

Development Management Sub Committee

Wednesday 19 April 2017

**Application for Planning Permission 15/05422/FUL
At Site 56 Metres West Of 160, Dundee Street, Edinburgh
Full Planning Permission for change of use from office
(Class 4) to purpose built student accommodation with
ancillary reception and social hub, Class 1 retail and
associated landscape, public realm, access and parking (as
amended).**

Item number 4.7

Report number

Wards A09 - Fountainbridge/Craiglockhart

Summary

The prime consideration is the site's allocation in the adopted Edinburgh Local Development Plan (LDP) for commercial-led development and the strong demand for offices. The proposal does not comply with LDP policies Del 2 (City Centre) or Emp 1 (Office Development). It does not reflect the site's allocation in LDP CC3 (Fountainbridge) as part of an area identified for commercial-led development. It is not clear whether the proposed use would contribute to the comprehensive regeneration referred to in LDP policy Emp 9 (Employment Sites and Premises). Because of the site area, the proposal narrowly misses complying with the current guidance on student accommodation, although it would have complied with the student housing guidance applicable at the date the application was submitted. There is also a minor departure in respect of sunlighting of new open space but this is insufficient to justify refusal. The proposal is otherwise appropriate in terms of design and scale. Materials, landscaping, residential amenity, traffic and road safety impacts are acceptable subject to suitable conditions. On balance, the regeneration benefits of the proposal do not outweigh a departure from policy and guidance.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDEL02, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES11, LEN09, LEN12, LEN16, LEN20, LEN21, LEN22, LEMP01, LEMP09, LHOU01, LHOU08, LTRA01, LTRA02, LTRA03, LTRA04, LTRA08, NSG, NSDCAH, NSP, NSGSTU, NSGD02, NSGSTR, DBFOUN,

Report

Application for Planning Permission 15/05422/FUL At Site 56 Metres West Of 160, Dundee Street, Edinburgh Full Planning Permission for change of use from office (Class 4) to purpose built student accommodation with ancillary reception and social hub, Class 1 retail and associated landscape, public realm, access and parking (as amended).

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The site is approximately 0.27 hectares in area. It forms a car park and landscaped area to the west of the office building at 160 Dundee Street. The site slopes downwards from Dundee Street on the south to the West Approach Road on the north. To the west are the Victor Paris commercial showroom, its carpark and an electricity substation. On the opposite (south) side of Dundee Street there are traditional four-storey tenements. These are mainly in residential use above ground floor commercial use.

The adopted Edinburgh Local Development Plan (LDP) identifies the site as being within a commercial-led mixed-use area. The site is within the Western Gateway (Site 7) in the Fountainbridge Development Brief.

2.2 Site History

The proposal site forms part of larger planning application sites as follows:

16 October 1991 - planning permission was granted for two detached office buildings beside each other. Only the eastmost was built. The proposal site relates to the west part of the 1991 permission site.

6 April 2010 - planning permission was granted for the erection of new offices with associated car parking and landscaping (planning reference: 06/05151/FUL). The permission has not been implemented. The proposal site relates to the majority of the site in the 06/05151/FUL permission.

Nearby relevant planning history

Adjoining site to west

16 December 2011 - planning permission granted for change of use of office with ancillary landscaping to a car park associated with retail use (planning reference 11/03675/FUL). The permission, which was not implemented, allows the extension of a carpark.

Main report

3.1 Description Of The Proposal

This is an amended scheme (Scheme 2) for detailed planning permission for student residential accommodation.

The scheme provides a total of 216 bedrooms: 79 in cluster-flat arrangement with shared kitchen/ living area and 137 en-suite studio bedrooms, four of which are designed as wheelchair-accessible. The proposal includes a reception area, social area, gym, laundry and nine-person cinema. Eight car-parking spaces, including three spaces for the disabled, and 216 covered, secure, cycle-parking spaces are proposed.

The proposed building is 'C' shaped, being composed of three blocks, one each on the west, north and south of the site. These are set round a landscaped courtyard. The building height varies from four to six storeys. The Dundee Street elevation steps back slightly on the top level, the highest point being 85.2metres AOD.

The building design is contemporary, with partial green roofing. The principal facing materials are sandstone, brick, glass-reinforced concrete window surrounds, weathered brass metal panels and perforated metal ventilation panels. Proposed window materials are aluminium and PVCu. The colour palette is grey, buff and weathered brass.

Pedestrian and cycle access is from Dundee Street. Motor vehicle access is from Dundee Street, over a private road on the east. The existing boundary walls onto Dundee Street will be removed to widen the public footpath and new walls with railings will form the west and east boundaries.

There are bin stores in the north and south blocks. The service area for the building is on the north of the site, with vehicular access to the car park, bin and cycle stores from Dundee Street over the private access road.

Supporting information

The applicant submitted the following documents in support of the application:

- BREEAM Construction Report;
- Daylight and Sunlight Report and supplementary information;
- Design and Access Statement, revised;
- Drainage Strategy and Appendix;
- Ecology Report;
- Flooding Self-Certification;
- Flood Risk Assessment;
- Flue Information;
- Insulation Calculations;
- Noise, Air Quality Report and Update;

- PAC Report and Addendum;
- Planning Statement and Addendum;
- Sustainability Statement;
- Transport Statement;
- View information; and,
- Window Acoustic Performance information.

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

Scheme One

A number of amendments have been brought forward during the assessment of the proposals. Revised plans were submitted in November 2016. The main changes to the initially submitted scheme are:

- ground floor commercial unit replaced with social space and dining/study area; and,
- inclusion of boiler flue.

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals comply with the development plan?

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

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

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- a) the principle of the development is acceptable;
- b) the proposed scale, design, materials and landscaping are acceptable;
- c) the impact on the historic environment is acceptable;
- d) the proposal is acceptable in terms of the impact on the amenity of future occupiers and neighbours;
- e) the proposal is acceptable in terms of road safety and parking;

- f) the proposal will raise drainage, flooding, ground stability or contamination issues;
- g) sustainability has been addressed;
- h) there are any other material issues;
- i) the proposal is acceptable in terms of equalities and human rights; and,
- j) material representations have been addressed.

a) Principle

Since the application was submitted, the City of Edinburgh Local Plan (CELP) has been superseded by the Edinburgh Local Development Plan (LDP). Planning guidance has also changed.

The current proposal for student housing is a major development in planning terms.

In assessing whether the proposed use is acceptable, the main issues are:

- loss of employment land;
- suitability of proposed student housing use; and,
- desirability of other use/ uses - alone or as part of a mixed-use scheme.

Loss of Employment Land

The site is in a mixed-use regeneration area in the city centre. The Local Development Plan (LDP) identifies the site as part of city centre proposal CC3 (Table 10) (Fountainbridge) and as part of a sub-area identified for commercial-led mixed use.

The existing uses in the sub-area include the OneSixty offices, a retail showroom and residential tenements with commercial use below. An element of student accommodation may be reasonable as part of a commercial-led mixed use area.

LDP policy Del 2 (City Centre) supports office use on the site, requiring a mix of uses providing an element of office where practicable. Paragraph 147 of the LDP requires office provision to be included in major mixed use development proposals wherever possible. There is no physical reason why the site could not be developed for office use.

LDP policy Emp 1 (Office Development) supports office development in the city centre more generally. LDP paragraph 205 says that major redevelopment opportunities should include significant office provision as part of the overall mix of uses.

