February 2024 should be installed and operational prior to occupation of the development.

3. A further noise impact assessment of the substation noise, plant noise and vibration and Use Class 1A wall, floor and ceiling noise and vibration control specification measures should be undertaken once further design details become available. The assessment should recommend measures to ensure that noise and vibration levels will be within acceptable levels within surrounding and proposed noise sensitive properties. All noise and vibration control measures should be submitted and agreed with the Planning Authority prior to occupation of the development.

4. Cooking operations on the premises shall be restricted to the use of one microwave, one soup urn, one single sandwich Panini machine and one toaster only; no other forms of cooking shall take place without the prior written approval of the planning authority.

DATE: 26 March 2024

NAME: Scottish Water

COMMENT:

Thank you for contacting Scottish Water, Development Operations, Planning Team, we have received your enquiry and will assess this and action accordingly.

If you have submitted a Planning Consultation for our comments, we aim to review this and respond within 14 working days of receipt.

DATE: 8 February 2024

NAME: Archaeology

COMMENT: This site is regarded as being of local archaeological interest in terms of Edinburgh's 19th and 20th century transport heritage. Although the site has local archaeological interest, the loss of the building is not regarded as having a significant adverse impact.

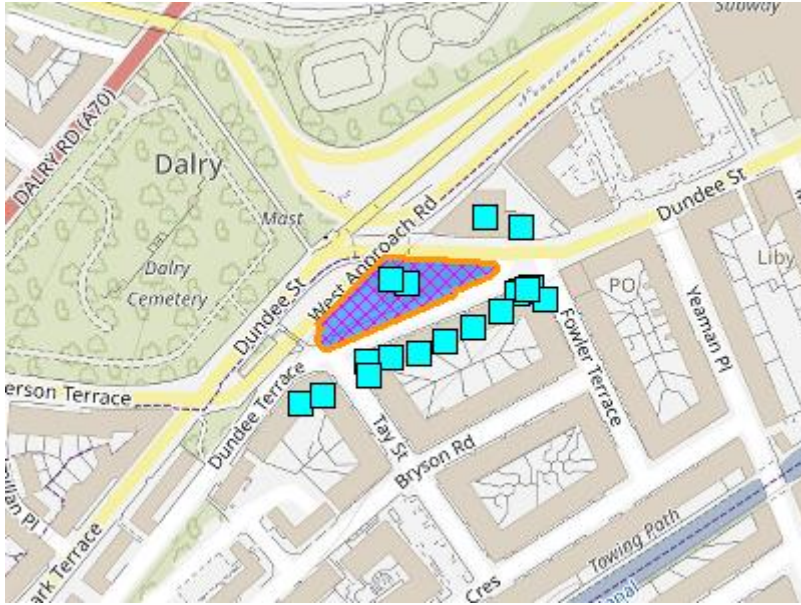
It is recommended that the following condition be attached to any permission, if granted, to ensure that this programme of archaeological works is undertaken either prior to or during construction.

'No demolition/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) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

DATE: 6 February 2024

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

Location Plan



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