

Development Management Sub-Committee Report

Wednesday 21 June 2023

**Application for Planning Permission
35 Jock's Lodge, Edinburgh, EH8 7AA.**

Proposal: Student accommodation development including ground floor retail /commercial space (use Classes 1, 2, 3 or 4) with associated access, landscaping, open space, and drainage.

**Item – Committee Hearing
Application Number – 23/00008/FUL
Ward – B14 - Craigentinny/Duddingston**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as 1325 objections, six neutral comments and 565 support comments to the proposals have been made. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal will make a positive contribution to the City's accommodation provision for those undertaking further and higher education and is acceptable in this location. The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20 minute neighbourhood principles to be delivered. The proposal is compatible with these principles.

The impact of development on the setting of nearby listed buildings and the wider townscape has been considered and is acceptable in this regard. The proposal will reflect the heritage value of the local area through a public art strategy and will improve the quality of public realm.

The proposed commercial use at ground floor area will provide an activated street frontage and the accommodation will increase the opportunity for natural surveillance of the surrounding streets.

The proposal is not considered to have a significantly adverse impact on surrounding residents and will provide an acceptable amount of indoor and outdoor amenity space for future residents.

Landscape proposals include blue-green roofs and a mix of planting that will provide an improved level of habitat creation on the site and create a positive setting for the building.

Subject to recommended conditions, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory guidance for student housing and the Edinburgh Design Guidance. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The site measures 1,670 sqm and is located on the corner of London Road (Jock's Lodge) and Restalrig Road South (also known as Smokey Brae). The site is located at the junction of these roads and Willowbrae Road, which extends south eastwards from the site.

The site is currently occupied by a mix of built form, an access lane and an area of hardstanding. Existing buildings on the site are between one and two and a half storeys in height and are noted as follows;

15-23 Jock's Lodge - two and a half storey terraced property with commercial unit at ground floor level. (Chennai's Marina takeaway/ Limelite public house)
25 Jock's Lodge - single storey commercial unit accessed via lane
27 Jock's Lodge - single storey commercial unit (Sofa and Chair Repairs)
Storage building to rear of 27 Jock's Lodge
35 Jock's Lodge - single storey commercial unit, (The Willow Grill)
2 no. storage buildings to rear of 27 - 35 Jock's Lodge - single storey buildings

An access lane runs into the centre of the site from Jock's Lodge, providing vehicular and pedestrian access to a rear service/ parking area which is located behind the buildings, just beyond the site boundary.

The south and east boundaries of the site are defined by London Road and Smokey Brae respectively. There is an existing building currently in use as a sports bar which wraps around most of the north and west of the site, forming these boundaries.

The site sits in an elevated position above the land to the north and east of the site at the location of the former railway goods yard which is now occupied by St Margaret's House and Meadowbank House. As a result, Smokey Brae slopes down at the eastern site boundary from the intersection with London Road, with the site positioned in an elevated position above Smokey Brae. The level difference between the site and the land to the north is a drop of approximately seven metres.

Surrounding context

The site is located within the Jock's Lodge local centre, as identified in the Edinburgh Local Development Plan. The surrounding area has a dense urban pattern and a mixed use character.

To the south of the site sits a row of traditional four and five storey Victorian tenements facing onto London Road (Wolesley Terrace). This block has a mix of residential and retail/ commercial uses at ground floor level with residential flats located above.

To the east of the site is an area of mid-century tenement housing at Smokey Brae/ Piershill. These tenements are three and four storeys in height and are Category C listed as detailed below.

To the immediate west of the site there is a row of one and two storey buildings with some ground floor retail/commercial units and residential properties above.

Beyond this to the west, an eight-storey office development (Meadowbank House) is located at 153 London Road. A further nine-storey office building (St Margaret's House) is located adjacent to this at 151 London Road. The latter site has planning permission for the demolition of St Margaret's house and replacement with a mixed use development comprising three nine-storey blocks. These will accommodate 107 residential apartments (including 25% affordable housing) and student accommodation (377 bed spaces) with associated open space, landscaping and parking provision.

Willowbrae Parish Church is located diagonally opposite the site on the corner of London Road and Willowbrae Road. This building is category B listed as detailed below.

The area is located close to a wider area of significant redevelopment at the former Meadowbank Stadium which has planning permission for an extensive mixed use development. The most easterly part of the Meadowbank redevelopment area is approximately 100m to the north-west of the site, and the Sports Centre is located around five minutes' walk from the site.

London Road is a key arterial route for public transport connections running east to west across the city. There are bus stops located directly adjacent to the site which offer frequent bus services directly to the city centre and beyond.

There are a number of listed buildings within close proximity of the site. These are noted as follows;

- Willowbrae Parish Church and Hall - Category B listed (reference LB27166, listed 10.04.86)
- Nos 2-12 (even numbers) Restalrig Road South (Smokey Brae) 1-21 (odd numbers) Portobello Road, 1-16 (inclusive numbers) Piershill Square West and 1-14(inclusive numbers) Piershill Square West - group Category C listed (reference LB49047, listed 19.12.02).