A report on Office Space in Edinburgh to the Council's Economy Committee on 22 November 2016 concluded that there was a strong demand for offices. It advised that land identified as suitable for office use needed protection. Unless land is publicly owned, this can only be through the planning process.

Economic Development notes that the proposed development could contribute up to 85 jobs and £5.35 million gross value added. It also comments that, if the site was developed for office use similar to the neighbouring OneSixty office development and was fully occupied it could be expected to directly support a total of 575 jobs and generate a gross value added of £29.8 million. The difference between a potential office development and the proposed student accommodation development is up to a total of 490 jobs and a gross value added of up to £25 million. Economic Development also notes that the site has remained vacant for 25 years and is likely to achieve office rents that are significantly lower than prime rents achieved in the city centre. It has had planning permission for office use since 1991. This has not been built out and the site has been vacant for over 20 years, apart from parking and landscaping. The applicant's Planning Statement (2015) considers that 'the regeneration of Fountainbridge is ongoing and based largely on demand for residential based uses'. It concludes that Dundee Street is unlikely to be attractive to office investors within a 10 year time-horizon. A definitive assessment of whether or not an element of office use on this particular site is currently practicable/ possible is not available. While there is no physical constraint on office development on the site, it is clear that consented office use has not been taken up in over 20 years.

However, since planning permission was given for office use in 1991, the character of the Fountainbridge area has changed substantially. The mixed-use nature of the area, as compared to its previous industrial character, is a factor in its potentially greater attraction for office uses. These uses can include shops and services to attract office workers to locate there.

LDP policy Emp 9 (Employment sites and premises) should be considered because the application proposes changing the use. It states:

"Proposals to redevelop employment sites or premises in the urban area for uses other than business, industry or storage will be permitted provided:

- a) the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use;*
- b) the proposal will contribute to the comprehensive regeneration and improvement of the wider area;*
- c) and, if the site is larger than one hectare, the proposal includes floorspace designed to provide for a range of business users.*

Planning permission will be granted for the development for employment purposes of business and industrial sites or premises in the urban area."

The proposal does not deliver office accommodation as part of the proposal. There is clearly a demand for office accommodation and the case for not providing office accommodation has not been sufficiently satisfied, while student housing use would not inhibit or prejudice the activities of any nearby employment use. The activity and economic benefit, including jobs, generated by the proposed use would contribute to the regeneration of the wider area. Whether or not it would contribute to the 'comprehensive' regeneration' is less clear. The Fountainbridge Development Brief and the LDP aim to maximise the benefits of regeneration for local communities and the City as a whole. The delivery of new development in Fountainbridge over recent years has created a more compatible environment for office employment.

The proposal complies with policy Emp 9 a) and may comply with policy Emp 9 b). Policy Emp 9 c) is not applicable as the site is smaller than one hectare.

Proposed use - student housing

LDP Policy Hou 8 (Student Accommodation) states:

"Planning permission will be granted for purpose-built student accommodation where:

- a) The location is appropriate in terms of access to university and college facilities by walking, cycling or public transport.*
- b) The proposal will not result in an excessive concentration of student accommodation (including that in the private rented sector) to an extent that would be detrimental to the maintenance of balanced communities or to the established character and residential amenity of the locality".*

Location

The site is located in close proximity to public transport providing easy access to university campuses and is within walking distance of Haymarket Station. The site is in an appropriate location in terms of access to university and complies with LDP policy Hou 8a).

Concentration

The student housing guidance used to help interpret the student housing policy has changed since the application was submitted. To ensure a fair and balanced assessment, the proposal should be assessed against both the previous and the new guidance. Non-statutory guidance is used to assess what is an appropriate concentration level.

Current guidance on student housing

On 25 February 2016, the Planning Committee approved a revised non-statutory Student Housing Guidance with no phased introduction or deferred implementation date. The guidance states that "student housing will generally be supported on sites with less than 0.25ha developable area" and "sites with greater than 0.25ha developable area must comprise a proportion of housing as part of the proposed development". The proposal's developable area of 0.27 ha is greater than 0.25h. Although the site is identified as having low potential in the Housing Land Study June 2014, it is greater than 0.25ha. To accord with the guidance, a proportion of housing should be included as part of the proposed development, to balance the mix of land uses and to contribute to housing land need. In terms of the current guidance, on this site, the new build residential gross floor area should represent a minimum of 50% of the total new build housing and student accommodation gross floor area. The current form of the application does not accord with the current non-statutory guidance.

Previous guidance on student housing - applicable at date of application

The Student Housing Guidance applicable at the date the application was submitted (the previous guidance) set a 30% concentration threshold. Based on data zone information, the proposal would increase the concentration of students in the immediate area from 18.49% to 26.76%. That would have been acceptable in this locality in terms of the previous guidance.

By not providing residential use as part of the application, the result would be an excessive concentration of student accommodation within the site in terms of the current guidance, although the previous guidance would have been complied with. At 0.27 hectares, the site area is close to meeting current guidance requirements.

The Edinburgh Urban Design Panel, (EUDP), at its meeting of 29 July 2015, supported the proposed use as a suitable opportunity for student accommodation in a mixed-use area.

Other potential uses

Housing

LDP Policy Del 2 states that housing, as part of mixed-use development, will be encouraged on appropriate sites to help meet housing need and encourage sustainable communities. An element of housing is a potential use on the site, although the applicant states that a 50:50 split of mainstream housing and student accommodation is not feasible, marketable or viable given the constraints and restricted nature of the site. It is not clear whether or not an element of housing would be viable within a mixed-use scheme on this site.

Office

While commercial ground floor use is common on main roads in the area, the section of Dundee Street outside the proposal site is not within the designated local centre. The applicant's inclusion of internal social activity space for students on the Dundee Street frontage increases vitality at street level. The proposed use at ground floor use is acceptable in the context. The mix of student accommodation, which includes studio and cluster flats, would provide for a range of student needs, in accordance with the current guidance.

Conclusion on principle

Therefore, the proposed use could have been supported under the previous student housing guidance. However, the prime consideration is the site's allocation in the development plan for commercial-led development, the change in the character of Fountainbridge as a result of recent developments, and the strong demand for offices. Taking the provisions of the LDP in the round, the proposal does not accord with the development plan and therefore the use cannot be supported.

b) Scale, design, materials, views and landscaping

Scale and design

The layout forms part of a potential perimeter block which is a standard residential layout in the area. The Edinburgh Urban Design Panel supported the proposed perimeter block/ courtyard block arrangement and agreed that it reflected the character of other development in the area. The proposal's design is contemporary, while referencing traditional architectural features from the tenements opposite, such as horizontal banding, paired and framed windows, vertical emphasis, coursed stonework and having increased storey height at street level.

The communal courtyard will provide a suitable amount of amenity space. Although it will be shady for a substantial proportion of the day, the applicant has provided a planting scheme to improve amenity value.

The Fountainbridge Development Brief identifies the site as being within the 'Western Gateway (Site 7)'. By including higher storey heights at ground floor level, the proposal takes account of the potential realignment of the West Approach Road where possible future commercial ground floor uses may be desirable. Details of convertibility to other future uses would be assessed should an application for them be received. The design and access statement considers potential options for neighbouring sites. The current proposal enhances the pedestrian environment on Dundee Street by providing increased vitality at street level and a wider pavement than at present. As trees are being removed, consideration should be given to enhancing the quality of the streetscape. High quality street furniture would help achieve this. If committee is minded to grant, a condition is recommended to secure this.

