

Development Management Sub-Committee Report

Wednesday 18 December 2024

**Application for Planning Permission
10 Orchard Brae, Edinburgh, EH4 1PF**

Proposal: Residential development, change of use and extension of existing Class 4 office building to student accommodation and flexible working space with associated amenity space, cycle parking, landscaping, and new public footpath from Learmonth Court to Orchard Brae (as amended).

**Item – Committee Decision
Application Number – 24/01574/FUL
Ward – B05 - Inverleith**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because 43 letters in support have been received and the recommendation is for refusal. Stockbridge and Inverleith Community Council objected to the proposed development as a statutory consultee. 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 **Refused** subject to the details below.

Summary

The proposal is acceptable in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposals do not comply with the Development Plan. The application site is allocated in the LDP as a Housing Proposal Site to meet the housing land requirement. Development of the site is expected to deliver housing in line with the density and development principles set out in the Plan. The proposed development fails to deliver the number of housing units required. The development of PBSA on the site prevents the delivery of the required number of housing units required in order to meet the housing land requirement. The proposal is therefore LDP Policy Hou 1 (Housing Development) and Policy Env 26 (Density). The proposal also conflicts with Policy Hou 5 (Student Accommodation) as the site exceeds 0.25 hectares and less than 50% of the site has been used for proposed housing.

The proposal is of an acceptable scale form and design and will not have a negative impact on neighbouring amenity. A satisfactory residential environment could be achieved for future occupiers and the proposal complies with relevant environmental and sustainability policies. However, given the significant conflict identified with the Development Plan it is recommended that the application is refused.

The proposal does not achieve the required mix of housing units and conflicts with Policy Hou 3 (Mixed Communities). However, the extant permission relating to the site is a significant material consideration and this matter is therefore not given as reasons for refusal. Other material considerations such as the Housing Emergency declared by the Scottish Government and the motion relating to a Student Homelessness Crisis have been considered. There are no material considerations that outweigh the conflict identified with the Local Development Plan and it is recommended the application is refused.

SECTION A – Application Background

Site Description

The site extends over approximately 0.845 hectares and is currently comprised of an existing unoccupied eight storey office building constructed in the 1960's (Finance House) fronting Orchard Brae, with a large five storey extension added in the 1970's to the rear. There are currently 166 car parking spaces at the lowest level of the existing building, accessed from Learmonth Gardens to the east.

The existing 1960's building directly faces Orchard Brae. The rear side of the site, mainly occupied by the 1970's extension, forms a dead end on both edges with Learmonth Crescent on the north-west and Learmonth Gardens on the south-east.

The surrounding context is mixed in terms of height, scale, and architectural form. Building heights range from 1.5 to nine storeys in height. Orchard Brae House, a nine-storey office block to the south-west of the site is a dominant landmark in the area; however, building heights surrounding the site typically range between three and six-storeys.

To the south of the site a six-storey residential flat block is located on Learmonth Court. A six-storey block is also located to the north-west of the site on Orchard Brae Avenue. On Learmonth Crescent, the properties are predominantly formed by three storey terraced flats plus roof. Similarly, Learmonth Avenue also presents similar building heights but alternating with four storey residential blocks plus roof that face directly onto the application site.

There are listed buildings in the vicinity of the site although the majority of these are screened from view by intervening buildings. The B Listed Flora Stevenson Primary School and Schoolhouse, Comely Bank (LB30045) is located to the north of the site. The group B Listed 4-23 Comely Bank is located further to the north-east of the site. The A Listed Learmonth House at 25 Learmonth Terrace (LB29248) is located to the south of the site and the group B Listed 9-24 (inclusive numbers) Learmonth Terrace (LB29247) is further to the south-east. The B Listed Bristo Baptist Church (LB26758) and Dean Parish Church (LB47354) are located further to the south at Dean Path. There are also additional B Listed buildings at 35-40 (inclusive numbers) Buckingham Terrace, And 10a Belgrave Place (LB28406) and a C Listed building at 69 Dean Path, the Former Dean Cemetery Gate Lodge (LB51394). Further to the south south-west, there are A Listed buildings at Dean Cemetery including Gate Lodge, Boundary Walls and Gates (LB27924) and Stewart's Melville College, at 3 Queensferry Road (LB27967).

The site is not in a Conservation Area. The Edinburgh World Heritage Site Boundary, the Dean Conservation Area, the New Town Conservation Area, and the New Town Gardens Designed Landscape are all located further to the south of the site. The Inverleith Conservation Area is located further to the north-east.

Description of Development

The proposals are for the change of use and alteration of the existing 1960s eight-storey block to form 301 student bed spaces with associated internal amenity. This element of the scheme also includes 124 square metres (sqm) of flexible/co-working space. The proposal includes demolition of the five storey 1970's extension to form a new build residential development to the east of the site comprising a mix of flats and duplexes with main door access. A total of 65 residential units are proposed within the new build block.

The refurbished structure which is proposed to house the PBSA element of the scheme will provide space for 30 studio bedrooms, each with a gross internal floor area (GIFA) of 18 square metres. The remaining 271 beds are set out in 34 cluster flat units. Internal amenity is also provided in the form of communal TV rooms, lounge areas, a gym and quiet study spaces. 620 square metres of communal internal amenity space is provided. This is further supplemented by a mix of communal and private balconies and terraces.

The proposed refurbishment of the existing structure includes extensions to the north and south sides of the building. The proposed extension to the north will project an additional 11.1 metres from the existing building at its furthest extent and 7.3 metres at its least. The proposed extension to the south will project an additional 11.5 metres at its furthest extent and 7.5 metres at the lesser extent. The external finishing of the existing structure will include a combination of reconstituted stone and bronze toned metal cladding and detailing. The new build will be formed of white toned buff brick and bronze toned metal cladding.

The new build 'L' shaped residential structure to the east of the site will range in height from three to five storeys and will provide 65 residential units. Twenty-seven units are proposed as affordable units representing 41% of the total. The mix of unit sizes is proposed as follows:

- Studio units - 1 (2%)
- One bed units - 21 (32%)
- Two bed units - 24 (37%)
- Three bed units - 10 (15%)
- Three bed (plus) units - 9 (14%)

A range of private and communal green space is proposed. In total 2089 sqm. of the site will be covered by greenspace; including extensive green roof coverage on both the existing building and the new build element of the scheme. This represents 25% of the site. The construction of a new road is proposed, continuing Learmonth Crescent to the south and connecting it with the west side of Learmonth Gardens. The new road will be pedestrian friendly and access to vehicles will be limited to emergency services. The proposals introduce a new universally accessible east-west public footpath which will connect Learmonth Gardens with Orchard Brae. Landscape plans show that main entrances into both Finance House and the new build units to the east are fully accessible without the need for stairs.

Landscaping plans also include the introduction of public benches and informal timber play elements. The provision of a new path through the site, the demolition of the existing rear of the building and the formation of a new build structure will result in the loss of 34 trees. 40 new trees are proposed. New hedge and ornamental planting are also proposed. Existing security fencing will be removed at the lower level and a new 1.8 metre powder coated weld-mesh fence with climbers will be introduced.

A total of two car parking spaces are proposed, both designated for disabled users and will have EV charging points. 306 cycle parking spaces are proposed in a secure internal store at ground level. This includes 144 spaces from two tier racks, 100 spaces from Sheffield Stands and 62 spaces from non-standard Sheffield Stands. Residential cycle parking for the new build element of the scheme is provided by to be cycle stores shown to the south of the site. A total of 148 spaces are proposed with 72 spaces provided from two-tier racks, 47 spaces from Sheffield Stands and 29 spaces from non-standard Sheffield Stands. Visitor cycle parking is also proposed with 12 spaces provided in a new store fronting Orchard Brae. A further 36 spaces are shown externally, fronting Orchard Brae. All visitor parking is from Sheffield Stands.

Amended Scheme

The proposals were amended to increase the number of proposed affordable units from 23 to 27. The number of cycle parking spaces were increased by one and minor amendments were made to the ground floor windows of the new build residential block. Landscape drawings were also amended to capture recommendations made in the Biodiversity Enhancement Plan.

Supporting Information

- Air Quality Screening Letter
- -Arboricultural Method Statement
- Bat Survey
- Car Parking Survey
- Design and Access Statement
- Energy Strategy
- Landscape Maintenance and Management Schedule
- Transport Statement and Post-Submission Addendum
- Noise Impact Assessment
- Planning Statement
- Pre-Application Consultation Report
- Preliminary Ecological Assessment
- Statement of Community Benefit
- Surface Water Management Plan
- Sunlight and Daylight Study
- Sustainability Report
- Swept Path Analysis
- Townscape and Visual Impact Assessment
- Tree Survey

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

Relevant Site History

24/01574/SCR
10 Orchard Brae
Edinburgh
EH4 1PF
EIA Screening Opinion.
EIA Not Required
9 October 2024

23/07422/PAN
10 Orchard Brae
Stockbridge
Edinburgh
EH4 1PF
Residential development, change of use and extension of existing class 4 office building to student accommodation and flexible working space with associated amenity space, cycle parking, landscaping, and new public footpath from Learmonth Court to Orchard Brae.
Pre-application Consultation approved.
12 January 2024

21/06512/FUL
10 Orchard Brae
Edinburgh
EH4 1PF

Proposed residential and office development comprising the change of use, extension, and alteration of the existing office building to form residential accommodation and office/ co-working space, demolition of the existing rear extension and erection of a new build residential development; with associated active travel routes, open space, parking, and other infrastructure (as amended).