Description of the Proposal

Scheme 2

Planning permission is sought for the demolition of existing buildings on site and erection of student accommodation including ground floor commercial space, communal amenity space, outdoor amenity space, associated landscaping, car parking (two spaces), access to the site and ancillary facilities.

Accommodation

The student accommodation provides 191 rooms in total. The accommodation comprises nine cluster flats, each containing five, six or seven bedrooms with shared kitchen/ lounge facilities (providing 53 bed spaces), 129 studio rooms and nine accessible studio rooms. Cluster bedrooms are approximately 13.4 sqm, with additional communal space, studio rooms are approximately 18.4 sqm to 24 sqm and accessible studio rooms are approximately 22.7 sqm.

Internal amenity space is provided including an informal study/ lounge area, gym and laundry room at ground level, and common rooms on levels four, five and six of the building. Ancillary space is provided at ground floor level providing a reception area, office and bin storage area, and at lower ground floor level providing a plant room and cycle parking.

A commercial unit (planning permission is sought for use classes 1, 2, 3 and 4) measuring 263 sqm will be provided at ground floor level which will be positioned at the western end of the London Road elevation.

Building design

The proposed building is broadly V-shaped in form, branching out from the junction corner to form two new frontages along London Road and Smokey Brae. The London Road elevation will extend to seven storeys in height, dropping down to six storeys at the western end of the elevation to accommodate a roof terrace. The Smokey Brae elevation steps down immediately to six storeys at the corner, with a further step down in height to five storeys above ground at the northern gable elevation, and a lower ground level which will be accommodated via the change in site level. A second roof terrace will be incorporated at fifth floor level on the Smokey Brae elevation.

At ground floor level the building layout has been informed by the retention of the access pend into the rear of the site which will be used as an area of outdoor amenity space for use by residents. The commercial unit will be situated to the west of the pend and is accessed via a separate entrance onto London Road.

The ground floor layout includes the main entrance and ancillary space, a student lounge, a gym, a laundry room and student accommodation. The building layout has been designed to allow the commercial unit, student lounge and main entrance to form an activated street frontage onto London Road.

The main entrance to the development will address the corner of London Road and Smokey Brae and will incorporate a ramped and stepped entrance. A dedicated access to the cycle parking area at lower ground level is provided onto Smokey Brae. Lifts are provided within the building providing accessibility for all.

Proposed materials include a mix of buff/ pale variegated facing brick, concrete cladding and banding, aluminium cladding and curtain walling. Windows and doors will be aluminium. Metal balustrades and fencing are also proposed. The specification of materials has not been agreed at this stage and would be approved via condition.

The proposal includes a mix of blue/ green sedum roof treatments which will provide SUDS for the development. A blue roof is proposed on the commercial unit which will provide attenuation draining to permeable paving below. The main building will utilise a green roof for treatment and discharge via downpipes for treatment/ attenuation.

Landscape design

Usable external amenity space is provided in a rear courtyard area (161 sqm) and in the form of two roof terraces at fifth and sixth floor level (38 sqm and 36 sqm) respectively. Direct access to the external courtyard will be provided via the ground floor of the building and via the access pend onto London Road. An area of private open space (36 sqm) for use by the commercial unit operator will also be provided.

The courtyard area will have a mixture of hard and soft landscaping treatment. The courtyard will incorporate two levels, connected by seating steps and benches. It is proposed that seven trees will be planted within the courtyard area. The lower courtyard area will be accessible via a ramp access.

The roof terraces will comprise a mix of hard and soft landscaping treatment. Solid balustrading will be provided which will give a level of protection from the elements. Shrub and wildflower planting is proposed for the roof terraces which will complement species provided elsewhere on site.

A new area of public realm will be provided at the main entrance to the building. This will incorporate raised planters, integrated seating and a location for public art alongside a stepped and ramped access into the building.

The building is positioned directly onto the pavement edge along the London Road frontage, and will be set in by around 0.5m from the pavement along the Smokey Brae frontage. A strip of hard landscaping treatment will be provided along the building edge and at the entrance into the cycle storage area which will provide some additional space for pedestrian movement along Smokey Brae. An area of soft planting will also be provided around the entrance to the cycle storage area/ fire exit onto Smokey Brae.

Access and parking

The principal pedestrian access to the building is provided on the corner of London Road and Smokey Brae as noted above.

Pedestrian and vehicular access is provided into the site from London Road, via the existing access road which will be incorporated as a pend access, to the internal courtyard area and the separate parking area which is located outwith the site boundary to the north. A further resident's access into the building will be provided on Smokey Brae. This will provide direct access to the cycle parking area at lower ground floor level, taking account for the change in level of Smokey Brae which slopes down from south to north.

The cycle parking provision will comprise 192 spaces which will be arranged as follows;

- 29 standard Sheffield stands which provides 58 single tier spaces.
- 19 custom Sheffield stands for non-standard bikes which provides 38 single tier spaces
- 48 two-tier storage spaces which provides 96 spaces in a two-tier format.

Five Sheffield stands will also be provided in the rear courtyard area for visitor cycle parking. Electric cycle charging infrastructure will be provided inside the internal cycle storage area.

The applicant has also expressed a commitment to provide ten fold up bikes which will be available free of charge for student rental.