The brief indicates a possible pedestrian priority desire line to the west of the site, connecting Dundee Street and the West Approach Road. The proposed site layout allows for future implementation of this connection by setback from the site boundary, overlooking of the potential route and possible increased access through a pend on the west block of the proposed development.

The brief states:

Buildings should generally be set out to reflect a building height of 16m to eaves and 19m to ridge, with a street width of 20m from ground level. Development along Fountainbridge should not exceed 16m at eaves to respect the tenement properties opposite.

The proposal complies with the height parameters to Dundee Street. An acceptable street frontage is achieved, suitable to the context. It is noted that the EUDP supported the principle of creating a building frontage at the back of the footway on Dundee Street. The height to the West Approach Road is acceptable.

The applicant has tested the relevant views in the Fountainbridge Development Brief and the city key views, and no adverse impacts are identified. Local views provided show that the development sits comfortably in its view context. The variation in roof height helps the scheme integrate into wider views, including from Dundee Street towards Edinburgh Castle.

The proposed design and materials will help create a gateway to Fountainbridge and the City Centre. The proposal also supports future alternative use of the site and longer-term development of the West Approach Road. The layout and massing respond acceptably to the existing context.

Materials

The proposed materials palette is generally of good quality. The use of sandstone on the principal elevation onto Dundee Street provides a high quality feature, appropriate to the gateway position of the site. The use of metal complements the contemporary design, as do the proposed brick elements. Standard uPVC is not supported by the Edinburgh Design Guidance as a window frame material due to its lack of sustainability and it is not acceptable. The muted colour palette fits well within the neighbourhood and the proposal design. If committee is minded to grant, a condition is recommended to allow detailed consideration of materials, with on-site sample panels and evidence of how the proposed materials are likely to weather.

Landscape

The landscape design for the proposed courtyard and external spaces is of a high standard, well co-ordinated and appropriate to the character of the area in terms of the new public realm. Detailed specification of the proposed green roof, external seating and planters needs further consideration. The planting scheme should be implemented within six months of completion of the proposed accommodation. The site proprietor will maintain the proposed new landscaping. If committee is minded to grant, conditions are recommended to secure suitable planter, seating and green roof specifications and implementation of the landscaping scheme.

As this is not standard residential accommodation, density calculation is not relevant.

In summary, subject to condition, the scale, design, materials and landscaping are acceptable.

c) Historic Environment

The site has archaeological potential relating to its Victorian industrial and settlement history. To protect archaeological heritage, a programme of archaeological work, including public engagement, is appropriate. This should be in accordance with a written scheme of investigation, which has been submitted by the applicant and approved by the Planning Authority. If Committee is minded to grant, a condition to this effect is recommended.

Subject to condition, the impact on the historic environment is acceptable.

d) Amenity

The noise impact assessment provided by the applicant in support of the application states that the impact of road traffic noise can be mitigated. Environmental Protection recommends that acoustic glazing is incorporated. If committee is minded to grant, a condition to that effect is recommended. To support air quality mitigation, Environmental Protection recommends provision of electric vehicle charging points. If committee is minded to grant, an informative to that effect is recommended.

Privacy and Outlook

An acceptable level of privacy for neighbouring residential occupiers is maintained. The proposal will affect the outlook of some residents. However, the impact is reasonable in the context of the built-up urban area. Prospective occupants will have an acceptable level of privacy and quality of outlook.

Daylight and Sunlight

The applicant's submitted Daylight and Sunlight information (DSI) considers the proposal's impact on the daylighting of neighbouring buildings. It shows that while there will be an impact on the daylighting of neighbouring residential property, the proposal complies with the Edinburgh Design Guidance. The daylighting of office space is not generally protected. However, the DSI shows that impact on daylighting would be minor. The DSI also considers daylighting of the proposed scheme. It demonstrates that all of the proposed rooms tested (45) will receive adequate daylight in accordance with Edinburgh Design Guidance recommendations. The design takes account of the buildings in the area, including tenements.

The scheme will not cause any overshadowing of residential gardens. There will be some additional overshadowing of adjacent spaces and landscaping, mainly of car parking and access areas. The overall impact is minor and not unreasonable in the context of neighbouring buildings. The Edinburgh Design Guidance recommends that half of new garden spaces should be capable of receiving sunlight during the spring equinox for more than three hours. The proposed internal courtyard will be capable of receiving some sunshine for five hours at the spring equinox. Apart from one hour, most of the courtyard will remain in shadow at the equinox and is unlikely to feel like a sunny space.

Concern has been raised about loss of light to Dundee Street. The site is to the north west of Dundee Street and buildings to the south will already have an impact on overshadowing. The impact of the development in this respect is acceptable in the dense urban context.

The applicant proposes ensuring good site management. This is a matter for the site operator and would not be an appropriate subject for a planning condition.

In summary, the amenity of present residents and future occupiers of the development is acceptable subject to condition.

e) Traffic and road safety

The site is well served by public transport, with frequent bus services nearby. The applicant has confirmed that travel information will be provided via a real-time information screen within the development lobby area. This will provide access to the Council's real-time bus information service.

The proposed cycling parking meets the Council's guidelines and the site is well stated for access to cycle routes. In this well-connected, central location, the limited on-site car parking proposed is acceptable, although below the level for student accommodation in this Parking Standards zone. (Zone 3a) requires between 18 and 36 spaces. Since the parking standards were approved in 2009, a controlled parking zone (Zone S4) has been introduced operating Mondays to Fridays from 8.30am to 6.30pm. It should also be noted that residents of new student housing are not entitled to residents' parking permit. Given the limited amount of on-site and on-street parking, access at the beginning and end of term will be organised by the student residence management. This is predicted to involve time slots for students / their family arriving by car to check in and move off.

The applicant has confirmed that existing car parking areas within the application site are not within the ownership of the adjacent office building, OneSixty and are currently used by their tenants on a grace and favour basis with the owner of OneSixty being aware these spaces will not be available to tenants if development proceeds. As there will be an overall reduction in car parking on the site and the proposed development will have a low impact on the existing road network, a contribution towards transport infrastructure is not justified. If Committee is minded to grant planning permission, an informative is recommended in respect of developing a Travel Plan.

All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Head of Planning and Transport if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009.

f) Flooding and Drainage

SEPA was consulted and does not raise objection to the proposal. The applicant submitted self-certification information which Flooding has found acceptable. The proposal is acceptable in terms of flooding and drainage.

g) Sustainability

A sustainability statement was submitted in support of the application.

Essential Criteria	Available	Achieved
Section 1: Energy Needs	20	20
Section 2: Water conservation	10	10
Section 3: Surface water run off	10	10
Section 4: Recycling	10	10
Section 5: Materials	30	10
Total points	80	60

The application does not achieve the essential criteria in relation to materials because it includes uPVC windows and does not include at least 10 percent of materials from a recycled source. These criteria are designed to support LDP policy Des 6 (Sustainable Buildings). If committee is minded to grant this application, a condition requiring demonstration of compliance with the essential criteria is recommended.

The applicant has provided a commitment to further sustainability measures as set out in the desirable elements sections. These account for an additional 45 points and include the use of sustainable timber and green roofs.

The proposal is acceptable in terms of sustainability, subject to a suitable condition.

h) Other material issues

Scottish Water and SEPA were consulted. Neither raised an objection to the application. The applicant has provided the relevant drainage and surface water management information as part of the self-certification process. This is in line with current requirements of the Council.

