

**THE TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997 AS AMENDED BY THE  
PLANNING ETC (SCOTLAND) ACT 2006.**

**THE CITY OF EDINBURGH COUNCIL LOCAL REVIEW BODY.**

**RESPONSE AND REBUTTAL TO FURTHER REPRESENTATIONS IN RESPECT OF PROPOSED  
DEVELOPMENT AT 1A INGLIS GREEN GAIT EDINBURGH FOR THE ERECTION OF 17No.  
STUDENT ACCOMMODATION UNITS.**

**MR J. O'ROURKE.  
PLANNING APPLICATION 22/00473/FUL**

**City of Edinburgh Local Review Body  
Waverley Court Business Unit G2  
4 East Market Street  
Edinburgh EH8 8BG**

**RFA Planning & Development  
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**12 June 2024**

## 1.Introduction

The purpose of this note is to respond to comments in representations made in respect of Planning Application 22/00473/FUL which is subject to this Local Review. It replies to correspondence circulated by the Local Review Body (LRB), Planning Advisor dated the 30 May 2024.

Overall, it is considered that the comments made by the 4 respondents do not raise and new or different material planning policy or other considerations that have not already been fully considered by Ms McInnes the case officer, who dealt with application on behalf of the Council.

Matters referred to by residents are full considered in the Statement of Review and within the associated Core Documents submitted to the LRB.

In addition, the applicant would refer the LRB to documents submitted in May 2024 by independent specialists in relation to Arboriculture / Trees (Hinshelwood), and Landscaping (Vicky Mack). These directly address the Reason for Refusal and matters raised as part of the Report of Handling and are summarised in paragraphs below.

Evidence provided on behalf of the applicant clearly proves that the application overwhelmingly complies with the Development Plan and that the proposal is acceptable. Impact on trees and the wider landscape can be managed by planning conditions and the arboriculture proposals are justified in respect of other planning benefits.

Furthermore, the comments made by the residents replicates some of the value judgements made by the Council in respect of ecology, biodiversity, the loss of trees and mitigation within their Report of Handling. These are now fully addressed and an effective wooded managed landscape structure with a green buffer and natural improvements will be established in line with best practice.

The applicant is happy to liaise with residents and neighbouring landowners to improve safety, biodiversity and improve ecological and nature-based solutions at Inglis Green Gait.

## 2.Representations and Planning Issues

Representations provided come from 3 households within the local neighbourhood namely:

- Ms Amanda Gillie – Redhall Resident.
- Mr Neil Brack and Mrs Alison Brack of Flat 1/5 Inglis Green Gait.
- Ms Katarzyna Musiuk of 7/7 Inglis Green Gait.

It is noted that the number of residents who have objected at the LRB stage has significantly reduced from the number of objections relating to the student housing planning application (58). The applicant has previously made the point that there were no objectors to the consented residential scheme for the site, and that the proposed Purpose-Built Student Housing (PBSH), scheme is a managed and regulated quasi residential use.

In planning terms, there are several common themes and issues raised by the objectors namely:

- Overdevelopment of the site

- Ecology and Wildlife
- Transport and Parking
- Trees
- Local Services

Again, these objections have been significantly reduced in scope and scale from the overall level of objection at the planning application stage.

The issue for the LRB is that there is only one single Reason for Refusal, and this relates to the protection and management of Trees/ Arboriculture. Additional information has been provided by the applicant for the benefit of the LRB on this matter, including a refreshed Tree Survey and Landscape Strategy/Concept. Nonetheless in the interests of fairness we have responded to the other matters highlighted by the residents.

It should be stated at the outset that the applicant is committed to creating a high-quality development which includes arrangements for the future management of residences and the surrounding open space / landscaping. As acknowledged by the Council this development would contribute to placemaking, without any undue impact on neighbouring residential amenity.

### **3. Response and Rebuttal**

The Statement of Review and associated Core Documents submitted fully consider these matters, and in the interests of brevity, this note summarises the applicant's position.