Two car parking spaces are provided in the rear courtyard area of the site, accessed via the pend. These parking spaces will be limited for use for staff/ delivery and loading/unloading. One of the spaces will be fully accessible and will incorporate an EV charging point.

Sustainability

Sustainable energy generation is proposed at the development through the use of air source heat pumps for domestic hot water. Communal areas will have heat pumps for local heating and cooling. The building will be thermally modelled to show compliance and betterment of current Scottish Technical Building Standards section 6 in relation to achieving carbon reduction. A BREEAM pre-assessment has been undertaken for the proposed development which concludes that the proposed development should achieve an "excellent" rating once completed.

Scheme 1

During the assessment process the applicant has amended the proposed development scheme in response to feedback from officers and comments raised during the public consultation process.

The following changes were made to the revised scheme;

External changes to the building;

- A minor amendment has been made to the red line boundary along the site's northern edge, reducing the overall site area to 1,670 sq m.
- An increase in the building footprint, extending the north wing of the building to the north by an additional distance of 4m to the north.

- A reduction in height of the building by one storey along the Smokey Brae elevation and terrace height lowered by an additional storey height to increase the step down at roof level on the north wing of the building
- introduction of feature patterned brickwork to soften the massing at the corner junction.

Changes to the landscape/ public realm

- Amendments to the access/ landscape arrangements to the main entrance to increase the space available for public realm and provide seating and soft landscaping in the area
- Amendments to the configuration of the internal courtyard area

Internal changes to the building

- Internal changes to the layout of all upper floors to accommodate the amendments to the floorplan.
- Increase in the size of the cycle storage area at lower ground floor level to accommodate a varied mix of cycle storage options.
- Removal of the lower ground floor games room and relocation and reduction in the size of the amenity gym area to accommodate increased cycle parking provision to meet EDG cycle parking requirements.

Supporting Information

- Pre application consultation (PAC) report;
- Design and Access Statement;
- Design and Statement Addendum
- Planning Statement;
- Planning Statement Addendum (NPF4 Update)
- Daylight and Sunlight Amenity Report
- Verified Assessment Views Report
- Transport Statement
- Drainage Strategy Report
- Study of Need
- Student Management Plan
- Noise Impact Assessment
- Mechanical Services Strategy Report
- Local Business Survey
- Higher Education Economic Report
- Heritage Statement
- Geo-environmental Investigation Report
- Ecological Appraisal
- Bat Survey
- Air Quality Impact Assessment
- S1 Sustainability form
- Sunlight Assessment addendum

Relevant Site History

20/05625/PAN

Corner Of London Road and Restalrig Road South

Jocks Lodge

Edinburgh

EH8 7AA

Proposed student accommodation including ground floor commercial space (class 1 shops, class 2 financial/professional & other service, class 3 food & drink, class 4 business) with associated facilities.

Pre-application Consultation approved.

6 January 2021

16/03424/FUL

35 Jock's Lodge

Edinburgh

EH8 7AA

Alter and refurbish interior of existing public house, alter front door to window, alter side window to door, fit covered decking inside garden area.

Granted

6 September 2016

00/02733/FUL

35 Jock's Lodge

Edinburgh

EH8 7AA

Erect new boundary wall and install 2 new windows on ground floor

Granted

4 October 2000

Other Relevant Site History

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Willowbrae and Northfield Community Council

Archaeology

Environmental Protection

Roads Authority

Flood prevention

Scottish Water

Flood Prevention

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

Publicity and Public Engagement

Date of Neighbour Notification: 17 April 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 28 April 2023/20 January 2023

Site Notices Date(s): Not Applicable

Number of Contributors: 1748

Section B - Assessment

Determining Issues

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

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

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals harm the setting of any listed buildings?

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states;

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

Historic Environment Scotland's document 'Managing Change in the Historic Environment - Setting' states;

'Setting' is the way the surroundings of a historic asset or place contribute to how it is understood, appreciated and experienced.

The document states that where development is proposed it is important to:

- Identify the historic assets that might be affected.
- Define the setting of each historic asset; and
- Assess the impact of any new development on this.

The listed buildings affected to any significant extent by this development in terms of setting comprise Willowbrae Parish Church and Hall (Category B listed) and the group listed Nos 2-12 (even numbers) Restalrig Road South (Smokey Brae) 1-21 (odd numbers) Portobello Road, 1-16 (inclusive numbers) Piershill Square West and 1-14 (inclusive numbers) Piershill Square East (group Category C listed).

Willowbrae Parish Church and Hall is a cruciform Scots Gothic church, built from red Corsehill sandstone with a spired square-plan tower. The building's listing description notes that it occupies a prominent corner site on roads from Edinburgh to Portobello and the South.

The group listing of properties at Smokey Brae/Portobello Road and Piershill Square West/ East is an example of a local authority housing scheme designed by Ebenezer James MacRae. The development occupies a prominent position on Portobello Road and comprises three and four storey tenement blocks, and is considered to be a distinctive council housing development in Edinburgh.

Both the Willowbrae Parish Church building and the Piershill housing development are set back from the corner of the London Road/ Smokey Brae/ Willowbrae Road junction, and are positioned within a context of high density development in the form of the Victorian tenement block which occupies the north west corners of the junction.