Waste

The service area for the scheme is on the north of the site, with vehicular access to car park, bin and cycle store from Dundee Street and the access road to the east of the site.

Biodiversity

The Extended Phase 1 Habitat Survey submitted did not identify any constraints which would preclude development on this site. Where constraints have been identified they can be dealt with through conditions. It is an offence to disturb a nesting bird or damage a nest therefore a condition relating to this matter should be added to any consent given. If committee is minded to granted, an informative relating to the installation of bird and bat nesting boxes is recommended to improve biodiversity. Concern has been raised about gulls in the area. The property owner would be responsible for appropriate maintenance.

Community facilities

LDP Policy Hou 10 (Community Facilities) states that planning permission for housing development will only be granted where there are associated proposals to provide any necessary health and other community facilities relative to the impact and scale of development proposed.

The LDP Action Programme identifies that Polwarth medical practice will need to be expanded to mitigate the impact of CC3 Fountainbridge. The Supplementary Guidance on Developer Contributions and Infrastructure Delivery (March 2017) sets out development contribution rates for healthcare. At this stage it is not known whether medical provision is best served by new premises or extensions and upgrading of existing facilities. Therefore, if Committee is minded to grant this application, it is proposed to secure by legal agreement, a contribution towards a new medical practice as set out in the LDP Action Programme and the Supplementary Guidance on Developer Contributions and Infrastructure Delivery. Should NHS Lothian instead require extensions and alterations to existing medical practice/s in lieu of this contribution, this can be negotiated with the applicant through the legal agreement process within specified timescales. This allows for the impact of the proposed development on medical centre provision to be assessed and delivered in the manner best suited to NHS Lothian.

The Action Programme also identifies a Greenspace Action for the improvement of Dalry Community Park. If Committee is minded to grant planning permission, it would be appropriate to secure by a legal agreement, a contribution towards additional medical services as set out in the LDP Action Programme and a developer contribution towards the improvement of Dalry Park.

Contamination/ remediation

If Committee is minded to grant, a suitable condition requiring a site survey, schedule of protective measures and implementation in relation to potential site contamination is recommended.

Edinburgh Airport was consulted and did not raise an objection subject to conditions relating to airport and aircraft safety. These conditions are recommended should committee be minded to grant.

Notwithstanding the submitted plans, any advertisement will require separate advertisement consent. An informative to this effect is appropriate if Committee is minded to grant.

In summary, subject to suitable conditions, the proposal is acceptable in terms of flooding and drainage, biodiversity and airport safety.

i) Equalities and human rights

There will be access from Dundee Street to student reception, social area, and lifts to fully accessible study bedrooms. The scheme will include provision for the disabled. The proposal offers the potential to provide a good standard of living with access to transport and other services. The impact on equalities and human rights is assessed as positive.

j) Public comments

This application was advertised on 18 December 2015. The pre-application consultation process omitted direct notification of 160 Dundee Street. The applicant subsequently entered into discussions with the occupants of 160 Dundee Street and, following the submission of a revised scheme, the application was re-advertised on 11 November 2016. A total of 21 letters of objection, four letters of support and two letters making general comments, were received. The objections included those of a local ward councillor, Tollcross Community Council and North Merchiston Residents' Association. Merchiston Community Council, as a statutory consultee, also objected.

Material Representations: Objection

Principle

- Alternative use preferable, enough/ too much student accommodation and students in area already, potential/ adverse effect on community /use mix - - addressed in section 3.3.a);
- Contrary to previous and existing student housing guidance and policy - addressed in section 3.3.a);
- Contrary to EMP9, to aspirations of LDP and Fountainbridge Development Brief and would not contribute positively to regeneration and improvement of area - addressed in section 3.3.a); and,
- Will not bring economic benefit to area or local traders - addressed in section 3.3.a);

Scale, design and materials

- Inappropriate density, scale, design, setback from street, landscaping on Dundee Street - addressed in section 3.3.b);
- EUDP comments not addressed - addressed in section 3.3.b); and,
- Convertibility of proposed development to other uses has not been assessed - addressed in section 3.3.b).

Landscaping and amenity

- Quantity and quality of open space insufficient - addressed in section 3.3.b);
- Loss of views - addressed in section 3.3.b) and 3.3.d);
- Loss of trees - addressed in section 3.3.b);
- Adverse impact on daylight, sunlight and privacy of neighbours and overshadowing of Dundee St- addressed in section 3.3.d);

- Amenity of future occupants of building would be low - noise, traffic fumes, shaded courtyard - addressed in section 3.3.d);
- Applicant's ecology survey inaccurate regarding gull population and detriment to amenity of area - addressed in section 3.3.h); and
- •Adverse impact of proposed use on neighbouring property - addressed in sections 3.3.a) and 3.3.b) and 3.3.d).

Road safety and parking issues (including cumulative)

- Capacity of local transport network insufficient - addressed in section 3.3.e);
- Inadequate information to assess traffic impacts - addressed in section 3.3.e);
- Proposal does not address EUDP comments on parking - addressed in section 3.3.e);
- Safety concerns for cyclists, pedestrians, and emergency services - addressed in section 3.3.e);
- Some pedestrian areas already congested/will worsen with development. - addressed in sections 3.3.b and 3.3.e);
- adverse parking, service and delivery impacts, including knock-on effects, congestion, overspill parking, emergency service access and other potential use (e.g. tourists outside term-time) - addressed in section 3.3.h);
- Too little on-site parking - addressed in section 3.3.e);
- Inadequate information on traffic management (including waste collection, taxis, visitor parking, drop-off and collection, no Green Travel Plan or Parking Management Plan - addressed in section 3.3.f));
- 160 occupants rely on existing parking - addressed in section 3.3.e);
- Public transport already under pressure- addressed in section 3.3.e);
- Provision for cyclists insufficient- addressed in section 3.3.e);

Procedure

- Applicant has failed to comply with statutory pre-application community consultation and neighbour notification requirement- addressed in section 3.3.j);
- Incorrect validation of application- the application has been assessed as valid;
- Description of proposal wrong (change of use does not include carrying out building works) and could mislead community into thinking that 160 use being changed - description assessed as adequate;
- Not all information on website at date of neighbour notification - addressed in 3.3.j); and,
- Additional time needed to make representations over festive period - additional time is given.

Material Representations: Support

- Support vacant plot of land being used - addressed in section 3.3.a);
- Support building of proposed standard and quality in area - addressed in section 3.3.b);
- May free up some of the houses in the surrounding area for families - addressed in section 3.3.a);
- Will benefit local businesses - addressed in section 3.3.a); and,
- Will create jobs - addressed in section 3.3.a),

Non-Material Representations

- Potential for unauthorised parking - this would be liable to regulation by the property owner/ other regulatory authority;
- May be used for tourists or party flats outwith term time - not the subject of this application)
- Conformity with ward and Local Plan/Neighbourhood Plan - this is not currently required under planning legislation;
- Security - if courtyard not secure, may encourage loitering and anti-social behaviour - anti-social behaviour is a matter for the site management and, where required, Police Scotland;
- 24 hour site management - addressed in section 3.3d);
- No Good Neighbour agreement confirmed - developer contributions should comply with the Action Programme and be secured by a suitable legal agreement
- Cyclists behaving badly - not controlled by Planning;
- Construction impacts - controlled under other regulation;
- Security of property could be improved/adversely affected. Potential anti-social behaviour and its impacts, including noise and litter - not controlled by Planning; and,
- Impact on marketability of 160 Dundee Street - broadly, a commercial issue, amenity issues addressed in 3.3.d).