#### *Overdevelopment- Design Quality and Place*

Overdevelopment is cited as an objection however the principle of development as white land within the urban area boundary of the city is well established through planning history and approved applications for residential development on the land. The plot ratio and density are in conformity with the Edinburgh Residential Design Guidance and represents the best and most productive use of a sustainable site as supported by the existing and emerging LDPs.

A Design and Access Statement was submitted with the original application and included landscaping proposals which retained as many trees as possible whilst making provision for replacement. Indeed, the applicant has subsequently provided evidence as part of this Local Review in relation to the proposed and previously approved site plans for the benefit of the LRB and these correspond.

The case officer fully considered the scale and density of development proposed on site (17 units on 4 storeys), as well as the associated landscaping / open space and boundary treatment. Each unit is confirmed as being between 18- 22.3 sq. metres and the mix / type of sizes is considered acceptable to the Council.

Design Quality and Place have been assessed in relation to NPF Policy 14 LDP Policy Des1 (Design Quality and Context), LDP Policy Des 3 (Development Design), and LDP Policy Des 4 (Design Setting), and the Report of Handling confirms that it complies with each of these policies within the Development Plan. These includes the protection and management of trees and open spaces including roots and canopies, in line with the Councils own guidance on tree protection on development sites.

Furthermore, the impact of development is compliant with LDP Policy Des 5 (Development Design- Amenity), in relation to noise, daylighting, sunlight and outlook as well as

neighbouring amenity. It is concluded that there would be no unreasonable impact on neighbouring impact or amenity because of the proposals.

The Report of Handling acknowledges that *'the proposal will retain some trees on site and plant replacement trees for those felled, it incorporates the existing feature of the trees'*. Furthermore, despite the recommendation made the report also states that *'outside amenity space will be provided by the landscape areas and that 'outlook will be mainly open to trees and the adjacent building. Therefore, levels of outlook are appropriate.'*

### *Ecology and Biodiversity*

The site and immediate area were surveyed in September 2019 to assessing the habitat resource, potential for, or evidence of, otters and bats using the site as well as potential effects of development on any nearby designated sites. The site essentially comprises tall ruderal habitat and dense scrub and is not amenity or open space.

The application has been fully considered against NPF Policy 1 which relates to Tackling the Climate and Nature Crises and weight has been given to this as well as NPF Policy 3 Biodiversity. The application therefore seeks to respect the nature on site and protect and improve biodiversity in line with both Council and NatureScot guidance. A significant green wedge would continue to exist.

An Ecology Report was submitted with the application and the area has been considered in relation to nearby adjoining applications. This concluded that in summary Development of the site will result in the loss of low value semi-natural habitat, and that there will be negligible adverse impact on biodiversity from the minimal loss of unexceptional habitats, and it is anticipated there will a negligible adverse effect on biodiversity.

There will be no impact on designated or protected sites. It is anticipated that there will be a neutral impact on biodiversity because of the development proposed, but this will be significantly improved by compensatory planting measures as indicated in the landscape Strategy. Furthermore, boundary conditions and safety with the adjoining railway line would be improved, with retention of a boundary buffer.

Subsequent to this, and for the benefit of the LRB a subsequent landscape strategy and concept was submitted to the Council. This again promotes ecology and biodiversity whilst having regard to tree species and leaf drop in accordance with Network Rail advice.

### *Transport Access and Parking*

Transport and Parking has been fully considered and the Roads Authority has raised no objections subject to accommodation of cycle parking and the implementation of a Travel Plan. There are no road safety issues in relation to the proposed development.

The issue of displaced parking has been fully considered by the case officer and the applicant is prepared to reflect residents' views within the Green Travel and Sustainable Management Plan for the PBSH. There is no planning mechanism for the dedicated provision of parking spaces to existing residents, and alternative legislation (Traffic Order), would need to be used if a problem were to emerge. Indeed, given the location the Council recognises that *'zero car parking is deemed acceptable and will encourage travel by more sustainable modes'*.

### *Trees and Arboriculture*

Hinshelwood Arboricultural Consultants (HAC) carried out a tree survey to BS 5837:2012 'Trees In Relation To Design, Demolition and Construction Recommendations,' in May 2024

at Inglis Green Gait, Edinburgh. The survey records all trees within the site and all those which may be affected by development proposals within the site boundary, recording a number of parameters including Species, Crown Spread and Root Protection Area (RPA). The RPA of any given tree is the area of ground around that tree which should not be disturbed by excavation, compaction, changes in level or other construction/demolition operations.