The buildings currently situated on the proposed development site are of a significantly smaller scale than the built form on the other three corners of the London Road/ Willowbrae Road/ Smokey Brae junction, comprising a mix of one and half and two storey buildings. These buildings are set back from the street corner by an area of open space, currently used as outdoor space for the bar/ restaurant on site. The scale and massing of development on the site is therefore somewhat of an anomaly in comparison with the other corners of this junction, as each of the three other corners are defined by a strong built form with substantial massing and an attractive architectural appearance.

The proposed development will bring higher density/ built form to the fourth corner of the junction, which will undoubtedly change the character of this corner. However, the proposed building has been set back from the edge of the corner by a distance of six metres, and the junction itself is of a generous proportion. Both the listed Willowbrae Parish Church and the Piershill housing are also set back from the junction, which provides them with a clear sense of space, which will be partly replicated with the set - back placement of the proposed building on the corner at the west side of the junction.

The applicant has provided verified visualisations of the proposed development which show the proposed scale and massing in the context of the listed buildings. The key viewpoint towards the principal elevation of Willowbrae Parish Church's is from London Road looking south east down Portobello Road. The proposed development will be positioned on the north side of London Road. It is clear that the viewpoint looking towards Willowbrae Parish Church will change, however it is considered that the development will frame the views of the church as a set piece of architecture on this approach along with the existing tenements on London Road at Wolesley Terrace, and will not have a negative impact on the setting of the church in this regard.

With regards to the Piershill housing development, it is noted that these are set back from the Smokey Brae edge of the site by a distance of 27m. This distance currently accommodates Smokey Brae, a retaining wall and a further raised access road which serves the properties.

A visualisation has been provided from Smokey Brae looking south towards the site, which illustrates that the building line of the proposed development will not have an overbearing impact on the character of the street. Combining this with the relative distance between the site and the Piershill housing development, it is considered that the setting of the listed properties is not adversely impacted.

It is also noted that the design of the proposed building seeks to reflect some of the characteristics of the Piershill housing development. The chamfered frontage of the proposed building onto the junction echoes the frontage orientation shown on the corner of the Piershill housing development opposite. The proposal also has a regular window pattern and strong horizontal emphasis which reflects the characteristics of the listed tenements.

It is concluded therefore that the scale, proportion, positioning, form and design of the proposals would not detract from the setting of the listed building located close to the site.

Conclusion in relation to the setting of listed buildings

The proposals preserve the setting of the adjacent listed buildings in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

b) The proposals comply with the development plan?

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

The relevant NPF 4 and LDP policies to be considered are:

- Sustainable Places policies 1, 2, 3, 4, 7, 9, 12, 13
- NPF4 Liveable Places Policies 14, 15, 16, 18, 19, 20, 22, 23
- NPF4 Productive Places policies 26, 27
- LDP Delivering the Strategy Policy Del 1.
- LDP Design Principles for New Development policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, Des 8
- LDP Caring for the Environment policies Env 12, Env 16, Env 20, Env 21, Env 22
- LDP Housing and Community Facilities policies Hou 1, Hou 8
- LDP Transport policies Tra 2, Tra 3, Tra 4

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of several LPD housing, design, shopping and leisure and transport policies.

The Council's Non-Statutory Student Housing Guidance is a material consideration and expands on the interpretation and requirements of LDP policy Hou 8.

Acceptability of the development in principle

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

NPF4 Policy 16 part (c) supports development proposals for a range of housing types and provision that improves affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision. This includes the provision of purpose built homes for people undertaking further and higher education.

NPF4 Policy 14 aims to ensure that development proposals will be designed to improve the quality of an area regardless of scale. The site is within an urban area and is located within the Jock's Lodge local centre. There are a mix of commercial and residential uses on the site at present and in the surrounding area.

The proposal would contribute to local placemaking by increasing the density of development on the site, and providing a mix of uses which are compatible with the local centre character.

NPF4 Policy 9 aims to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. Given the need to conserve embodied energy, demolition is considered to be the least preferred option. Outcomes should maximise use of existing assets, minimise land take, contribute to nature recovery and productive green space, and regenerate to improve well-being and transform places.

The applicant notes that the existing buildings on site are not currently in good physical condition and are not considered to provide a viable long term opportunity to accommodate businesses by their respective landowners. If the buildings were to be retained for conversion to the proposed use, these would require a comprehensive refurbishment to reach modern occupation specification requirements, which would involve a considerable cost. This could not be justified without a significant increase in the rental values, which would render the ongoing reuse of commercial units unviable in this location.

In terms of embodied carbon, the proposed new build option is more efficient than the existing buildings. The applicant has submitted a sustainability form in support of the application. This sets out the sustainable measures proposed as part of the development. These measures are referred to in further detail later in the report, but in summary, the proposals are found to meet the required sustainability standards, and exceed the requirements in several areas.

The proposed development is therefore appropriate in terms of sustainability. It contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of a brownfield site for sustainable, energy efficient housing within an existing community. This will contribute to climate change mitigation in the short and long term.

On balance, redevelopment of the site complies with the overall policy objective to direct new development away from greenfield sites and support re-use of sites within the urban area, including brownfield, vacant and derelict land and empty buildings. The proposal complies with the intentions of NPF policy 9 in this regard.