Merchiston Community Council

Material points of objection

- proposal contributes to too much temporary accommodation in area, which does not support sustainable community or balanced economy used - addressed in section 3.3.a);
- contrary to planning policy and guidance- addressed in section 3.3.a);
- planning policy promoting purpose-built student housing is out of date - addressed in section 3.3.a), and,
- more general housing needed - addressed in section 3.3a).

The applicant submitted additional information after the closing date for public representation.

Conclusion

The prime consideration is the site's allocation in the adopted Edinburgh Local Development Plan (LDP) for commercial-led development and the strong demand for offices. The proposal does not comply with LDP policies Del 2 (City Centre) or Emp 1 (Office Development). It does not reflect the site's allocation in LDP CC3 (Fountainbridge) as part of an area identified for commercial-led development. It is not clear whether the proposed use would contribute to the comprehensive regeneration referred to in LDP policy Emp 9 (Employment Sites and Premises). Because of the site area, the proposal narrowly misses complying with the current guidance on student accommodation and Hou 8 (Student Accommodation), although it would have complied with the student housing guidance applicable at the date the application was submitted.

There is also a minor departure in respect of sunlighting of new open space but this, in itself, is insufficient to justify refusal. The proposal is otherwise appropriate in terms of design and scale. Materials, landscaping, residential amenity, traffic and road safety impacts are acceptable subject to suitable conditions. On balance, the regeneration benefits of the proposal do not outweigh a departure from policy and guidance.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Hou 8 in respect of Student Accommodation, as it will result in an excessive concentration of student accommodation to an extent that would be detrimental to the maintenance of a balanced community/the established character and residential amenity of the locality.
2. The proposal is contrary to the Local Development Plan Policy Del 2 in respect of City Centre, as it does not include an element of office space or housing to the detriment of an appropriate mix of uses in the area.
3. The proposal is contrary to the Local Development Plan Policy Emp 1 in respect of Office Development, as it does not include office use, to the detriment of office supply

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

The proposal, as submitted, does not comply with the sustainability requirements of the Edinburgh Design Guidance. A condition requiring use of sustainable materials is recommended in the main report to ensure compliance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

This application was advertised on 18 December 2015 and 11 November 2016 and attracted a total of 21 letters of objection, four letters of support and two letters making general comments.

An assessment of the issues raised in representations can be found in section 3.3.j) of the main report.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The site is in a commercial-led, mixed use area, part of city centre proposal CC3 in the adopted Edinburgh Local Development Plan (LDP). The Fountainbridge Development Brief identifies the site as being within the Western Gateway (Site 7).

The LDP identifies a local centre on the opposite (south) side of Dundee Street. The LDP Greenspace Proposal GS1 lies on the north side of the West Approach Road, opposite the proposal site.

Date registered

7 December 2015

Drawing numbers/Scheme

1-3,5,6,7A,8-12,13B,14A,15B,16A,17,18,21-26,27A.,

Scheme 2

David R. Leslie

Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Eileen McCormack, Planning Officer
E-mail:eileen.mccormack@edinburgh.gov.uk Tel:0131 529 3609

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

LDP Policy Del 2 (City Centre) sets criteria for assessing development in the city centre.

LDP Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

LDP Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effect development of adjacent land or the wider area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Des 11 (Tall Buildings - Skyline and Key Views) sets out criteria for assessing proposals for tall buildings.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 20 (Open Space in New Development) sets out requirements for the provision of open space in new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Emp 1 (Office Development) identifies locations and circumstances in which office development will be permitted.

LDP Policy Emp 9 (Employment Sites and Premises) sets out criteria for development proposals affecting business and industrial sites and premises.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 8 (Student Accommodation) sets out the criteria for assessing purpose-built student accommodation.

LDP Policy Tra 1 (Location of Major Travel Generating Development) supports major development in the City Centre and sets criteria for assessing major travel generating development elsewhere.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

Relevant Non-Statutory Guidelines

Non-statutory guidelines on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

Non-statutory guidelines Student Housing Guidance interprets local plan policy, supporting student housing proposals in accessible locations provided that they will not result in an excessive concentration.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

Non-statutory guidelines - EDINBURGH STREET DESIGN GUIDANCE - Edinburgh Street Design Guidance supports proposals that create better places through the delivery of vibrant, safe, attractive, effective and enjoyable streets in Edinburgh. It sets out the Council's expectations for the design of streets and public realm.

The Fountainbridge Development Brief sets out planning and design principles intended to establish a comprehensive townscape and infrastructure framework for the Fountainbridge area.

Statutory Supplementary Guidance: Developer Contributions and Infrastructure Delivery - Finalised and approved by Planning Committee on 30 March 2017.

Appendix 1

Application for Planning Permission 15/05422/FUL At Site 56 Metres West Of 160, Dundee Street, Edinburgh Full Planning Permission for change of use from office (Class 4) to purpose built student accommodation with ancillary reception and social hub, Class 1 retail and associated landscape, public realm, access and parking (as amended).

Consultations

Edinburgh Urban Design Panel

Executive Summary

The proposal for review is for purpose built student residential accommodation in cluster and studio flat format, with associated reception facilities and a social hub. There will be new public realm and landscape spaces.

The Panel welcomed the opportunity to review the proposal at this early stage of the design process. The Panel supported the general design approach set out in the design development report, and considered this site to be a suitable opportunity for student accommodation, with connections to public transport links and believe it will bring benefits to the area.

It is noted that the designs are at an early stage of development, and recommendations are made for developing detailed proposals. These include the need for the development to create positive relationships with Dundee Street and neighbouring sites that will future-proof a new urban form and street pattern. Further recommendations are for the design to address connections, noise assessments, car parking and landscaping.

Main Report

Introduction

The proposed site comprises a car park and landscaped area attached to, and to the west of, a stand-alone office building (One- Sixty Dundee Street), on the north side of Dundee Street, Edinburgh. The Western Approach Road forms the boundary to the north of the site. Victor Paris commercial showroom and car park is to the west.

The general character of the area is mixed use and residential with 4 storey traditional tenements, including some ground floor retail, immediately opposite the site on the southern section of Dundee Street. To the south east of the site there is contemporary apartment housing. Immediately adjacent to the site the character becomes more fragmented with office and commercial use including the Fountain Park Leisure complex and Scottish Courage offices. Dalry, Tynecastle and Gorgie districts are to the west of the site.

The site is within an area identified as CA3 Fountainbridge, a Central Area proposal, within the City of Edinburgh Local Plan (CELP). The front of the site on Dundee Street falls within an area identified as being within the Dundee Street Local Centre, Ret 4 and 10. The northern boundary of the site is identified as an area of open space, Dalry Community Park. A cycle way/ footpath safeguard, TRA 13, is identified to the north of the site. The proposals will be assessed against this policy context.

The Fountainbridge Development brief, prepared in 2004 (as amended), includes the site within an area defined for the 'western gateway'. The brief identifies opportunities in the Gateway Area to achieve high quality linkages between neighbouring communities and create an attractive 'gateway' to Fountainbridge and the City Centre. The details, including junction arrangements and cycle/ pedestrian links, are still being developed by the Council.

The site forms a part of the wider area of approved office development and associated car parking and landscaping. The most recent consent was granted on 6 April 2010.