An arboricultural survey and impact assessment has been carried out, and this report prepared to support a full planning application for the 17 student apartments at 1 Inglis Green Gait, Edinburgh. This report provides information in compliance with British Standard BS 5837:2012, Trees in relation to design, demolition, and construction, and considers the effect the proposed development has on the local character from a tree perspective. The purpose of the report is to allow the Council's LRB to assess the tree information as part of the planning submission.

Arboricultural advice has now been given which has helped inform the associated landscape mitigation. Forty-eight individual trees have been assessed in accordance with BS 5837. Nineteen individual trees are to be removed directly as a result of the proposal with three recommended for removal regardless of the determination. However, with consideration to the site and surroundings twenty-six trees are being retained.

Works are proposed within the root protection area of some trees and specialist methods of design and construction are to be employed to minimise the impact on these trees and to be acceptable to the local planning authority. Hard surfacing will be designed and constructed using a no-dig, porous system, also to have a minimal impact on the tree.

It is recommended that a detailed arboricultural method statement is produced in response to a planning condition, following planning consent. This will describe in detail how retained trees will be protected from the development and methods of work close to trees. The report contains details such as tree barriers and ground protection common to most developments. If recommendations made within this report are followed, the development should be achievable in arboriculture terms and should be acceptable to the local planning authority.

Under the assessment criteria above, nineteen out of the 48 surveyed trees will need to be removed to facilitate the proposed development. Twenty-six trees can be retained with tree protection measures and three trees are U category and unsuitable for retention. Having regard to the acknowledgement that the principle of development is accepted, and a degree of tree loss is unavoidable, the retention of the 26 trees as identified in this report, including the large mature Horse Chestnut to the east of the site (T168) will retain much of the treed character of the immediate site.

Space available for new tree along the southern boundary and on the north boundary allows for the establishment of new trees which would have a significant impact in enhancing the treed character of the locality.

- To safeguard trees during construction Root Protection Areas would be protected from disturbance by the creation of Construction Exclusion Zones, in the form of fencing or barriers.
- Where operations must take place within or close to Construction Exclusion Zones an Arboricultural Method Statement would demonstrate how damage to trees can be prevented or minimised.

- At certain stages of the implementation of tree protection it is recommended that a suitable competent person oversees the measures and ensures they correspond with the Tree Protection Plan.
- For the trees shown as retained in this report to be protected during construction and to flourish post-development, measures contained in the Tree Protection Plan would be implemented prior to any works or occupation of the site.
- All tree work identified in this report would be completed and carried out in accordance with BS3998:2010 to protect adjacent retained trees.

Any areas subject to an arboricultural method statement to be marked on site and checked by the project Arboriculturist and the planning authority as required. Tree protection measures during site works and occupation of the site are fully detailed within the Arboricultural Report and based on BS 5837 guidelines.

Overall, it is assessed that the site is appropriate for development and can readily absorb the scale, height, and massing of the proposed student accommodation building. Retention and enhancement of the existing wooded resource as far as practicable and the introduction of a comprehensive planting strategy including numerous site-wide landscape and biodiversity features, will complement and augment the existing wooded setting, and will ultimately lead to a unique, high quality student living development, set within an enhanced managed woodland setting.

Whilst 10no. Silver Birch, 6No. Goat Willow, 1No. Crack Willow, and 2No. Wild Cherry, will require removal to accommodate the building footprint and are not thought to form part of the TPO 65 designation. Introduction of a comprehensive site-wide planting strategy which will include a new tree and woodland infill planting programme, and other soft landscape components will not only fully compensate for this small loss of existing tree resource, however, once established will enhance the woodland setting, reinforce green networks, improve the visual amenity of the local area and add to the biodiversity value of the site. It is therefore strongly contended that the proposal complies with Policy Env12, NPF4 Policy 6 and other NPF4 Policies.