Granted

7 September 2023

Other Relevant Site History

No other relevant site history.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Transport Planning

Stockbridge and Inverleith Community Council

Environmental Protection

Education and Children's Services

Archaeology

Flood Planning

Waste Services

Affordable Housing

Historic Environment Scotland

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

Publicity and Public Engagement

Date of Neighbour Notification: 9 April 2024

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 10 May 2024

Site Notices Date(s): Not Applicable

Number of Contributors: 198

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) & City Plan 2030 (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 and its setting?

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

- Managing Change in the Historic Environment: Setting

The nearest listed building is 25 Learmonth Terrace which is located 200 metres to the south of the site but is screened by several buildings. Given the distance of the site from any surrounding listed buildings and the level of screening provided by existing buildings the proposed development will not have an impact on the immediate setting of any listed building.

A Visual Impact Assessment has also considered the impact of the proposed development on more distant views. The proposed development will not interrupt or impact on planned or established views and vistas. HES was consulted on the proposal and considered the potential impact of the scheme on the setting of Dean Cemetery, Stewart's Melville College and 25 Learmonth Terrace. HES did not object to the proposals.

The proposal will not negatively impact the setting of any listed buildings.

Conclusion in relation to the listed building

The proposal is acceptable in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals comply with the development plan?

The relevant policies to be considered are:

National Planning Framework 4

- NPF4 Sustainable Places policies 1, 2, 3, 4, 7, 12 and 13.
- NPF4 Liveable Places policies 14, 15, 16, 18 and 22.

Local Development Plan - City Plan 2030 (LDP)

-Environment and Design policies Env 1, Env 4, Env 5, Env 6, Env 8, Env 11, Env 14, Env 20, Env 21, Env 25, Env 26, Env 31, Env 32, Env 33, Env 34, Env 35, Env 36, Env 37.

- Housing policies Hou 1, Hou 2, Hou 3, Hou 5
- Infrastructure and Transport policies Inf 3, Inf 4, Inf 6, Inf 7
- Economy policies Econ 2, Econ 5

The non-statutory Edinburgh Design Guidance is a material consideration that is relevant when considering the above policies as is the New Town Conservation Area Character Appraisal and the Dean Conservation Area Character Appraisal. Supplementary Guidance set out in City of Edinburgh Council's Developer Contributions and Infrastructure Delivery is also a material consideration.

Listed Buildings and Conservation Areas

NPF4 Policy 7 (Historic Assets and Places) requires that proposals with a potentially significant impact on historic assets or places should be informed by national policy and guidance on managing change in the historic environment, and information held within Historic Environment Records. This policy only supports development proposals in conservation areas where they preserve or enhance the character and appearance of the conservation area and its setting. Similarly, LDP Env 11 (Listed Buildings - Setting) relates to the setting of listed buildings. LDP Policy Env 14 (Conservation Areas - Development) supports development that preserves or enhances the setting of Conservation Areas.

The Dean Conservation area is located to the south of the application site. The Dean Conservation Area Character Appraisal emphasises the distinctive village character of the streetscape within Dean Village, the heritage of high-quality buildings, the limited range of building materials, the predominance of residential uses, and the importance of the Water of Leith and its corridor.

A Visual Impact Assessment was undertaken to consider the potential impact of the development on views across the city. Viewpoint 5 shows the proposed development from Inverleith Park. The Townscape and Visual Impact Assessment identifies that due to the marginal increase in the height of the building there is a potential adverse impact on this view. This viewpoint offers a panoramic view of the city with important views of St Marys Church and the spires of Stewart Melville College which is within the Dean Conservation Area. Although the proposal includes an extension to the roof of the existing building, this is a minor part of the scheme when viewed as a whole and the height of the building remains generally consistent with the current height. The visual impact will be limited due to the muted bronze tone of the proposed roof profile. The spires of Stewart Melville will remain visible, and it will still be possible to appreciate the profile of these structures in context, The impact is therefore acceptable.

The Visual Impact Assessment also identifies that the proposed scheme will increase the visibility of the refurbished element of the building when viewed from Dean Path as shown in viewpoint 7. In particular the projecting bronze elements of the new facade will increase the visibility of the building. However, the building height remains consistent with the profile of neighbouring buildings and the muted tone of the enhanced facade ensure it will not dominate the streetscape. The impact is therefore acceptable.

HES considered the impact of the proposal on the setting of both Stewart's Melville and Dean Cemetery (including Dean Path) and did not object. On balance it is considered the proposal will not have a detrimental impact on the setting of the Dean Conservation Area.

The New Town Conservation Area is also located to the south of the application site. The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone-built terraces, broad streets, and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four-storey corner and central pavilions. As noted above, the proposed alterations to the existing building remain consistent with the current height of the building. The proposed development will be screened from the Conservation Area boundary by adjacent neighbouring buildings. The proposal will not impact the New Town Conservation Area.

The proposal will not have a detrimental impact on the setting of surrounding listed buildings or conservation areas.

The proposal complies with NPF4 Policy 7 and LDP Policies Env 11 and Env 14.

Principle

The application site is identified in Table 2 (Housing Proposals) and on the LDP Proposals Map as housing proposal 'H34 Orchard Brae'. Table 2 (Housing Proposals) sets out a figure of 124 units to contribute to the housing land supply. Paragraph 2.96 of the LDP states that housing proposal sites set out in Table 2 identifies those sites from the existing land supply and other new sites which are relied upon as part of the deliverable land supply. These sites will be tracked through the delivery programme and the council will advance any necessary actions, working with other parties, to secure timeous delivery. Paragraph 2.97 of the LDP goes on to set out that along with sites identified in Table 15 (Opportunity Sites) that a generous supply of land has been identified to meet Edinburgh's housing requirements identified with NPF4 through the Minimum All-Tenure Housing Land Requirement (MATHLR) set out in Appendix E. The MATHLR is expected to be exceeded in each Local Development Plan's Housing Land Requirement. LDP Housing Land Requirement is therefore expected to exceed 36,750 housing units. Table 2 and Table 15 identify housing proposal sites and opportunity sites which are expected to contribute to a total anticipated housing land requirement supply of 40,288 housing units between 2024-2034.

The Edinburgh and South East Scotland Housing Need and Demand Assessment (HNDA3) forms the basis for the MATHLR in NPF4. HNDA3 calculates the number of people living in private households using population projections with the number of people living in communal establishments (including student accommodation) subtracted. It is important to recognise therefore that HNDA3 and the MATHLR do not include calculations for Purpose-Built Student Accommodation (PBSA) need and demand. The LDP housing targets, and land allocated to meet these targets, therefore, do not include for student accommodation, rather these allocated sites provide for general housing need (excluding specialist provision such as student accommodation), including affordable housing and housing for varying needs.

NPF 4 Policy 16 (c) identifies that development proposals for new homes that will be supported where there is an identified gap in provision, this could include homes for people undertaking further and higher education. The LDP interprets the requirements of NPF 4 Policy 16 and sets out specific provisions in Policy Hou 5 for the provision of student accommodation. This policy is further considered later in this report.

LDP Policy Hou 1 (Housing Development) states that for housing proposals (Table 2) and Opportunity sites (Table 15) as shown on the Proposals Map, development should accord with the Place-based policies and development principles set out in Place 1 to Place 36 and Appendix D. This supply is augmented by the established land supply (as audited in 2022) in order to meet the housing land requirement.

LDP Policy Env 26 (Housing Density) states that sites identified to deliver housing in City Plan should provide density and numbers in line with the range set out for the relevant site in Part 4, Table 2, and Table 15.

As set out above Table 2 (Housing Proposals) sets out an expectation that the application site will deliver 124 housing units. This is also confirmed in Appendix D which sets out relevant development principles for Housing Proposal H34 Orchard Brae. Appendix D sets out the following development principles:

- New proposals must avoid replicating the scale and massing of the existing building. Heights must be lower, and the layout/massing must be sympathetic to the surrounding urban form.
- Public realm improvements and an improved active frontage should be provided to Orchard Brae, to provide a continuous connection between the building wall and the street.
- The permeability of the street network around the site should be repaired connecting Learmonth Crescent and Learmonth Gardens and good pedestrian links to Orchard Brae provided.
- Proposals must consider the impact on important views, such as views towards Fettes College from surrounding streets.
- Investigate options for surface water connections to the culverted tributary of the Water of Leith.