The proposals are for purpose built student residential accommodation in cluster and studio flat format, with associated reception facilities and a social hub. The student accommodation will provide approximately 220 bed spaces, expected to comprise 140 studio apartments and 80 beds within the cluster flats. It is expected that the mix and range of accommodation may change over time. The arrangement and layout of the social areas and the management arrangements are not yet resolved in detail, however they are currently proposed on the frontage of the building with Dundee Street.

The accommodation will be provided in a single 4 storey building set out in a landscaped courtyard format. There is a 3m slope across the site, equivalent to 1 story. The height of the building will be dropped on the east elevation to maintain light into the courtyard space. The ground floor will be an open base arrangement and the top floor set back. Elevation treatments will be a mix of stone with brick behind.

The access and servicing arrangements will be from the existing junction with Dundee Street and will integrate with the landscaped/ open space courtyard, facing east. The development is a car free scheme apart from some under-croft parking for students with disabilities. Up to 200 secure cycle parking spaces will be provided alongside. Cycle parking will also be provided at the front of the building.

This is the first time that the proposals have been reviewed.

A declaration of interest was made by the representative from Architecture + Design Scotland. Therefore, this organisation was not represented at the review.

This report should be read in conjunction with the pre meeting papers which provide concept drawings, plans, sections and model views that demonstrate the massing and scale; supported with precedent and façade studies.

This report is the view of the Panel and is not attributable to any one individual. The report does not prejudice any of the organisations who are represented at the Panel forming a differing view about the proposals at a later stage.

The Panel's View

Principle of development proposal

The Panel considered this site to be a suitable opportunity for student accommodation in a mixed use area with connections to public transport which links to university locations. The Panel believes it will bring benefits to the area.

Building arrangement, massing and height

The concept layout and massing was considered by the Panel to respond well to the existing and emerging context. There was support for the mass, height and scale of the development.

The siting of the development close to the Western Approach Road and with a frontage onto Dundee Street will mean that noise considerations will require to be taken into account in determining the internal accommodation. A noise assessment would be an essential part of the supporting information and will inform the design.

The Panel was split in its view regarding the layout of the courtyard building. The Panel agreed that the solution would be influenced by considering the existing adjacent sites. This will be challenging given the fragmented nature of these adjacent sites.

There were arguments for allowing the courtyard space to relate to the One-Sixty development as it offered the potential to create a more integrated public realm space with any potential pedestrian link and also with the additional space being created on Dundee Street.

Alternatively 'flipping' the proposed arrangement could provide a well-sunlit, west facing courtyard space that would be more likely to be used by the students as opposed to a more shaded and potentially compromised space in the proposed arrangement.

The potential for creating 'tunnel effect' street solutions was expressed as a concern for both boundaries depending on the design solution adopted.

As a further influence to the final layout, the Panel considered that the development would have to anticipate the opportunities that would be created with a future redevelopment of the adjacent Victor Paris site.

Either way the Panel considered that design options should be explored to ensure that all edges of the development establish 'future proofed' street/ development and a strong urban block form.

Permeability, connections and public space

Details of the cycle/ footpath connection across the Western Approach Road are still to be provided by the Council. Nevertheless the Panel considered that the route should be integrated into the design arrangements for this development. Further discussion is required between the developer and the Council to ensure that this opportunity and aspiration of the development brief is not compromised.

The Panel noted that the relationships and connections to Dalry Road were key to this development. The links would allow access to the key public transport corridor and to budget supermarkets etc. and especially important to the proposed use.

The site offers the opportunity to create new public space and an opportunity to utilise levels and include landscaping both within the site and more importantly along the northern boundary of the site. Clarity as to the public and private arrangements for the landscape space would be important in developing the design.

There was caution expressed by the Panel, given the high crime profile in this area regarding the establishment of these new links. Therefore the Panel welcome the adoption of secure by design and the integration of CCTV.

Street Frontage and parking

The level difference across the site will have the potential to affect the relationship of the building with Dundee Street and could raise design issue with respect to achieving a design which is fully DDA compliant. The Panel considered that it would be important for the building to interface directly with the back of the footway. The detailed design should avoid steps and changes in level at the front of the building.

The impact of car parking in the local area was acknowledged. Whilst a car-free development was applauded, the potential implications and pressure on existing residents parking should be considered as part of the transport strategy for the site. In this regard the Panel asked that consideration should also be taken to address the potential impact from footway parking.

Recommendations

In developing the design, the Panel supports the following aspects and therefore advocates that these should remain in the proposals:

- o The principle of student accommodation on the site;*
- o The principle of establishing a cycle/ pedestrian link to the north of the site between Dundee Street and Dalry Road;*
- o The principle of creating a building frontage at the back of the footway on Dundee Street;*
- o The principle of a perimeter block/ courtyard blocks arrangement that reflects the character of other development in the area.*

In developing the proposals the Panel suggests the following matters should be addressed:

- o *The development should establish a positive street pattern in the proposed block arrangement and layout that removes the fragmentation created by the neighbouring developments.*
- o *The block layout should avoid creating adverse micro climates and maximise the solar gain for the building and public spaces.*
- o *The proposals must be supported with a noise survey.*
- o *The site should integrate the potential pedestrian/ cycle connection being developed by the Council.*
- o *The amenity of the streets, connections and public space must deliver a safe and welcoming environment for the public and especially the new student population.*
- o *Site levels should be used to create positive and interesting landscape spaces, but must avoid creating barriers to accessibility into the building.*
- o *The opportunities to introduce landscaping to the site should be maintained, both within the courtyard/ public realm space, but also to the northern boundary with the Western Approach Road.*
- o *Complementary arrangements should be explored for reducing potential impacts on parking in the local area.*

Archaeology

The site occupies the site of the former West End Engine Works established between 1865 and the OS survey of 1876. This industrial group of buildings formed part of a slightly larger development comprising the Waverly Oil Mill (adjacent to the east of this site) and Whitebank Tenements constructed to the south of the former branch line of the Caledonian Railway (Western Approach Road) on former open farmland part of the medieval lands of Dalry House. Both the Industrial buildings and tenements survived into the second half of the 20th century before their demolition.

The site is regarded as occurring within an area of local industrial archaeological significance. As such this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and also Edinburgh City Local Plan Policies ENV9.

As stated this site is regarded as being of archaeological potential in terms of its Victorian industrial and settlement archaeology, associated with the West End Engine Works and Whitebank Tenements. The proposed development will require extensive excavations in terms of construction, landscaping and utilities. Accordingly it is recommended that a programme of archaeological excavation is undertaken prior to development.

In essence this will see a phased archaeological programme of works, the initial phase being an archaeological evaluation up to a maximum of 10% of both areas. The results of which would allow for the production of appropriate more detailed mitigation strategies to be drawn up to ensure the appropriate protection of the surviving mill dams/lade and the full excavation, recording and analysis of any further surviving archaeological remains.

Archaeological Public Engagement

Further given the potential importance of these remains, it is recommended that the programme of archaeological works contain a programme of public engagement (e.g. site open days, viewing points, temporary interpretation boards) the scope of which will be agreed with CECAS.

Accordingly it is essential that the following condition is attached to this consent to ensure that undertaking of the above elements of archaeological work are undertaken.