#### *Local services and Facilities*

The site is in a sustainable location with access to a range of nearby local services facilities and amenities in the Longstone neighbourhood. In relation to facilities and amenities the scale of development was not deemed to be significant given the numbers involved.

The site is not within an applicable developer contributions zone for GP Services or other planning obligations to mitigate the impact of development and therefore the Council has not requested developer contributions.

## **4. Conclusion and Recommendations**

The principle of development on this site is uncontested and acceptable to the City Council. It is supported by policies within the existing adopted City of Edinburgh Local Development Plan 2016 and the emerging Local Development Plan – City Plan 2030.

Development must also be seen in the context of the City's Housing Crisis, which student housing is a significant component. It forms the best use of an available urban site which is capable of development and would bring socio-economic benefits to the area.

Development also responds to underlying NPF4 Policies in respect of the Climate and Nature Crises, Resilience and Biodiversity. The applicant has provided evidence in relation to these benefits and mitigation.

Furthermore, the applicant has submitted updated arboriculture and landscaping reports to address previous objections, together with reasoned justification for the landscape approach being taken. The Statement of Review also recommends that the Council applies its standard planning conditions to manage the removal and protection of trees as well as landscape specifications.

It is not accepted that the proposed development will have a damaging impact on trees and the TPO or the 'amenity value as a group'. Tree roots and crowns will be safeguarded through the proposed management measures. There are arborocultural reasons for the loss of trees and replacement planting maintains the wooded character and appearance of the area and sense of place.

The impact of development has been overstated and will not adversely affect the character and appearance of the area. Indeed, the Council acknowledge that the development will contribute to a sense of place and local living which contradicts the Reason for Refusal.

Effective green buffers, boundaries and open space forms part of the development and contributes to biodiversity and amenity. Replacement planting is possible, and trees will be managed and protected.

It is respectfully requested that the officer's decision is overturned, and that the LRB grants planning permission in favour of this development subject to appropriate planning conditions.

**RFA Development Planning**

**12 June 2024**



 External email >

 First time sender >

To whom this concerns.

I again hereby oppose the proposal for the building of said student flats. The detrimental effect this will have on the wildlife, trees, eco system would be beyond repairable, there are known badger sett on the proposed site that are covered by the wildlife act of 2011. The site is no way large enough to house 17 student flats that will no doubt to rented out to anyone and everyone out of term time and classed as short term lets. There is a huge strain on the local dr and dental surgeries in the area in that we who live here can't get appointments, adding more accommodation means more people in turn mean more strain on resources.

Please do not let this go ahead.

Thanks

Amanda Gillie  
Redhall Resident.





External email >

First time sender >

Thank you for your recent communication. My reply is detailed below

Your Ref 24/00120/REVREF as per your email of 15<sup>th</sup> May 2024

Dear Sir/Madam

I am writing to object to the revised plans to build 17 student flats at Inglis Green Gait, Edinburgh

Planning ref 22/00473/FUL

I am gravely concerned by the proposal (amended) for the following reasons.

The area is a well appointed self contained area of 40 flats landscaped with mature trees and wildlife in abundance including foxes, squirrels, badgers and nesting bird life and uniquely off street parking for some 40 cars. A quite charming pleasant neighbourhood.

The addition of 17 flats in the area is likely to raise issues in respect of the availability of parking. With no parking availability on any road within considerable walking distance I am deeply concerned as a 75 year old pensioner where I could find parking late at night or indeed at anytime. The intention that none of the occupiers of the student flats would be drivers is a pointless and futile aspiration and one which the developers should be honest about the true expectation. How it would be enforced and how it would be policed and by whom. The area is currently a quiet residential area with very few disturbances. That I fear may change with increased residents particularly with the students understandably having little vested interest in the neighbourhood.

As mentioned the area is well populated with foxes, squirrels, badgers and nesting bird life. The removal of any trees and shrubs will undoubtedly cause much of the wildlife to exit during the construction process and will doubtless find homes elsewhere ruining the ambience of the area.

A recently read article in the Architects Journal of which you may be aware points out clearly the effects of removing and replacing trees to build and also the devastating result developments going ahead too closely to mature trees. I attach a link to the article referred to in [architectsjournal.co.uk](https://www.architectsjournal.co.uk).