Principle of student accommodation

LDP Policy Hou 1 part (d) prioritises the delivery of housing land supply within the urban area, providing proposals are compatible with other policies. The application site is not identified as a housing site in the LDP, and there is no obligation for housing to be considered as a use on windfall sites over other potential land uses. The principle of student accommodation as a land use on the site is therefore considered to be appropriate in the context of policy Hou 1, provided that other relevant policy criteria in the LDP can be met.

LDP Policy Hou 8 provides support for purpose built student accommodation development providing the following two criteria can be met. Part (a) of the policy requires that proposals must be in a location that is appropriate in terms of access to university and college facilities by sustainable transport measures, namely walking, cycling or public transport. Part (b) states that the development must 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 of student housing

In relation to policy Hou 8 part (a), the proposed site is around a 30 minute walk from the nearest university campus (Edinburgh University's Holyrood campus). Other university campuses at Napier University and the University of Edinburgh can also be accessed via local walking routes.

Cycle infrastructure in proximity to the site includes a combination of in-carriageway and segregated cycle lanes. The majority of university campuses are within a ten to 40 minute cycle from the site.

London Road and Willowbrae Road are key public transport corridors in the east of the city and have a number of high frequency bus services in operation. Lothian Buses routes 4,5, 26, 44, X26, X44 all operate from bus stops within 200m of the site and provide a frequent service with multiple buses per hour. Additional services are provided by East Coast Buses and Borders Buses on this route. The bus services on London Road provide regular connections to the main university campuses across the city.

Although the site is not within or immediately adjacent to a main campus the site is considered to be within a reasonably accessible location to access universities when collectively considering sustainable transport modes including walking, cycling and public transport options. It is considered to comply with Policy Hou 8 criterion a) in this regard.

Concentration of student population

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

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

In relation to recent appeal decisions, notably the Tynecastle High School appeal, Scottish Ministers have accepted as appropriate the methodology used by the Council to calculate concentration levels and establish locality when considering proposals for student accommodation.

It is noted that there has been growth in student housing provision in proximity of the application site in recent years. These include the following developments;

- 61-63 London Road - 198 student beds (now operational)
- 65 London Road - 65 student beds (consented, not yet built)
- 151 London Road - 377 student beds (consented, not yet built)

Using the 800m radius approach referred to above, the student population of the local area was 808 students in 2011, which equates to 7% of the total area population (12009).

The current adjusted student population projection (including recent completions, and existing consents) is 1459 students, which equates to 11% of the total population of the local area. The addition of this proposal being considered in this planning application would result in a further 191 students, totalling 1650 students in the local area. This equates to 12% of the total population of the local area.

The increase in student population in the local area as a result of this proposed development would therefore be an additional 1% only, beyond that already in situ and consented. This is a marginal increase from the existing position. The total number of students in the local area (12%) will remain substantially below the 50% threshold set out in the Council's Student Housing Guidance. This proportion would not lead to an over-concentrated student population in the area and satisfies part b) of the policy.

To conclude, the proposal complies with parts a) and b) of LDP policy Hou 8 and is acceptable in this regard.

Student Housing Guidance

The Council's non-statutory student housing guidance recognises the value of higher education to the city and sets out the locational and design guidance to be applied for student housing. It provides a set of criteria against which proposals for purpose built student accommodation should be considered as follows;

Part a) accepts student housing in locations within or sharing a boundary with a main university. This clause does not apply to the application site.

Part b) states that outwith criteria a), student housing will generally be supported on sites with less than 0.25ha of developable area. The proposal site has a developable area below this threshold and is therefore supported by this part of the guidance.

Part c) of the guidance requires sites with a developable area of over 0.25 hectares to include 50% of the gross student accommodation floor area as residential housing. This clause does not apply as the developable site area is below this threshold.

Part d) of the guidance states that student accommodation should comprise a mixture of accommodation types. The proposed development comprises a mix of nine cluster apartments with communal living areas (53 bedrooms), studio rooms (129 studios) and accessible studio rooms (nine studios). This mix meets the requirement of the guidance in this regard.

The guidance also notes that development should be designed to positively contribute to place through the provision of alternative ground floor uses where this is characteristic of the street. The proposal includes commercial space at ground floor level which will complement the local centre characteristics of Jock's Lodge and complies with this guidance.

The proposal complies with the Council's guidance for student housing.

Principle of commercial space

LDP Policy Ret 5 (Local Centres) supports proposals for retail development that can be satisfactorily integrated into the city, is compatible with the character and function of the area, is accessible, and would have a positive impact on the shopping environmental and appearance of the centre, whilst not detracting from the city centre retail core. Proposals for non-retail development in a local centre which would have a detrimental impact on the function of the local centre would not be permitted.

The proposed development includes provision for 263 sqm (use class 1,2,3 or 4) commercial space on the London Road frontage, which will replace three existing commercial units which are currently present on the site. The proposed commercial unit will occupy a significant section of the street frontage and will contribute to the vitality of the street frontage and the local centre function. The partial loss of commercial frontage along Jock's Lodge will be replaced by the student housing common room, which will provide an active frontage to the street. The student housing proposal is appropriate in terms of the local centre context and complies with the provisions of policy Ret 5.