'No demolition/development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (excavation, reporting & analysis and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Edinburgh Airport

The proposed development has been examined from an aerodrome safeguarding perspective and could conflict with safeguarding criteria unless any planning permission granted is subject to the conditions detailed below:

Submission of a Bird Hazard Management Plan

Development shall not commence until a Bird Hazard Management Plan has been submitted to and approved in writing by the Planning Authority. The submitted plan shall include details of:

- *monitoring of any standing water within the site temporary or permanent*
- *sustainable urban drainage schemes (SUDS) - Such schemes shall comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage schemes (SUDS) (available at <http://www.aoa.org.uk/policy-safeguarding.htm>).*
- *management of any flat/shallow pitched/green roofs on buildings within the site which may be attractive to nesting, roosting and "loafing" birds. The management plan shall comply with Advice Note 8 'Potential Bird Hazards from Building Design' attached*
- *reinstatement of grass areas*
- *maintenance of planted and landscaped areas, particularly in terms of height and species of plants that are allowed to grow*
- *which waste materials can be brought on to the site/what if any exceptions e.g. green waste*
- *monitoring of waste imports (although this may be covered by the site licence)*
- *physical arrangements for the collection (including litter bins) and storage of putrescible waste, arrangements for and frequency of the removal of putrescible waste*
- *signs deterring people from feeding the birds.*

The Bird Hazard Management Plan shall be implemented as approved, on completion of the development and shall remain in force for the life of the building. No subsequent alterations to the plan are to take place unless first submitted to and approved in writing by the Planning Authority.

Reason: It is necessary to manage the development in order to minimise its attractiveness to birds which could endanger the safe movement of aircraft and the operation of Edinburgh Airport.

The Bird Hazard Management Plan must ensure that flat/shallow pitched roofs be constructed to allow access to all areas by foot using permanent fixed access stairs ladders or similar. The owner/occupier must not allow gulls, to nest, roost or loaf on the building. Checks must be made weekly or sooner if bird activity dictates, during the breeding season. Outside of the breeding season gull activity must be monitored and the roof checked regularly to ensure that gulls do not utilise the roof. Any gulls found nesting, roosting or loafing must be dispersed by the owner/occupier when detected or when requested by Edinburgh Airport Airside Operations staff. In some instances it may be necessary to contact Edinburgh Airport Airside Operations staff before bird dispersal takes place. The owner/occupier must remove any nests or eggs found on the roof.

The breeding season for gulls typically runs from March to June. The owner/occupier must obtain the appropriate licences where applicable from Scottish Natural Heritage before the removal of nests and eggs.

Submission of SUDS Details

Development shall not commence until details of the Sustainable Urban Drainage Schemes (SUDS) have been submitted to and approved in writing by the Planning Authority. Details must comply with Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)'. The submitted Plan shall include details of:

- Attenuation times*
- Profiles + dimensions of water bodies*
- Details of marginal planting*

No subsequent alterations to the approved SUDS scheme are to take place unless first submitted to and approved in writing by the Planning Authority. The scheme shall be implemented as approved.

Reason: To avoid endangering the safe movement of aircraft and the operation of Edinburgh Airport through the attraction of Birds and an increase in the bird hazard risk of the application site. For further information please refer to Advice Note 6 'Potential Bird Hazards from Sustainable Urban Drainage Schemes (SUDS)' (available at <http://www.aoa.org.uk/operations-safety/>).

We, therefore, have no aerodrome safeguarding objection to this proposal, provided that the above conditions are applied to any planning permission.

It is important that any conditions requested in this response are applied to a planning approval. Where a Planning Authority proposes to grant permission against the advice of Edinburgh Airport, or not to attach conditions which Edinburgh Airport has advised, it shall notify Edinburgh Airport, and the Civil Aviation Authority and the Scottish Ministers as specified in the Safeguarding of Aerodromes Direction 2003.

Environmental Protection

The application proposes a development of the site for circa 216 bedrooms in a complex of cluster flat and studio format with associated reception, meeting and social hub facilities on site.

The site is located 56 Metres West of 160 Dundee Street. It is situated between Victor Paris (Bathroom Showrooms) and the One-Sixty office development on Dundee Street. It extends to approximately 0.27ha and is not currently in any specific use having been vacant and grassed for a several years. The Western Approach Road lies to the north and Dundee Street to the south. The site is currently used as a car park.

The site is in the proximity of the city centre air quality management area and adjacent to a number of noise sources. The applicant has submitted supporting air quality impact assessment and noise impact assessment.

The development may require a licence to operate. The applicant should contact the Houses of Multiple Occupation Team (HMO) to ensure that the proposal meets all the minimum HMO requirements. Environmental Protection recommends an informative is attached to any consent granted to ensure this happens.

Air Quality

The site is located on the City Centre AQMA and it is noted that the car parking provisions on the site will be reduced from 30 to 8. Due to the AQMA being in close proximity local air quality is a key planning consideration and mitigation measures will be required.

The Scottish Government has recently produced Cleaner Air for Scotland, The Road to a Healthier Future (2015) which provides advice on planning and local air quality. The National Planning Framework 3 and Scottish Planning Policy provide a framework for a planning to support development that creates high-quality, diverse and sustainable places that promote wellbeing and attract investment. Developments should reduce the need to travel and integrate with different transport modes whilst providing safe and convenient opportunities for walking and cycling.

Planning Advice Note (PAN) 51: Planning, Environmental Protection and Regulation 3 sets out the Scottish Executive's core policies and principles with respect to environmental aspects of land use planning, including air quality. PAN 51 states that air quality is capable of being a material planning consideration where a large scale proposal is inside, or adjacent to, an AQMA.

The planning system has a role to play in the protection of air quality by ensuring that development does not adversely affect AQMAs. In addition cumulative impacts should not lead to the creation of further AQMAs where air quality standards are not being met and for which remedial measures should therefore be taken.

Breaches of air quality standards in the city's AQMAs are largely due to road congestion. The Council's Air Quality Action Plan contains a range of measures to reduce emissions both within these areas and beyond. Reducing the need to travel and promoting the use of sustainable modes of transport are key principles identified in the second Edinburgh Local Development Plan (LDP). The LDP acknowledges that growth of the city based on car dependency for travel would have serious consequences in terms of congestion and air quality. An improved transport system, based on sustainable alternatives to the car is therefore a high priority and continued investment in public transport, walking and cycling are central tenets of the City of Edinburgh Council's Local Transport Strategy 2014-19.

The City of Edinburgh Council's Parking Standards for Development Control document, dated December 2009, is used to determine the appropriate level of car parking for new developments.

The applicant has submitted details on what mitigation measures they intend to include as part of the proposal. Environmental Protection recommend conditions are included to ensure the provision of rapid electric vehicle charging points are made. The location of these chargers shall be detailed on any submitted plans. Charging points may also be provided for the car club parking spaces if being provided. At least one charging outlet should be of the following standard:

70 or 50kW (32 Amp) DC with 43kW (32 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

All other charging points (including car club spaces) should be of the following standard:

Type 2 (EN62196-2), Mode 3 (EN61851-1) compliant and be twin outlet. With the ability to supply 22 kW (32 Amps) AC - Three Phase power and have the ability to be de rated to supply 11 kW to each outlet when both are in use. Where this is not possible then 7 kW (32 Amps) AC - Single Phase chargers that have the ability to deliver power of 7 kW capacity to each outlet simultaneously.

The applicant has submitted details of the proposed energy plant serving the development. A total of two condensing gas fired boilers will be installed on the site supported by a small combined heat and power plant. Each boiler will be rated at approximately 163kW output to water. The mini gas fired Combined Heat and Power units will be installed rated at 20kW gas input. The applicant has also demonstrated compliance with the Clean Air Act ensuring the correct sized chimney is proposed. It has been highlighted to the applicant that Environmental Protection will not support biomass as a fuel in this location.