In this instance the proposed development is for the conversion of the existing office building to provide 301 student bedrooms and the construction of a new build residential scheme with 65 flats.

The proposed 65 flats in the new build element of the scheme would contribute to the delivery of the housing land requirement set out in the LDP, supporting the delivery of the MATHLR set out in NPF4. However, the PBSA element of the proposal and the 301 beds proposed as part of the refurbishment of the office building would not contribute to the delivery of the housing land requirement or the MATHLR. To have a chance to meet the MATHLR the housing figures for each Housing Proposal site identified in Table 2 and for the Opportunity Sites identified in Table 15 need to be met.

LDP Policies Hou1 and Env 26 seek to ensure the provision of mainstream housing (including affordable housing). Use of Housing Proposal sites for anything other than mainstream housing can only be supported where the density and numbers of mainstream homes for each site is met. To use these sites for other forms of accommodation or other forms of development without meeting the housing targets required would conflict with Policies Hou 1 and Env 26 and would be contrary to the spatial strategy of the Local Development Plan.

In this instance, the conversion of the existing office building for use as PBSA would leave insufficient land to achieve the 124-unit housing target for Housing Proposal Site H34. The 65 housing units proposed in the new build flat block to the east of the site would represent only 52% of the required 124-unit target to meet the LDP housing land requirement. This conflicts with LDP Policies Hou 1 and Env 26 and is not supported.

Policy Hou 1 also requires that housing proposals are consistent with the Development Principles set out in Appendix D of the Plan. The proposals in this case are generally consistent with the majority of the five principles set out in Appendix D. However, the scheme would conflict with the requirement that new proposals must avoid replicating the scale and massing of the existing building.

The partial demolition of the building will allow improvements to the public realm and the permeability of the site. The new build element of the scheme would be lower than the existing building and does not attempt to replicate its scale. However, proposed rooftop extension to the refurbished 1960s office building and the modern bronze cladding of the building would increase the massing of that building. A Townscape and Visual Impact Assessment has been undertaken which shows that the proposed alterations to the building will sit comfortably within the existing context. This is discussed in more detail in the Design section of the report. It is also acknowledged that the proposed scale, form, and design are generally consistent with the extant permission granted through application 21/06512/FUL which proposed the refurbishment of the office building to provide 86 flats. This is a strong material consideration and overall, it is not considered that conflict with this element of the Appendix D would be reason for refusal by itself.

The proposed scheme conflicts with Policy Hou 1 and Policy Env 26.

Purpose-Built Student Accommodation

NPF4 Policy 16 (Quality Homes) part c) sets out that development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This can include homes for people undertaking further and higher education.

The applicant has not provided specific supporting information identifying a gap in provision of student accommodation and specifically PBSA. The Planning Statement provided in support of the application refers to a motion put to the Council on June 22, 2023, in relation to a 'Student Homelessness Crisis'. The minutes note that the deputation indicated that students in Edinburgh had been struggling with homelessness and unaffordable rents which had led to commuting long hours, sofa surfing and signing rental agreement that they could not afford to pay. An amended motion was accepted by elected members, the full terms of which are available in the minutes of the meeting. Members noted with concern reports from the student group 'Slurp: Students for Action on Homelessness'. Members recognised the need for a joint up approach to address needs and requested an update for when recommendations from the Scottish Government's PBSA Review Group would be published.

The Planning Statement sets out previous DPEA decisions where a gap in provision has been accepted by Reporters. This includes decisions at Lower Gilmore Place (appeal reference: PPA 230-2436) and Jock's Lodge (appeal reference PPA 230-2447). In particular, reference is made to the decision for Lower Gilmore Place, where the Reporter set out that 'the appellant drew my attention to the Student Need Assessment by Cushman and Wakefield...By 2021/2022 there were 64,255 students in Edinburgh, yet for the academic year 2023/24 there were only 21,356 purpose-built student accommodation bed spaces available.' This report was not provided in support of the current application.

Research published by the Scottish Government's PBSA Review Group in 2022 has drawn on literature identifying growing demand for student accommodation, continued large numbers of international students and an expected increase in students from low income and widening access backgrounds in the future. There has however also been substantial growth in the provision of PBSA in the last 10 years. While not all students live away from home there may be indications that there could potentially be more demand than supply for student accommodation as set out in the Cushman and Wakefield Report referenced above.

Whilst PBSA may have a role in meeting demand for accommodation, PBSA is only one form of accommodation for students. General housing can meet the need of students as well as other socio-economic groups. Housing proposals have been identified to meet the need for general and affordable housing. While there may be a need for PBSA this should not be provided for at the expense of sites allocated to meet the needs of households. LDP Policy Hou 5 supports student accommodation, subject to certain criteria, allowing for the development of student accommodation on appropriate sites.

Although the applicant has provided limited information relating to an identified gap in student accommodation provision, on balance it is considered that the proposal complies with NPF4 Policy 16c).

LDP Policy Hou 5 states that planning permission will be granted for purpose-built student accommodation where there is good access to public transport, active travel routes and higher education contributions. Development must provide suitable amenity for students; this is expected to be designed to provide equivalent amenity required for housing. This includes daylight and sunlight, open space, internal space standards and noise. The policy further states that no more than 10% of the accommodation mix should be studio flats and that proposals must not have an adverse impact on the established character of the area.

Access to Institutions

In terms of access to public transport, active travel routes and higher education institutions, travel time is an important factor in assessing accessibility. Practicalities such as whether bus services are direct and how far a walk is required at the end of the journey, which will be particularly important for those with mobility issues, and the attractiveness of cycling routes.

There is no national guidance specific to appropriate travel time to higher and further education. Scottish Government Transport Assessment Guidance (June 2012) states that journey times of up to 20-30 mins are appropriate for walking and 30-40 mins for cycling and a 30 minute door to door travel time (including the walk, wait, journey time, and walk to the destination) is an appropriate choice of time-band by public transport for most types of development.

Information relating to travel times has been set out in the Transport Assessment submitted with the application and this matter is also addressed in the Planning Statement provided. The proposal site is beyond what might be considered reasonable walking distance of further and higher education institutions. Granton Campus and Edinburgh University Bristo Square are the closest campuses to walk to, with a journey time of 37 minutes.

The cycle times appear reasonable; however, this mode of transport will not be appropriate for all, in particular for those with mobility issues who may be more reliant on public transport. The travel times by public transport to campuses across the city range from 13 minutes to Edinburgh College's Granton campus, with most others being 30 minutes or more. The travel times by public transport appear reasonable although for those with impaired mobility distance from bus stops to the campuses may make this an impractical mode of transport. It is noted that 15 of the units are to be accessible for wheelchair users to comply with the requirements of the Equalities Act and Building Standards. It is noted that wheelchair accessible routes will be provided from the development to the bus stop on Orchard Brae.

Considering the above, the proposal should provide good access to institutions by both public transport and active travel and complies with Policy Hou 5 in this regard.

Amenity

Student accommodation is expected to be designed to provide equivalent amenity required for housing. Providing equivalent amenity allows adaptability to future residential use. LDP Policy Env 31 (Open Space in New Development) also relates to PBSA and requires that publicly accessible open space forms at least 20% of the total site area. In terms of the mix of unit types provided the LDP also requires that no more than 10% of the units provided are Studio. Landscape drawings show that 2089 square metres of the site is useable greenspace. This equates to 25% of the total site area and complies with Env 31. Overshadowing diagrams provided also demonstrate that amenity space provided will receive at least two hours of direct sunlight across at least 50% of its area when measured on the Spring Equinox. This complies with guidance.

LDP Policy Hou 5 requires that a suitable level of amenity should be provided. The supporting text provides further guidance on this. The overall objective is to ensure that there is a high-quality living environment with high quality living and adequate on-site amenity spaces and communal facilities. Internal amenity is provided in the form of communal TV rooms, lounge areas, a gym and quiet study spaces. 620 square metres of communal internal amenity space is provided. This is further supplemented by a mix of communal and private balconies and terraces. The Council's Student Accommodation Guidance is in the process of being updated to reflect policy changes set out in City Plan 2030. It is anticipated this will set out further guidance on the creation of enhanced amenity for student accommodation. It is considered that the proposed development will create an appropriate level of amenity for students.

Section diagrams submitted with the application demonstrate that all bedroom and living areas on the north and east elevations will comply with the 'no sky line' daylight assessment. All rooms on the west elevation will also comply given the significant separation from other neighbouring buildings. All rooms on the south elevation comply with the 'no sky line' assessment with the exception of two bedrooms on the first floor. No Average Daylight Factor Assessment has been undertaken for these rooms. This represents a minor infringement of the guidance. Further details could be secured by condition if necessary.