Principle conclusion

The proposal is acceptable in principle with reference to NPF policies 9, 14 and 16 as well as LDP objectives set out in policies Hou1, Hou 8, Ret 5 and the Council's Student Housing Guidance. Further policy considerations are addressed below in relation to other policy themes.

Historic Assets and Places

NPF4 Policy 7 aims to protect and enhance historic environment assets and places. The application site is located in the setting of a listed buildings, and an assessment of the proposals in relation to these assets is provided in section (a) above. The applicant has also provided a heritage statement which considers the heritage value of the existing buildings on site.

The Jock's Lodge neighbourhood is recognised as a local landmark in Edinburgh's historic landscape. Some of the existing buildings on the site date from the 19th century, but it is noted that none of the buildings on the site are listed.

The city archaeologist has advised that the buildings are of local historic interest, due to the age of some structures on site, and the fact that these buildings formed the core of what is recognised as Jock's Lodge locally. Accordingly, it is their view that the complete demolition of the buildings as proposed would be regarded as having a significant archaeological and historic impact.

The applicant's heritage statement provides a breakdown of the buildings in relation to the extent to which these have been altered over time, and to which the original historic building fabric exists. This indicates that the buildings have been substantially altered over time, with modern additions added to the rear, however the frontage to London Road remains largely in the form of the original building form.

Notwithstanding this, the ongoing heritage value of the buildings on site is associated largely with the historic significance of the area within the city as a whole, rather than in any specific architectural value of the buildings themselves. The applicant has set out a commitment in their Heritage Statement to undertake comprehensive recording of the buildings and their history, and to provide onsite interpretation and public realm improvements that will reflect the site's heritage value. The proposals for the site include an area for a public art feature at the front of the building, which will reflect the historic nature of the site.

The city archaeologist has recommended that should planning permission be granted, a detailed historic building survey should be undertaken prior to and during any demolition and development works. This historic building work will also be combined with a phased programme of archaeological excavation work to fully excavate and record any significant remains which may be impacted upon by demolition and construction.

It is also recommended that the final scheme contains historic interpretation reflecting the dynamic and varied history of the site and a programme of public engagement. Should planning permission be granted, it is recommended that conditions are attached to the consent to this effect. On balance, it is considered that the proposed development is acceptable in this regard and complies with NPF Policy 7.

Design considerations

Context

NPF4 Policy 14 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.

The site is located on the junction of Jock's Lodge (London Road) and Smokey Brae. Willowbrae Road extends southeast from the junction, diagonally opposite the site. There is currently a mix of building forms, character and density in the surrounding area, which creates a mixed urban environment, with varying architectural styles present.

The site has a somewhat isolated position amongst the denser built form that exists in the surrounding area and has seen little change to its urban grain and density since the 19th century. Development on the site is therefore of a smaller, and lower scale than its immediate context.

This is in part due to the existing site conditions, as the site is located in an elevated position above the Meadowbank House and St Margaret's House sites, which were built on lower ground previously in use as St Margaret's railway yard until around the 1960s.

The area surrounding the site, particularly to the west around Meadowbank House and St Margaret's House has seen changes in the urban form since the 19th century. The local area is currently subject to further change with the ongoing redevelopment of the Meadowbank stadium to the north and west of the site, and of St Margaret's House at 151 London Road, around 100m to the west of the site. The variation between the low density and character of the site within its existing built context will be further emphasised in the near future with the redevelopment of these nearby sites. This ongoing densification of development in the local area illustrates that the character of the local area is changing, and that there is an emerging pattern of further dense development which forms a strong street frontage onto London Road.

This form of development pattern is considered to be appropriate for an arterial route into the city such as London Road. In this context, the proposals for an intensification of development on the site is appropriate. The proposed V-shape of the building form helps to define the street corner and the increased scale and massing of the building reflects a similar scale to that which already exists or is planned for development in the near future.

Height and massing

LDP Policy Des 4 (Development Design - Impact on Setting) requires development to demonstrate that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views.

The scale and massing of the scheme have been carefully considered through the planning process. At present, the scale and massing of the site is considerably lower in comparison to the surrounding area, which has a predominance of three to five storey traditional tenemental form along the southern edge of London Road and Smokey Brae, as well as the significant massing of the existing St Margaret's House and Meadowbank House to the west of the site which sit at nine storeys and eight storeys in height respectively. The proposed developments at Meadowbank and St Margaret's House will bring a further change to the overall sense of height and massing in the local area, and this has been considered in the context of the proposed building massing and height of the scheme.

Alongside analysis provided in the design and access statement, a series of key local viewpoints have been assessed and site visualisations prepared to assess the impact of the proposed development on local views.

The proposed development will be seven storeys in height from the corner junction along the majority of the London Road elevation, dropping down to six storeys at the western side of the building to accommodate the roof terrace. This elevation will be a maximum height of 55m AOD, dropping to 52.7m at the terraced area. The tenements opposite the site are 53.2m AOD. This elevation will therefore sit slightly higher than the existing tenements opposite in part, but will be broadly comparable to the existing building heights on the southern edge of London Road in terms of visual impact and setting within the wider townscape.