Noise

The applicant has provided a supporting noise impact assessment which has considered the following. The impacts from road traffic noise, noise from deliveries to the adjacent bathroom showroom and noise from the electrical transformer at the south-west of the proposed development site.

The proposed student housing development site has the potential to be adversely affected by noise from road traffic on local roads. Based on this assessment, road traffic is the dominant source of noise affecting the proposed development. Noise from deliveries to adjacent commercial properties is unlikely to cause significant loss of amenity. Noise from the sub-station is inaudible at the proposed development site.

The applicant will need to include upgrade glazing to ensure amenity is protected. Environmental Protection shall recommend a condition is attached to ensure a minimum standard of acoustic glazing is provided.

Site Contamination

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/s. Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable).

Therefore, Environmental Assessment has no objections to this proposed development subject to the following conditions:

Conditions

Air Quality

One charging outlet should be of the following standard:

70 or 50kW (32 Amp) DC with 43kW (32 Amp) AC unit. DC charge delivered via both JEVS G105 and 62196-3 sockets, the AC supply by a 62196-2 socket. Must have the ability to be de-rated to supply 25kW to any two of the three outlets simultaneously.

All other charging points (including car club spaces) should be of the following standard:

Type 2 (EN62196-2), Mode 3 (EN61851-1) compliant and be twin outlet. With the ability to supply 22 kW (32 Amps) AC - Three Phase power and have the ability to be de rated to supply 11 kW to each outlet when both are in use. Where this is not possible then 7 kW (32 Amps) AC - Single Phase chargers that have the ability to deliver power of 7 kW capacity to each outlet simultaneously.

Noise

The following noise protection measures to the proposed development, as defined in the The Airshed 'Environmental Noise Assessment' report (Ref AS 0493 Rev 2), dated 30 September 2015; with zones highlighted on 'Window Acoustic Performance - Plan & Elevations drawing number (299) 1501-GWP-A-(PA)70.01 dated 14 October 2016:

- *Glazing units with a minimum insulation value of 10/16/9.1mm double glazing should be installed for the external doors and windows of the purple and red zone.*
- *Glazing units with a minimum insulation value of 10/16/8.8mm double glazing should be installed for the external doors and windows of the green zone.*
- *Glazing units with a minimum insulation value of 10/16/6mm double glazing should be installed for the external doors and windows of the blue zone.*

shall be carried out in full and completed prior to the development being occupied.

Site Contamination

Prior to the commencement of construction works on site:

- (a) *A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and*
- (b) *Where necessary, a detailed schedule of any remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.*

Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided to the satisfaction of the Head of Planning.

Informative

The applicant shall contact the HMO team to ensure that if a licence is required then the design of the building will meet the required standards.

Flood Prevention

Flood Prevention have no further comments on this application.

Merchiston Community Council

We wish to object to this application for further student housing in the Fountainbridge area on the grounds that it contributes to the over-provision of temporary accommodation and therefore does not contribute to a stable sustainable community and balanced economy. For this reason HOU 10 of the LDP stipulates that students should not constitute more than 30% of 'an area'. Though 'an area' has not always been closely defined in policy, recently it has been taken to mean the data zone. Regardless of whether we regard the proposed 216 student beds as exceeding 30% within the relevant data-zone or more approximately within 'the area' of Fountainbridge more generally, we feel that this development is excessive for that use class.

The new Napier/Cityheart 778 bed student development at Bainfield opposite Gibson Terrace is very close to this site. It was recently completed and we consider that this huge concentration of students is adequate provision for 'the area' given that there are further student developments dotted along Dundee Street.

778 residents would constitute a small town or sizeable village in many parts of Scotland.

We are concerned that developers are not providing enough general residential accommodation and that planners ought to give more encouragement to developers to consider this. Where are the rest of us to live? The city's population is growing at the rate of 10,000 a year. The Scottish Government has placed targets on councils in Lothian to meet the expected increase in demand for general housing by the year 2030. How is Edinburgh to meet this objective unless planners start refusing student housing on the grounds of over-provision and start promoting general housing for the rest of us where sites like this present themselves?

We consider that the Council's current objective of promoting more purpose built student accommodation rather than general housing is misconceived and is not addressing a significant gap in provision. This will be detrimental to the economy and smooth functioning of Edinburgh if key workers are unable to find affordable, accessible accommodation. Policy on promoting student housing is twenty years out of date and is attempting to close the stable door long after the horse has bolted. The time for building purpose-built student housing was in the mid-1990s when student numbers began rising. An opportunity was missed then, and due to this the general tenemental housing stock was targeted by private landlords to supply the need. There are nearly 60,000 students now living in Edinburgh, the vast majority of whom are located within the general housing stock. We are at a loss to consider how building even more purpose-built student housing is going to lure students out of traditional tenements in the private rented sector where they prefer to be when they cannot be forced to go.

What is urgently needed is replacement general housing to make up for the numbers who have already been displaced and those who are continuing to arrive in substantial numbers in the city.

SEPA

We have no objection to this planning application. Please note the advice provided below.

Advice for the planning authority

1. *Drainage*

Foul Drainage

1.1 *The applicant is proposing to discharge foul drainage arising from the development to the combined sewerage system, vested by Scottish Water (SW).*

1.2 *It will be for SW to ensure that sufficient capacity exists in the public sewerage network to accommodate the proposal. Should SW determine that capacity exists, they must ensure that the proposal does not have a detrimental effect on the water quality of the river.*

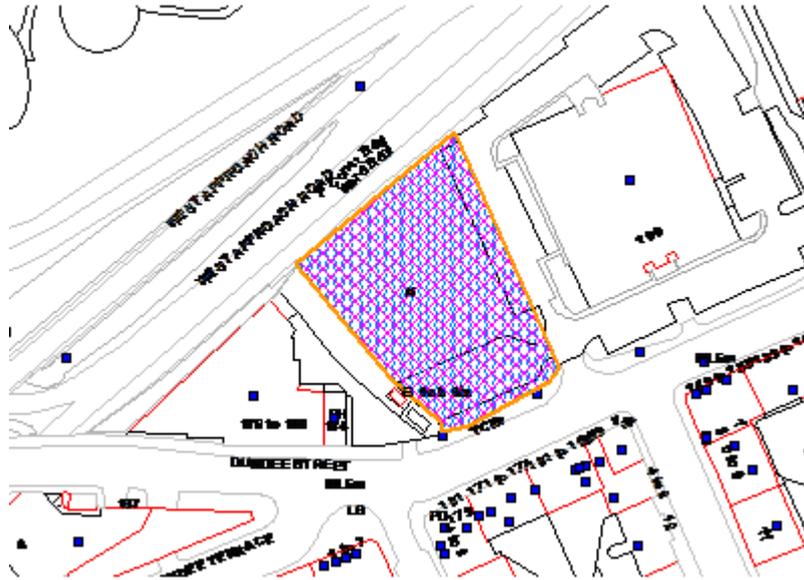
Surface Water

1.3 *The applicant has outlined within the application that surface water arising from the development will be discharged into the combined system.*

1.4 *It should be noted that SW only accepts surface water into a combined system in exceptional circumstances. Removing surface water from the combined sewer is beneficial as it, increases capacity in infrastructure for future development and reduces the risk of pollution events.*

1.5 *We have not considered the water quantity aspect of this scheme. Comments from Scottish Water, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on any water quantity issues including the acceptability of post-development runoff rates for flood control.*

Location Plan



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