Character of the Area

The impact of the proposal on the character of the Conservation Area and on the setting of surrounding listed buildings has been assessed in detail above. The design and layout of the development is also covered in detail below. The proposed partial demolition of the existing office building will allow significant improvements to be made to the public realm and the permeability of the site. The repurposing of the 1960s office block will also contribute positively to the area. The surrounding area is characterised by residential development and commercial office development. The proposed use of the site for PBSA, mainstream housing and co-working space is consistent with the existing character.

Requirement for Housing

The supporting text to Policy Hou 5 states that on sites over 0.25 hectares should use at least 50% of the site to provide housing. The affordable housing policy applies to this housing. This is further supported by policy Econ 2 Commercial Development that seeks to deliver on sites over 0.25ha, 50% of a site for housing. The supporting text of this policy clarifies that this element applies to commercial development including student housing. The proposal does not comply with this requirement as it provides only 33% of gross floorspace for housing.

LDP Hou 2 (Affordable Housing) sets out that for developments consisting of 12 or more units should normally provide affordable housing amounting to 35% of the total number of units proposed.

The applicant is working with a Registered Social Landlord (RSL), Places for People, and has identified 27 units out of the 65 units proposed for affordable housing. This represents 41% of the total units and exceeds the 35% requirement set out in the LDP. The RSL has confirmed they have an in-principle interest in the affordable units provided.

The Council's Affordable Housing Team has expressed concern that there appears to be an inconsistency between the costs of the affordable housing units proposed to the RSL and the actual build costs. The applicant has provided additional information on this matter in a letter dated 21 November 2024. The letter states that the RSL has identified that affordable units can be delivered at an average price of £190,000. The developer has identified an expected build cost of £220,000 - £230,000. Despite the potential £40,000 per unit short fall, the developer has advised that this can be plugged by the expected return from the PBSA element of the scheme.

The proposal conflicts with LDP Policy Hou 5 and Econ 2.

Redevelopment of an Employment Site

LDP Policy Econ 5 states that proposals to redevelop employment sites or premises in the urban area for uses other than business, industry or storage will be permitted provided they did not prejudice or inhibit the activities of any nearby employment use and the proposal will contribute to the comprehensive regeneration and improvement of the wider area. The proposal should also form part of a mixed-use development and includes floorspace designed to provide for a range of business and commercial users.

The proposal is mixed use including housing, PBSA and 124 sqm metres of Class 4 shared/flexible working space. This will be in keeping with surrounding commercial uses. In this instance the proposal will make use of a vacant building, contributing to the regeneration of the site. The proposal would introduce a mixed-use development with a residential component in an area which is predominantly residential.

The proposal complies with LDP Policy Econ 5.

Housing Mix

LDP Policy Hou 3 (Mixed Communities) sets out that proposals for housing will only be permitted if it is demonstrated that an appropriate range of housing of different types and sizes is provided, including that 20% of the units are suitable for larger families and the range of housing provided is integrated through the entire development site.

The proposal includes a mix of one-bed, two-bed, and three-bed flats. However, only nine of these are a minimum of 91 square metres representing 14% of the total. The proposal therefore fails to meet the policy requirement to ensure that 20% of the units are suitable for larger and growing families. This conflicts with Policy Hou 3.

However, the extant permission set out in 21/06512/FUL is a significant material consideration in this regard. The 'L' shape residential block proposed in this application replicates the 'L' shaped residential block consented in application 21/06512/FUL. The housing mix proposed is also consistent with the extant permission. Given this permission can still be implemented and this block of flats could be built out in accordance with the approved scheme, the conflict with Policy Hou 3 is not considered grounds for refusal in this specific case.

Statement of Community Benefit

In line with NPF4 Policy 16 (Quality Homes) a Statement of Community Benefit has been submitted. This is briefly summarised as:

- i) provision of housing (including affordable housing) and purpose-built student accommodation in a sustainable location, response to the national housing emergency and to address student homelessness
- ii) provision of a new route through the site and a new accessible path providing connection to Orchard Brae. The proposal will also result in developer contribution towards infrastructure requirements set out in guidance.
- iii) Demolition of dominating building with provision of additional greenspaces and the removal of fencing improving visual amenity of the area.

Conclusion

In conclusion, the proposal conflicts with LDP Policy Hou 1 (Housing Development), Policy Env 26 (Density) and Hou 5 (Student Accommodation). The proposal is therefore unacceptable in principle.

Scale, Form and Design

NPF4 Policy 14 (Design, quality, and place) seeks to encourage, promote, and facilitate well designed development that makes successful places by taking a design-led approach in order to achieve the six qualities of successful places.

LDP Env 1 (Design Quality and Context) encourages development that will create a successful place and should be based on an overall design concept that draws upon the characteristics of the surrounding areas.

LDP Env 25 (Layout Design) seeks a comprehensive and integrated approach to matters such as design, layout and orientation of buildings, streets, paths spaces and services alongside overlooking of such areas. It also relates to connections to travel networks, encouragement to walking/wheeling and cycling whilst catering for the requirements of public transport.

The Edinburgh Design Guidance establishes keys aims for new development including:- the need to have a positive impact on the immediate surroundings; the wider environment; landscape and views, through its height and form; scale and proportions; materials and detailing; positioning of buildings on the site, integration of ancillary facilities; and the health and amenity of occupiers.

Although visually prominent, the existing 1960s building and 1970s extension do not make a positive contribution to the area. The external finish is not in keeping with the wider area and the ribbon windows of the main block sit awkwardly against the slope of the road. The existing massing further detracts from the area by creating dead ends which are fenced off at Learmonth Crescent and Learmonth Gardens.

Ground levels make an architectural response to the area complex, as any building must respond to a range of building heights. There is 6.75 metre level difference from Queensferry Road to the south of the site and Learmonth Crescent to the north. Proposed development must respond to surrounding built forms to the south and west which are typically higher; ranging from four to nine storeys. To the north and east buildings on Learmonth Crescent and Learmonth Gardens are typically three to four storeys.

The proposal seeks to address these issues in a number of ways. First, through the demolition of the existing 1970s rear extension and the construction of a new 'L' shaped building which will in effect connect Learmonth Crescent and Learmonth Gardens. Owing to its scale and proportion the existing 1970s building does not integrate successfully with the buildings within Learmonth Crescent. The removal of the existing building, carpark and delivery yard to the rear represents a gain for Learmonth Crescent. The introduction of new flats, continuing the line of the existing street and progressively stepping up in height responds well to the existing pattern of the street.

The use of buff brick and metal cladding represents an attractive, modern response to the area.

The introduction of private, semi-private and public greenspace represents a vast improvement. Space which is currently dominated by a car park and fenced off delivery yard will be replaced by high quality green space, tree planting and informal play equipment. The removal of the existing building will also significantly improve the level of sunlight to the west elevation of Learmonth Crescent. The proposals introduce a new north-south route through the site and a universally accessible east-west public route with a gradient of 1:21. This will offer direct access to public transport on Orchard Brae and Queensferry Road and significantly improve the permeability of the site for all users. All ground floor levels through the site will be fully accessible without the need for stairs. Coloured concrete blocks will differentiate vehicle and mixed surfaces whilst pedestrian only sections will be defined using large format pavers. Hedge and tree planting will help define private and semi-private spaces whilst offering a degree of privacy screening.

Movement through the site has been considered in detail and has driven the landscaping plans. The increase in permeability through the site provides continuity and a sense of connection between the two previously unconnected streets. This is a significant positive gain for the wider area.

The proposal complies with NPF4 Policy 14 and LDP Policies Env 1 and Env 25.

In terms of the proposed extension to the existing office building, LDP Policy Env 5 (Alterations, Extensions and Domestic Outbuildings) requires proposals to be compatible with the existing building and to ensure there will be no detrimental impact on neighbourhood amenity and character.

The existing 1960s building which fronts Orchard Brae is retained and the frame reclad. The new scheme will introduce a new facade with a less horizontal expression. The existing top storey of the building is to be removed and replaced with a recessed single storey equivalent finished in bronze metal cladding. The overall height of the building will remain unchanged, though new rooftop extension will increase the mass of the building. The extension of the northern end of the building steps down to respond to the three storey tenements on Learmonth Crescent. Drawings show the height of the northern end of the building will not be increased.

The extension of the southern end of the building will increase the height of this part of the building by 3.9 metres. However, this remains in keeping with the height of the six-storey tenement to the south of the site on Learmonth Court due to a significant difference in ground levels. The proposed height of the building remains consistent with the existing building, the recladding of the building will improve the appearance of the site.

This element of the proposal complies with LDP Policy Env 5.

Views

LDP Policy Env 4 (Development Design - Impact on Setting) states that planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the design quality and character of the wider townscape and landscape, green blue networks, and impact on existing views.

Although the overall height of the existing 1960s building will remain unchanged, alterations to the roof will add more mass to the building. The proposed north and east extensions will also increase the prominence of the building from local viewpoints. Accordingly, the applicant has undertaken a visual impact assessment to demonstrate the impact of the proposal on key views.