<https://www.architectsjournal.co.uk/archive/the-distance-at-which-trees-can-affect-a-building-is-quite-significant>

The article, which was first published in 2006, refers to the immediate impact on the habitat and also the longer term outcomes of building too close to existing landscaped areas. More recent publications will, I'm sure, express even more damning opinions than those expressed therein. While the developer states that only trees in the immediate footprint of the development will be affected, removed and replaced, the roots of the mature adjacent remaining trees will be compromised to their detriment and will hit on the ambience of the existing development.

The real concern is that, as has been seen before many times, developers are not to be trusted in these matters and once boundaries are broken there is no real sanction and the damage is permanent and irreparable with no hope of recovery for future generations.

In your role as Gatekeeper I trust you will find an equitable solution.

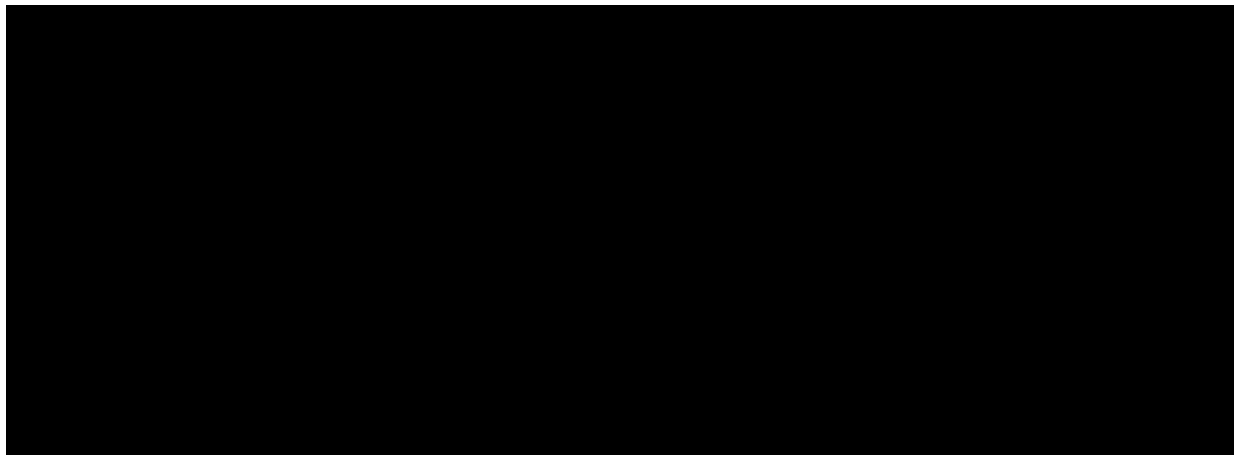
Best Regards

Neil Brack

Flat 1/5 Inglis Green Gait

Edinburgh

EH14 2LG





[External email >](#)

[First time sender >](#)

Your Ref 24/00120/REVREF as per your email of 15 May 2024

Planning ref 22/00473/FUL

Dear Sir or Madam

I am writing to object to the revised plan to build 17 student flats at Inglis Green Gait, Edinburgh, for the following reasons.

I am really concerned about the stability and livelihood of our existing trees, due to the construction of the flats, some being around for a very long time and carry a Tree Preservation Order dated August, 1974. On studying the review, the existing trees are so close to the building that it would be inappropriate for planning permission to be granted because of the inevitable damage. Obviously their roots run for a considerable distance, extending to one and a half times the height of the tree, which for some of the mature trees nearby will equate to pretty much the entire proposed land under construction. Laying the foundation, therefore, will entail destruction of their roots, rendering them unstable and we will have to endure their loss, which is unacceptable. As 99 per cent of the tree's total root length occurs within the topmost 1 metre of soil, damage to the roots of the trees cannot be avoided. On research, it is recommended that properties are built at least a distance equivalent to the tree's height away from that tree. Obviously that is not the case with this build, having amongst other varieties, aged horse chestnuts very close to the boundary. I strongly feel that the reviewed plan, where they now think it is acceptable to take down some trees and just by adding a few, they have fulfilled a criteria, flags up the blatant attitude they have to the existing trees encroaching the boundary and beyond the site boundary..just because it isn't seen from the site, it doesn't mean that it isn't going to affect the build.