Along the Smokey Brae elevation, the building will be six storeys in height, stepping down to four storeys at the northern end of the building to accommodate the proposed roof terrace. This elevation will be a maximum 52.2m AOD in height, stepping down to 47m AOD at the roof terrace. It is noted that the category C listed tenements on the east side of Smokey Brae opposite the site reach a maximum height of 46.3m AOD. The building will therefore sit higher than the tenement properties directly opposite them on this elevation.

It is noted that the applicant has reduced the height of this elevation of the building by one storey along the entirety of the elevation, and by two storeys at the northern end of the building where the terrace will be located, compared to the Scheme 1 proposal that was originally submitted for assessment. In terms of the street context, it is noted that the existing tenements on the east side of Smokey Brae are relatively well set back at a distance of 27.3m from the site boundary. Whilst it is recognised that Smokey Brae has a more intimate sense of scale due to the drop in level, the actual distance between the proposed building and the opposite properties is relatively substantial. It is therefore considered that the proposed building height is acceptable along this elevation, and does not adversely impact on the setting of the listed properties, given the overall scale of development in the wider area.

With regards to massing, both the west and north legs of the building are designed with steps down in the roofline towards the gable ends of the building. This minimises the bulk of the building frontages and assists in integrating the new building into the surrounding built form.

The elevational treatment of the building provides horizontal articulation via the inclusion of banding across the elevations, which breaks up the principal frontages and provides definition to the building. The corner elevation has been amended as part of the changes introduced in Scheme 2 to include additional brick detailing at storey one and above, which adds visual interest to the frontage and defines the juncture between the east and north parts of the building.

On balance, it is recognised the proposals will introduce a building that has a height and massing that is greater than is currently present on the site. However, when considered in the context of the site within a dense urban area, and on a main thoroughfare into the city, it is considered that the proposal offers an acceptable scale and massing of development that can be accommodated on the site.

Density

With regards to proposed density of the development, the development proposal is for 191 student bedrooms on the site, which extends to 1,670 sq m. This equates to a density of 1,143 students per ha. There are a number of recently consented student housing developments in the local area, which have a range of student densities between 470 students per ha (65 London Road) and 1,100 students per ha (151 London Road). Across the city, there are examples of other student housing schemes with a comparable student density to that proposed in this application.

On balance, the proposed density of student housing provision on the site is noted to be high, but is not considered to be excessive given the site's location and context in a densely developed urban area when considered alongside other policy objectives in the development plan. It is noted that the local area also benefits from a good range of local amenities, which would be supported by an increase in student population numbers in the local area.

Landscape and Public realm

Policy Des 8 Public Realm and Landscape Design applies to all developments proposing new public space as part of the overall scheme. It seeks to ensure that features, including streets, footpaths, civic spaces, green spaces, boundary treatments and public art have been designed as an integral part of the scheme as a whole.

The landscaping scheme for the site include proposals for a rear courtyard area and two roof terraces for use by future residents, and an area of public realm on the corner elevation of the building around the main entrance.

The rear courtyard area will extend to an area of 161 sqm of usable open space. A further 74 sqm of open space will be provided in roof terraces. There is no requirement within the Student Housing Guidance to provide a specific amount of open space for student accommodation. However, the importance of good quality open space provision for these residents is recognised.

The rear courtyard will be a semi-private space, accessed via a new pend which will be formed at the existing road access point which leads into the rear of the site from London Road. The retained roadway which will run into the site through the pend will require to be used as access by other landowners, and therefore does not allow for private access, however the proposed layout seeks to define public and semi-private spaces through the landscape strategy.

The courtyard area will be formed at two levels, with a sunken area sitting at a slightly lower level than the access road, with seating steps and benches built into a stepped arrangement between the two levels. An access ramp will also be provided to allow access for all into the courtyard space. Two car parking spaces (including one accessible space) will be provided on the higher level adjacent to the access road.

The courtyard will comprise a mix of hard and soft landscaping areas. Seven new trees will be planted in the courtyard area which will be situated in planting beds rather than hard landscaping. Additional information is required from the applicant in relation to tree planting/ soil volume arrangements and a condition is added to this effect to ensure this matter is addressed fully.

Roof terraces will be accessible to residents. These will incorporate a range of biodiverse planting and will benefit from a level of solid balustrading which will give occupiers some level of protection. Seating will be provided to increase their amenity value for residents.

The proposals seek to improve the public realm around the corner junction of London Road/ Smokey Brae/ Willowbrae Road, and have been refined through the application assessment process in order to provide a landscape response which will provide a usable, accessible and safe pedestrian environment.

It is noted that there is an ongoing Council led project exploring improvements to the pedestrian and vehicle environment on Smokey Brae. The draft proposals include widening the pedestrian carriageway on the west side of Smokey Brae which aligns with the proposals set out in this application.

The proposed building will form a chamfered edge facing onto the street corner. The building frontage and main entrance to the residence will be positioned around 6m back from the edge of the pavement. This additional space will be filled partly with a landscaped area including planting and an arrangement of steps and ramped access to the main entrance, and an area of landscaped public realm which will provide additional space around the pedestrian crossing and provide an improved environment for pedestrians. An additional depth of approximately three metres depth of pavement space will be provided at the corner of the junction, which will increase the space available to pedestrians, and improve safety and ease of movement in this area.