The Visual Impact Assessment (TVIA) considered thirteen key views from across the city. Distant views of the site from Calton Hill, Salisbury Crags and Edinburgh Castle demonstrated that proposed changes to the building would not be noticeable. Viewpoint 5 in the TVIA shows the proposed development from Inverleith Park. Due to the marginal increase in the height of the building there is a potential adverse impact on this view. This viewpoint offers a panoramic view of the city with important views of St Marys Church and the spires of Stewart Melville College which is within the Dean Conservation Area. Although the proposal includes an extension to the roof of the existing building, this is a minor part of the scheme when viewed as a whole and the height of the building remains generally consistent with the current height. The visual impact will be limited due to the muted bronze tone of the proposed roof profile. The spires of Stewart Melville will remain visible, and it will still be possible to appreciate the profile of these structures in context. The impact is therefore acceptable. On balance the proposal will not have a detrimental impact on any protected views identified within Edinburgh Design Guidance.

A series of local views have also been considered. The removal of the 1970s extension will have a positive visual impact on the area. The original scheme proposed a full eight storey extension to the north of the existing building. As with the previously consented scheme on the same site the proposed extension to the north of the building steps down in response to the neighbouring tenement to ensure the increase in footprint of the building does not read as over-dominant. The TVIA shows that the alterations to the existing building and the new build residential block will be generally consistent with prevailing heights in the surrounding area. The proposed scale, form and design of the scheme is an appropriate response to the surrounding context responding to the lower height of buildings on Learmonth Crescent whilst providing an appropriate frontage to Orchard Brae.

The proposal complies with LDP Policy Env 4.

Sustainability

NPF4 Policy 1 (Tackling the climate and nature crisis) gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. NPF4 Policy 2 (Climate mitigation and adaptation) is also relevant. NPF4 Policy 9 (Brownfield, vacant and derelict land, and empty buildings) supports development proposals that will result in the sustainable reuse of brownfield land.

The development proposal is for the reuse of an existing developed site, near facilities such as shops and public transport links. The proposal would contribute to the streetscape improving the appearance of a long vacant building and increasing permeability through the site. The provision of co-working space and the location of new homes near to a school and surrounding amenities will contribute to the creation of place and a 20-minute neighbourhood and therefore contribute to local living and comply with NPF4 Policy 15 (Local Living and 20-Minute Neighbourhoods).

NPF4 Policy 12 (Zero Waste) supports proposals that reuse existing buildings and minimise demolition. Proposals must also maximise waste reduction and waste segregation at source, demonstrating appropriate segregation and storage of waste and convenient access.

LDP Policy Env 7 (Sustainable Developments) sets out that proposals must incorporate all reasonably practicable measures to address the climate emergency and contribute to sustainable living.

LDP Policy Env 8 (New Sustainable Buildings) requires measures in relation to achieving a net zero level of operational greenhouse gas emissions (predominantly through ultra-high fabric energy efficiency).

An Energy and Sustainability Statement (including the S1 Sustainability Form) has been submitted in support of the application. The proposal meets the essential criteria of the sustainability form. Energy and heat demand will be met without the need for any fossil fuels. Air Source Heat Pumps via communal centralised plant will be utilised to provide heating and domestic hot water. The Energy Strategy has calculated that the proposed development is predicted to achieve an aggregate reduction in CO₂ emissions substantially lower than a baseline compliant development. This is achieved through the use of optimised levels of fabric insulation, reduced levels of air permeability, incorporation of heat recovery on ventilation systems, installation of low energy lighting and the installation of automated controls to limit plant and lighting operation where practical.

Constructing buildings uses energy as well as resources, and once a building has come to the end of its life, these resources are still potentially available for use. As the building frame is to be reused rather than fully demolished the embedded carbon impact of the proposed development will be greatly reduced.

In terms of waste management, the proposed scheme includes bin stores and a range of bin types for general waste and to allow segregation of different waste streams for recycling. A Swept Path Analysis has been providing to demonstrate bin lorries can access the site. Although a finalised Waste Strategy is not agreed with CEC Waste Services, this could be secured by condition.

The proposal complies with the sustainability policies set out above.

Amenity

LDP Policy Env 33 (Amenity) sets out that development will be supported by this policy where it is demonstrated that the amenity of future occupiers of the development and occupiers of neighbouring developments are not adversely affected by ensuring acceptable levels of amenity, particularly in relation to odour, space standards, noise, daylight, sunlight, privacy or immediate outlook.

Amenity of Neighbours

Daylight

An assessment of the impact of the proposed development on daylight to neighbouring windows and sunlight to neighbouring gardens has been undertaken by the applicant. In terms of the assessment of daylight, where a proposal may affect the level of daylight to neighbouring properties Edinburgh Design Guidance requires an assessment of the Vertical Sky Component (VSC). Guidance states that where the VSC is 27% or more the diffuse daylighting of an existing building will not be adversely affected.

The Edinburgh Design Guidance states that when there is concern about the potential impact of development on levels of daylight and sunlight, the Council will refer to the Building Research Establishment (BRE) Guide, Site Layout Planning for Daylight and Sunlight - A Guide to good practice. This shows how to measure daylight and sunlight. This is spot measure of the skylight reaching the mid-point of a window from an overcast sky. Guidelines state that where the reduction in this value is less than 20 percent there will be no noticeable change in the level of daylight. Edinburgh Design Guidance also states that the vertical sky method can be measured using more complex methods as set out in the BRE guide.

In this instance the applicant has undertaken an assessment of the Vertical Sky Component of 857 windows of all neighbouring buildings. The results show that only 7 additional windows were at risk of falling below the VSC threshold (27%) set by the Edinburgh Design Guidance in comparison to the existing situation. Nevertheless, it was demonstrated that the reduction of the VSC for the affected windows was minimal, close to 27%, and always within the 0.8 reduction permitted by the Edinburgh Design Guidance. Based on this, the proposed development is compliant with CEC requirements.

Sunlight

Due to the established high-density nature of the surrounding area, the applicant has produced a sun path analysis as recommended in the Edinburgh Design Guidance. The sunlight assessment produced shows that 50% of all potentially affected garden areas will continue to receive more than two hours of sunlight on March 21st and in some cases the proposed development will even improve sunlight amenity.

The proposed development will lead to additional overshadowing of neighbouring garden space of the adjacent properties at Learmonth Avenue. The assessment shows that neighbouring garden ground is already heavily overshadowed between the hours of 7am-8am and from 2pm onwards. New overshadowing as a result of the proposed development will be largely limited to the hours between 9am-12pm.

The area of the amenity space serving 42, 46 and 48 Learmonth Avenue is approximately 1110 square metres. Between the hours of 9am and 12pm where new overshadowing as a result of the proposed development is worst, the total area of garden ground receiving direct sunlight does not fall below 50%. During these hours, the level of available sunlight to the affected garden area will be reduced by between 21-27%. Between 2-4pm the level of available sunlight would increase.

BRE guidance suggests that a higher degree of obstruction in terms of loss of sunlight may be unavoidable if new developments are to match the height and proportions of existing buildings in built up locations. In this case the new 'L' shaped development has been designed to align with the height and positioning of the surrounding context. The proposed new build is taller than neighbouring buildings. However, this choice has been made to continue the established pattern of Learmonth Crescent where the height of buildings increases going from north to south.

Overall, reasonable levels of sunlight and daylight shall be maintained to neighbouring properties there would not be an adverse effect on neighbouring amenity overall.

Privacy

EDG states that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. In this case the new build element of the proposal has been positioned to match existing neighbouring development. In most cases the distance between the proposed development and existing neighbours is in excess of eighteen metres and raises no concern in relation to a breach of privacy. The east elevation of Block A of the new build element of the scheme will be 16.6 metres away from the rear windows of 44 Learmonth Avenue. This remains consistent with privacy distances in the surrounding area.

Public representations have raised concerns regarding the provision of balconies on the north and south sides of the refurbished building. The extant scheme also contained balconies on these elevations. Distances from existing residents exceed 18 metres, exceeding the distance recommended in guidance to protect neighbouring privacy. Concern has been raised regarding the full-length nature of the balconies and the potential for anti-social behaviour. Anti-social behaviour is a police matter and is not a material planning consideration.

Outlook

EDG states that though private views will not be protected, immediate outlook of the foreground of what can be seen from within a building may be. The element of scheme most likely to impact outlook is the proposed northern extension of the existing building which will bring the existing building up to 11 metres closer to the adjacent residential buildings 50-54 Learmonth Crescent. The proposed northern extension remains 22.1 metres away from the neighbouring buildings on Learmonth Crescent and the 25-degree diagrams show that no windows on the south elevation of these buildings will be impacted beyond that already experienced with the existing building. The removal of security fencing and the introduction of new landscaping and tree planting and increased levels of sunlight on Learmonth Crescent could improve outlook, particularly at ground level.