The surrounding trees and wildlife is a huge selling point for our flats. We love having so many mature and early saplings growing so near and are the envy of many other flat owners in other parts of Edinburgh. We are honoured to have considerable wildlife too, having foxes, squirrels, badgers and a huge variety of birds visiting on a regular basis. The construction will be devastating for fox dens and badger setts as well as other wildlife and they are likely to locate elsewhere, while our area gains more concrete rather than wildlife and green spaces, something I thought had become more unacceptable these days.

Students will have cars and visitors so where are they going to park, this problem

does not seem to have been addressed, but it is extremely important? The idea that they will bus it or cycle is rather naive, they may well do that to university but realistically will have cars and we are not prepared to share OUR existing car park with an additional block of flats.

With all the work done through lockdown and beyond to our roads, many car park spaces were taken away on the main road, so once our car park is full, you would have a long walk along Inglis Green Road or Lanark Road to find a space. I would find that really unsafe walking back home later in the evening or early in a dark morning. It isn't something we have a problem with at the moment and we would never have anticipated that happening.

Our flats have never been sold or let to budding students, the area is quiet with no wild socialising. Let's face it we have all experienced the halcyon days in a student flat with little regard for other residents living nearby, socialising into night, but as adults are glad to move on from that, hence the purchase of our property in Inglis Green Gait which is a far cry from student days.

Our complex is a quiet, secluded residential area and have had no problems in the past ten years since we moved there with unruly, disrespectful neighbours.

We all love living here and will not accept the building of a block of flats which will require so much destruction to nature and green space in its construction along with a change to our skyline. Having so much trees from the main road up, enveloping our flats and the thought that some would have to be taken down and in some cases replaced by other trees which will take years to grow, is absolutely devastating as it has taken so long for them to be established.

Having scrutinised the revised plan, despite showing trees that will be kept and new ones that will replace or add to the area, I have absolutely no confidence that this will happen. I have seen too many new builds where plans are detailed with regard to ensuring there will be no tree felling and the building company has gone ahead and taken down more trees which were not permitted, with the attitude that its down, so what can be done? Some of these trees have been around for a very long time and have a Tree Preservation Order for that very reason. The fact that this plan was ever considered in the first place on such a small, awkward site astounds me. Giving the green light for this would undoubtedly cause much grief for all the reasons as previously stated and change the area in an extremely negative way, leaving us with much less green space, tranquillity and visiting wildlife. Attitudes to green space and wildlife in inner city environments have changed greatly in the last decades. At 66, I have seen so much change in local council decisions on the environment and more emphasis has been put on preserving as much greenery as possible, as it has been proven to improve human health and wellbeing, the trees capture carbon and the air is clean.

I sincerely hope my letter goes some way to stopping any future building on this site.

Kind regards

(Mrs) Alison Brack

1/5 Inglis Green Gait Edinburgh EH14 2LG





External email >

First time sender >

Contains topics of a financial nature >

Dear Sir/Madam,

I am writing in relation the Planning Application: 22/00473/FUL, reference number: 24/00120/REVREF.

I would like make the following objections to the planning proposal:

The site is home to various species of passerine birds, thrushes and more as well as wild mammals such as foxes, bats and badgers. There has been no wild life survey carried out to assess the damage the construction could cause to the species and their habitat, even though some of the species have statutory protection under European and national laws.

Furthermore the proposed development would damage and destroy the variety of trees which occupy most of the plot. It would be impossible to replant or preserve the trees due to both the size of the trees and the expense of the planed construction.

The land has been used as a communal garden for several years. The local families cleaned the abandoned site and created there a beautiful spot to reconnect with the nature and strengthen the community bonds. According to Edinburgh Council 2030 Climate Strategy goals, supporting citizen empowerment and community activism should be in the centre of the decision making.

Therefore I strongly oppose granting the planning permission in this case.

Kind regards,  
Resident of 7/1 Inglis Green Gait,  
Katarzyna Musiuk