Noise

Plant equipment associated with the development including Air Source Heat Pumps is noise generating and must comply with the NR25 standard to ensure noise does not impact on neighbouring amenity. A Noise Impact Assessment has been submitted in support of the proposed development. The report recommends noise mitigation in the form of acoustic louvres for the Air Source Heat Pumps shown in the under-croft area of the scheme. The NIA results show noise levels from continuous operation of proposed ASHP units are predicted to be below NR25 in all existing and proposed noise sensitive receptors when derived using open window attenuation. The Council's Environmental Protection Team made no comment in relation to this matter.

A significant number of public comments have raised concern regarding potential noise and disruption that may occur as a result of construction work. This is not typically a material planning consideration. However, a Construction Management Plan could be secured through condition if necessary.

Overall, the proposal will not have a detrimental impact on neighbouring amenity. This element of the scheme complies with LDP Policy Env 33.

Amenity of Future Residential Occupiers

LDP Policy Env 32 (Useable Communal Open Space and Private Gardens in Housing Development) requires good quality open space to meet the needs of future residents. In flatted developments where communal provision is necessary this will be based on a standard of 10 sqm per flat (excluding houses with private gardens). Additionally, a minimum of 20% of the total site area should be useable open space.

Fourteen flats out of the 65 proposed as having access to private gardens. In terms of communal provision, the area to the rear of the proposed flats includes 171 square metres of communal garden ground. There is also 1495 square metres of common greenspace in the 'central park' area to be shared with the PBSA. This includes seating and informal timber play equipment. 13 Flats will have access to a private terrace, ranging in size from 5 sqm - 17sqm. A communal terrace covering 51 sqm is also shown in Block E, along with smaller communal terraces in Block C and D.

Approximately 423 sqm of public greenspace will also be included as part of the formation of the new public footpath to the south of the site. On site communal green space can reasonably be supplemented with open space available at Inverleith Park which is an eight-to-ten-minute walk from the site.

Concern has been raised in representations regarding the safety of balconies proposed. Balustrades will be 1.1 metres in line with required Building Standards. Overall, the safety of this element of the scheme would be a matter for Building Standards.

The proposal provides access to a reasonable amount of useable greenspace and complies with policy Env 32.

Daylight, Sunlight and Privacy

Forty-two out of the 65 units proposed are shown as dual aspect. This exceeds the 50% minimum recommended in guidance. The Daylight and Sunlight Report submitted in support of the proposal outlined that ground level bedrooms and living areas will achieve Average Daylight Factors in excess of minimum requirements. Likewise, overshadowing diagrams show that external amenity areas will receive over two hours of direct sunlight across at least 50% of the total area when measured on Spring Equinox. This complies with guidance. As noted above, privacy distances proposed are in keeping with the prevailing pattern of the area.

A satisfactory residential environment can be achieved for future occupiers. This element of the proposal complies with LDP Policy Env 33.

Transport and Local Living

Transportation information was submitted as part of the application which provides an assessment of the transport considerations associated with the development.

NPF4 Policy 13 (Sustainable Transport) requires proposals to demonstrate that the transport requirements generated have been considered in line with sustainable travel priorities including matters such as safe walking, wheeling and cycle connections, access to public transport and safe, secure, and conveniently located cycle parking.

NPF4 Policy 14 (Liveable Places) promotes the six qualities of successful places, which includes designing for pedestrian experience to deliver 'connected' places.

NPF4 Policy 15 (Local Living and 20-minute neighbourhoods) states that development proposals will contribute to local living including, where relevant, 20-minute neighbourhoods. Developments should have access to a sustainable mode of transport, including walking, wheeling, and cycling networks alongside uses such as employment, shopping, health, and social care facilities, play and open space and housing diversity.

The Transport Statement submitted in support of the application has considered the 20-minute neighbourhood in relation to the application site. The 20-minute catchment around the site when on foot or by bike. The site is within walking distance of convenience shops and public greenspace. The site is also within walking distance of the city centre. The site is well served by public transport. The provision of co-working space and the location of new homes and accommodation near to a school and surrounding amenities will contribute to the creation of place and a 20-minute neighbourhood and therefore contribute to local living and comply with policy 15.

LDP Policy Inf 6 (Cycle Parking) sets out that development will be supported where cycle parking is provided for securely both within in buildings and within external stores. The policy also sets an expectation that provision should meet or exceed the provision recommended in current Council guidance. Edinburgh Street Design Guidance: Part C - Detailed Design Manual Document Factsheet C7 - Cycle Parking recommends that two-tier racks should not form more than 50% of any total provision. It further recommends that at least 20% of total provision is suitable for non-standard bikes.

A minimum of 147 cycle parking spaces are required for residents and a minimum of 301 spaces are required for residents of the PBSA. An additional cycle parking space is required for the flexible working space. Two secure bike stores are proposed to serve the 65 residential flats. This includes 72 spaces from two-tier racks, 47 spaces from Sheffield Stands and a further 29 spaces from extended Sheffield Stands (suitable for non-standard bikes). This complies with all guidance.

A secure external store is proposed at lower ground level to serve the PBSA development. This includes 144 spaces from two tier racks, 100 spaces from Sheffield Stands and 62 spaces from extended Sheffield Stands. This exceeds the minimum number recommended in the Cycle Parking Standard and complies with the recommendations set out in Cycle Parking Factsheet C7.

A further 48 cycle parking spaces are proposed to meet the needs of visitors and those using the proposed co-working space. This includes 42 spaces from Sheffield Stands and six spaces from extended Sheffield Stands. This significantly exceeds the requirements of the Council's guidance.

The cycle parking provision proposed complies with LDP Policy Inf 6.

LDP Policy Inf 7 (Private Car Parking) sets out that development will be supported where private car use is not needed. This policy encourages private car parking free or low car parking developments. The policy sets out a number of considerations such as sustainable transport accessibility levels, parking controls, overspill, proposed uses and accessible parking levels.

The Roads Authority initially recommended that the application for planning permission be refused due to concerns relating to whether on-street car parking spaces in the surrounding area were sufficient to accommodate the potential overspill car parking impacts associated with the development. However, a car parking survey was submitted by the applicant on 14 November 2024 setting out that there was capacity in the surrounding area to accommodate additional cars. The Roads Authority assessed this information and subsequently withdrew the objection to the scheme.

The Transport Statement states that future occupiers of the PBSA will be unable to apply for a parking permit within the surrounding Controlled Parking Zone. It also states that it will be written in to PBSA resident leases that they will not be permitted to own a car while residing at the development. An Addendum to the Transport Statement following the objection of the Roads Authority also notes that the extant consent set out in application 21/06512/FUL achieved 151 flats and proposed 32 parking spaces. Regardless of the parking provision, the previous consented 151 dwellings would be eligible for a parking permit. That level of demand was considered against policy Tra 2 of the previous LDP and deemed to comply. The maximum demand for parking permits as a result of the current proposed scheme could be 65. The proposed scheme therefore reduces potential demand for parking permit by 86 when compared to the scheme outlined in the extant planning permission.

On-street car parking spaces are available in the surrounding area. The extant planning permission for 151 residential flats on this site is also a significant material consideration. As this development will decrease demand for parking permits in comparison to the previous scheme it is considered that the proposed provision of two car parking spaces is acceptable.

Flooding

LDP Policy Env 35 (Reducing Flood Risk) sets out that development should not increase flood risk elsewhere or within the site itself. Whilst LDP Policy Env 36 (Designing for Surface Water) states the redevelopment of existing sites will be supported where, amongst other matters, they are accompanied by a Surface Water Management Plan and proposals meets certain design requirements including storing water on site. NPF4 Policy 22 (22 (Flood Risk and Water Management) also sets out requirements for managing flood risk for development at risk of flooding.

The application site is not within an area of known flood risk. SEPA Flood Maps do not identify the site as at risk of pluvial, fluvial, coastal, or surface water flooding. A Surface Water Management Plan was provided in support of this application. Due to the constrained nature of the site two areas of cellular storage have been located under sections of the proposed road and landscaped areas. This cellular storage is supported by extensive planting and reduction in non-permeable surfaces on site. Rain gardens have been developed in balance with the requirement for useable greenspace and are proposed in two locations at either end of the site. Green roofs are also included within the proposed scheme. The introduction of Sustainable Drainage Systems will mitigate flows from the proposed development, decreasing peak discharge and surface water volume directed offsite at a significantly reduced rate. This will enhance the existing surface water management for the site, aligning with Scottish Water policy and City of Edinburgh Council standards.

CEC Flood Planning Team reviewed the flooding and surface water management information provided. CEC Flooding has confirmed that it accepts the findings of the Surface Water Management Plan and that it has no comment on the scheme.

The proposal complies with LDP Policies Env 35 and 36 and NPF4 Policy 22.

Trees

LDP Policy Env 20 (Protection of Trees and Woodlands) sets out a presumption against development that risks having a damaging impact on any tree, groups of trees or woodland unless the Council accepts this is necessary for good arboricultural reasons and also accounting for the value of the tree(s) in terms of amenity, health benefits, biodiversity, townscape and landscape character, cultural significance or climate change adaptation and mitigation.

There are 41 trees on the existing site, limited to landscaped edges to the north, south and east of the site. The proposal retains trees to the eastern edge of the site whilst proposing the removal of 34 trees and the replanting of 40 trees. Twenty-six of those trees are in retention categories C and U and are in terminal decline with limited life expectancy.

Eight category B are proposed for removal as shown in the Tree removal Plan. Five of these trees are located to the south of the site and proposed for removal to facilitate the construction of the accessible path. The removal of these trees was previously accepted in application 21/06512/FUL due to the positive benefits associated with the new path and the limited outlook for each individual tree. This remains the case and given the extensive level of replanting and the limited outlook for existing trees on site, the proposed tree removals are acceptable.

An Arboricultural Method Statement has been submitted with the application. Appropriate conditions could be used to ensure the protection of trees to be retained and to ensure future maintenance of trees on site. The proposal would comply with LDP Policy Env 20.

Protected Species and Biodiversity

Both NPF4 Policy 3 (Biodiversity) and LDP Policy Env 37 (Designing-in Positive Effects for Biodiversity) sets out that proposals must include any mitigation of existing habitats and provide biodiversity enhancements.

NPF4 Policy 4 (Natural Places) seeks the protection of natural assets and states that development proposals which will have an unacceptable impact on the natural environment will not be supported. LDP Policy Env 21 (Protection of Biodiversity) states all proposals should safeguard habitat features of biodiversity value and priority species.

A Bat Survey was submitted to support the application. This was conducted at an appropriate time and used current best practice, including the use of night vision aids. No bats were found to be roosting in the building or trees, and therefore are not considered a constraint to development.

A Preliminary Ecological Appraisal was submitted with the scheme. The existing habitats in site are dominated by buildings, hard standing and disturbed ground. Small areas of woodland, scattered trees, species poor hedge and introduced shrubs border the site to the north-east and south. The site offers suitable habitat for badger and field evidence of fox was identified during the survey. The habitat and buildings on site were noted to offer foraging, roosting and nesting provisions for a range of bird species.

The Biodiversity Enhancement Plan (Envirocentre, July 2024) submitted with the application is acceptable, and clearly sets out opportunities for biodiversity enhancements with reference to the ecological surveys done for the site. These include a mixture of habitat creation/enhancement measures (including raingardens and hedgerow) plus species measures (bat boxes, hedgehog hibernacula and swift bricks). These are proportionate to the scale of development and give due consideration to Edinburgh Biodiversity Action Plan priorities.

The proposed measures satisfy the requirements of NPF4 Policies 3 and 4 as well as the requirements of LDP Policies Env 21 and 37.

Contaminated Land and Air Quality

LDP Env 34 (Pollution and Air, Water and Soil Quality) sets out development will not be supported that would be subject to and/or have a significant adverse effect on health, amenity, and the environment (including air quality) unless detrimental impacts are adequately addressed.

Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use. Any remediation requirements require to be approved by the Planning Authority. Site investigation work could be secured through condition.

The Air Quality Screening Assessment has provided details on how emissions during the construction phase can be controlled. The proposal will also result in a significant reduction in car parking spaces and as noted above will meet all heat demand through non-fossil fuel-based sources.

The proposal will not have a negative impact on air quality and issues relating to potential land contaminants can be assessed further.

Developer Contributions

The Council's Draft Developer Contributions and Infrastructure Delivery Supplementary Guidance (SG) was published for consultation on the 26 June 2024 and the consultation closed on 17 September 2024. The responses and final draft SG is scheduled to be considered by the Planning Committee on the 11th of December 2024 and, if approved, will subsequently be submitted to the Scottish Ministers. Legislative allowance to the Scottish Government ceases at the end of March 2025, so the Scottish Ministers must make a decision to allow the Council to adopt the SG by then. If adopted, it will be statutory supplementary planning guidance. The guidance is a material consideration in the assessment of this proposal.

NPF 4 Policy 18 (Infrastructure First) supports development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs.

LDP Policy Inf 3 (Infrastructure Delivery and Developer Contributions) sets out that development will be supported where there is sufficient infrastructure capacity already being available or can be delivered at the appropriate time or where the development can deliver the infrastructure necessary to mitigate any negative impacts. This should be secured by legal agreement. Where, by the nature of the infrastructure, it cannot be delivered by the developer directly, developer contributions will be sought.

The proposed site is located in Flora Primary School and Broughton High School's catchment areas. The site is located in sub-zone CB-4 in the draft Supplementary Guidance on Developer Contributions and Infrastructure Delivery. This is a new sub-zone created because housing sites allocated in Flora Stevenson Primary School's catchment area led to a requirement to extend the primary school. The primary school site is too small to accommodate an extension, therefore a site to establish an annexe to the school has been safeguarded in H32: Crewe Road South. However, no proposals for development on H32 have come forward at this time, therefore the delivery of additional primary school capacity to accommodate pupil generation from cumulative housing developments in Flora Stevenson's catchment area is uncertain.

The education infrastructure actions identified in the 2018 Supplementary Guidance are not appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed. There is limited spare capacity at Flora Stevenson Primary School to accommodate the estimated number of pupils the proposed development would be expected to generate. However, pupil generation from it along with other known housing developments will require additional capacity at Flora Stevenson Primary School.

It is expected that developments that contribute towards the requirement for additional capacity should share the costs and make a contribution towards providing the infrastructure required, as opposed to a 'first come first served' approach. Accordingly, the proposed development is required to make a contribution towards increasing early learning, primary and secondary school capacity.

To mitigate the cumulative impact of development that would be anticipated if this proposal and other urban area sites progressed, the proposed development is therefore required to make a contribution towards the delivery of the following actions based on the 'per house' and 'per flat' rates. These rates have been set out in the consultation response provided by CEC Education and Children's Services. A rate of £4,964 per flat is required for secondary school infrastructure. A rate of £9,391 is required toward primary school infrastructure. Based on the 43 flats (with 22 single bed flats removed from the calculation) a contribution of £403,813 would be required towards primary school infrastructure and a contribution of £213,452 would be required towards secondary school infrastructure.

The Council's Action Plan and guidance on Infrastructure and Developer Contributions has not identified any other deficiencies in services such as healthcare. No further contributions have been identified or requested by consultees.

Subject to a suitable legal agreement the proposed development would comply with NPF4 Policy 18 and LDP Policy Inf 3.

Given that this application is being considered in advance of the 2024 Supplementary Guidance on Developer Contributions and Infrastructure Delivery being reported to Planning Committee some flexibility is required on the application of contributions. Committee are therefore requested to accept the general principles of the Infrastructure Delivery with some built-in flexibility to allow the Chief Planning Officer to adjust the payment amounts set out above as informed by consultees or further committee consideration.

Conclusion in relation to the Development Plan

The proposals do not comply with the Development Plan. The application site is allocated in City Plan as a Housing Proposal Site to meet the housing requirement. Development of the site is expected to deliver housing in line with the density and development principles set out in the Plan. The proposed development fails to deliver the number of housing units required. The development of PBSA on the site prevents the delivery of the required number of housing units required in order to meet the housing land requirement. The proposal is therefore contrary to LDP Policy Hou 1 (Housing Development) and Policy Env 26 (Density). The proposal also conflicts with Policy Hou 5 (Student Accommodation) as the site exceeds 0.25 hectares and less than 50% of the site has been used for proposed housing.

The proposal is of an acceptable scale form and design and will not have a negative impact on neighbouring amenity. A satisfactory residential environment could be achieved for future occupiers and the proposal complies with relevant environmental and sustainability policies. However, given the significant conflict identified with the Development Plan it is recommended that the application is refused.

The proposal does not achieve the required mix of housing units and conflicts with Policy Hou 3 (Mixed Communities). However, the extant permission relating to the site is a significant material consideration and this matter is therefore not given as reasons for refusal.

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

The following material planning considerations have been identified:

Equalities and human rights

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

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

Public representations

Initial neighbour notification occurred on 9 April 2024. The application was subsequently readvertised on 10 May 2024 as a Bad Neighbour Development due to the height of the proposed extensions. All required consultation was undertaken in line with the requirements of the Town and Country Planning (Development Management Procedure Regulations) (Scotland) 2013 (as amended).

The application received 148 objections, 43 support comments and 7 neutral comments. Three ward Councillors objected to the scheme and Inverleith and Stockbridge Community Council objected as a Statutory Consultee. A summary of the representations is provided below:

Objections

- Insufficient parking, increased traffic, and increased demand for on street parking, road safety issues and congestion
- Amenity - impact on daylight/sunlight/privacy/noise/outlook
- Impact on services
- lack of consultation
- Principle of student accommodation including distance from campus and impact on existing area
- Lack of amenities
- Removal of trees
- Overdevelopment
- Housing emergency and shortage of housing (including affordable housing).
- Impact on biodiversity
- Impact on setting of Listed Buildings and Conservation Areas
- Sustainability
- Waste management arrangements
- Bats
- Surface water management and drainage

Support

- Delivery of needed homes and student accommodation
- Use of a brownfield site
- Improved connections for cyclists and pedestrians
- Current state of the site detracts from the area
- Benefit to the local economy
- Energy efficient
- Attractive public realm
- Meets need for office space
- PBSA provision will free up mainstream housing
- Biodiversity benefits

Inverleith and Stockbridge Community Council

- Demand for residential accommodation
- No nearby student campus
- Housing emergency

All these points are addressed in the body of the report.

non-material considerations

- Construction noise, traffic, disruption and potential for damage and accidents; this is not a planning matter.
- Anti-social behaviour; this is a police matter.
- Loss of hotels and short-term letting in the area recently; no material to this application.
- Cooking odours from new residential units; ventilation will be addressed by Building Standards.
- Use of units for short-term letting; the application is not for short-term letting. Use of units for short-term letting would require planning permission.
- Road maintenance issues; not a planning matter.
- Need for drop kerbs; would be addressed through Road Construction Consent.

Other Material Considerations Identified

Extant Scheme

On September 7th, 2023, Planning Permission was granted for the development of 151 flats on the current application site. This included 37 affordable housing units. The application included 282 square metres of Class 4 office/co-working space. The extant permission consents the partial demolition of the existing office building with the 1960s element of the building (to the south of the site) retained and refurbished. A new build 'L' shape block is consented to the north of the site. The proposal also included 32 car parking spaces and landscaping improvements such as the formation of a new pedestrian path to the east of the site, providing a connection to Orchard Brae.

Housing Emergency

The Housing Emergency declared by the Scottish Government in May 2024 is a material consideration that has been addressed in the main body of the report. The applicant has made reference to the 'Student Homelessness Crisis' and the motion put to Council Elected Members in June 2023. The applicant's discussion regarding a gap in provision of student accommodation has been assessed in more detail above.

Conclusion in relation to identified material considerations.

There are no material considerations that outweigh the conflict identified with Local Development and it is recommended the application is refused.

Overall conclusion

The proposal is acceptable in terms of Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposals do not comply with the Development Plan. The application site is allocated in the LDP as a Housing Proposal Site to meet the housing land requirement. Development of the site is expected to deliver housing in line with the density and development principles set out in the Plan. The proposed development fails to deliver the number of housing units required. The development of PBSA on the site prevents the delivery of the required number of housing units required in order to meet the housing land requirement. The proposal is therefore LDP Policy Hou 1 (Housing Development) and Policy Env 26 (Density). The proposal also conflicts with Policy Hou 5 (Student Accommodation) as the site exceeds 0.25 hectares and less than 50% of the site has been used for proposed housing.

The proposal is of an acceptable scale form and design and will not have a negative impact on neighbouring amenity. A satisfactory residential environment could be achieved for future occupiers and the proposal complies with relevant environmental and sustainability policies. However, given the significant conflict identified with the Development Plan it is recommended that the application is refused.

The proposal does not achieve the required mix of housing units and conflicts with Policy Hou 3 (Mixed Communities). However, the extant permission relating to the site is a significant material consideration and this matter is therefore not given as reasons for refusal. Other material considerations such as the Housing Emergency declared by the Scottish Government and the motion relating to a Student Homelessness Crisis have been considered. There are no material considerations that outweigh the conflict identified with the Local Development Plan and it is recommended the application is refused.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Reason for Refusal: -

1. The proposal is contrary to Local Development Plan - City Plan Policy Hou 5 (Student Accommodation) as the site exceeds 0.25 ha and less than 50% of the total site area is proposed for housing.
2. The proposal is contrary to Local Development Plan - City Plan2030 Policy Hou 1 (Housing Development). The site has been allocated to deliver the housing land requirement in line with development principles set out in Appendix D of the Plan. The proposal fails to meet the expected number of housing units required to comply with the development principles for the Housing Proposal Site H34 and in order to meet the housing land requirement.
3. The proposal is contrary to Local Development Plan - City Plan2030 Policy Env 26 (Housing Density) as it fails to provide the density and number of housing units set out for Housing Proposal Site H34 as shown in Part 4, Table 2 of the Plan.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 9 April 2024

Drawing Numbers/Scheme

01, 02A, 03A, 04-19, 20A-24A, 25-28, 29A-31A32-35, 36A-40A, 41B, 42B, 43A, 44A, 45-48

Scheme 3

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer
E-mail: christopher.sillick@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Transport Planning

COMMENT: No objection to the proposal subject to appropriate conditions and informatives.

DATE: 15 November 2024

NAME: Stockbridge and Inverleith Community Council

COMMENT: This site, which was an office block, has planning permission for redevelopment for residential flats and for offices. The Community Council objects to this application for a change of use for student housing. There is a great demand for residential accommodation in the area not student accommodation as there are no substantial student campuses in the area. Furthermore, the City of Edinburgh Council in November 2023 declared that there is a Housing Emergency in Edinburgh - and we are also aware that there has been a large increase in short term lets in the area which further reduces residential accommodation for Edinburgh citizens. The site should be developed for residential housing as in the original permission.

DATE: 6 May 2024

NAME: Environmental Protection

COMMENT: No comments provided.

DATE: 31 October 2024

NAME: Education and Children's Services

COMMENT: The Education (Scotland) Act 1980 places a statutory duty on the Council, as education authority, to secure adequate and efficient provision of school education, including early learning and childcare and special educational needs.

There is limited spare capacity at Flora Stevenson Primary School to accommodate the estimated number of pupils the proposed development would be expected to generate. However, pupil generation from it along with other known housing developments will require additional capacity at Flora Stevenson Primary School. Accordingly, it is expected that developments that contribute towards the requirement for additional capacity should share the costs and make a contribution towards providing the infrastructure required, as opposed to a 'first come first served' approach.

Accordingly, the proposed development is required to make a contribution towards increasing early learning, primary and secondary school capacity.

If the appropriate infrastructure contribution is provided by the developer, as set out below, Education and Children's Services does not object to the application.

The required contribution towards Primary School Infrastructure is: £403,813.

The required contribution towards Secondary School Infrastructure is £213, 452.

DATE: 16 July 2024

NAME: Archaeology

COMMENT: It is considered unlikely that this scheme will have any significant archaeological impacts.

DATE: 18 April 2024

NAME: Flood Planning

COMMENT: No comments to make in relation to the Surface Water Management Plan provided. The applicant will need to confirm Scottish Water accept discharge into the combined sewer.

DATE: 12 June 2024

NAME: Waste Services

COMMENT: A Waste Strategy is not agreed at this stage.

DATE: 22 April 2024

NAME: Affordable Housing

COMMENT: The applicant has proposed 23 affordable homes and is working with a RSL. However, there is a discrepancy between the amount the RSL could pay and the build cost, so the applicant has been asked to confirm the build cost of the affordable homes.

DATE: 31 October 2024

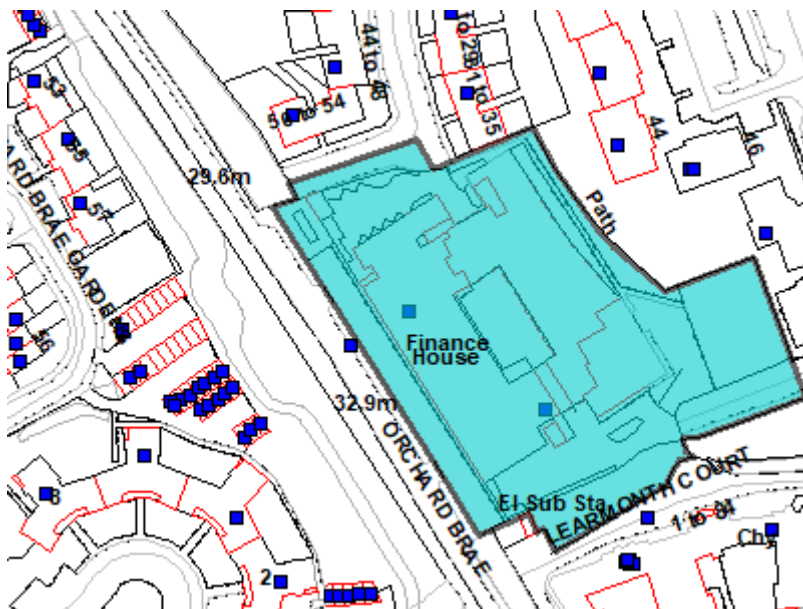
NAME: Historic Environment Scotland

COMMENT: No comments to make on the proposals.

DATE: 7 May 2024

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

Location Plan



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