A public art feature will also be provided at the main entrance to the building which will be designed to reflect the heritage of the Jock's Lodge site.

It is considered that the proposed design of the courtyard space, roof terraces and public realm comply with the provisions of NPF4 policy 7 and LDP policy Des 8 and are acceptable.

Materials and detailing

Materials and boundary treatments for the proposal show a clear design concept for the building. The development proposes a neutral palette of materials, with the predominant materials being a mix of buff/ pale variegated facing brick, concrete cladding panelling concrete horizontal banding details. Windows and doors will be an alu-clad composite window system. The specification of materials is not set out at this stage and would be agreed via condition.

The surrounding area has a mix of materials present including blonde and red sandstone in the nearby Victorian era buildings, rubble/ ashlar construction in the inter-war housing development at Piershill Place and buildings rendered in a mix of neutral-toned colours (light and dark) currently on the site at present. The existing developments at Meadowbank House and St Margaret's House are predominantly brick in character, and the approved new development blocks at St Margaret's House will comprise a mix of pale variegated brick finishes.

The fenestration patterns along the London Road and Smokey Brae elevations follow a strong regular pattern which reflects the traditional frontages of the adjacent tenement properties. The ground floor elevations of the building will have a good extent of glazing throughout which helps to define this space from upper floors and provide opportunities to activate the street frontage and allow for natural surveillance of the streets.

The proposed area of public art detailing on the front elevation will provide interest to this elevation at ground floor level and will help to define the main entrance of the building. The addition of brick detailing on the upper floors of the front elevation facing onto the junction helps to break up the massing and defines the break between the massing of the front entrance elevation and the north wing of the building.

The proposed mix of materials is considered to be appropriate to the mixed character of the local area, subject to agreement of specification by way of a condition attached to the planning consent.

The proposal introduces a considered and distinctive proposal that accords with NPF 4 policy 14 and LDP policies Des 1 (Design Quality and Context), Des 3 (Incorporating and Enhancing Existing and Potential Features), Des 4 (Development Design - Impact on Setting), Des 7 (Layout Design), Des 8 (Public Realm and Landscape Design), and Des 11.

Climate change, biodiversity, and sustainability

Policies 1, 2 and 3 of NPF 4 refer to climate change, mitigation, adaptation and biodiversity matters. Linked to these policies is NPF 4 Policy 20, which concerns blue and green infrastructure. LDP policies, noted below within the assessment text, also address these policy themes.

Drainage

Policy Env 21 of the LDP seeks to ensure that development does not result in an increased flood risk for sites or surrounding areas. The applicant has provided information noting that the site is currently 82% hardstanding including roofs and hard surfaced areas. A SUDs scheme is proposed for the site which will use a green and blue roof system to provide attenuation and drainage via downpipes to permeable paving below.

The proposed surface water discharge rates will give a 92% betterment to the site from the existing situation. Attenuation will be provided to account for a worst case storm of 1 in 200 years plus 39% climate change allowance.

The operation and maintenance of the SUDs features will be the responsibility of the operator and recommended maintenance schedules are provided which will require to be complied with.

The proposed development complies with the Council's policy and guidance in relation to sustainable surface water management and is acceptable in this regard.

Biodiversity

LDP policy Env 16 (Species Protection) seeks to prevent development from being carried out where it would have an adverse impact on protected species. A supporting ecology and bat survey (including an updated bat survey dated May 2023) has been submitted and confirms no protected species are present at the application site. There is potential for nesting birds to be present on the site therefore development activity requiring the removal of any existing habitat should avoid the nesting birds season to ensure that these are suitably protected. An informative should be added to the planning permission to this effect.

The habitat study notes that there is no semi-natural habitat present on the site and the only existing vegetated area is a small area of garden planting in the SE of the site. The proposed landscape and drainage strategy will provide opportunities for new habitat creation with potential to accommodate a range of species.

The applicant proposes to provide a new internal courtyard area and two roof terraces which will contain a mix of hard and soft landscape. The soft landscaping strategy includes a mix of shrub and wildflower planting across the site which will attract pollinator species. The proposal also includes provision for both green and blue roof treatment which will include sedum planting, providing further habitat opportunities.

There are no trees located within the site at present and the closest trees are beyond 12m from the site boundary therefore a tree survey is not required. The proposed development will provide seven new trees on the site, which will be located in the rear courtyard area.

It is recommended that the development incorporate swift bricks into the scheme. An informative is provided to this effect.

The development complies with the requirements of the development plan in this regard.

Energy and sustainability

NPF 4 policy 19 in criterion f) supports development proposals that will be occupied by people where they are designed to promote sustainable temperature management by use of passive solutions and materials. Policy 11 a) iv of NPF 4 also supports development proposal for all forms of renewable technologies at a small scale.

The proposal meets the essential criteria of the council's S1 sustainability form. A BREEAM pre-assessment has also been undertaken for the site which indicates that the site should achieve an 'excellent' BREEAM score on completion. The proposal includes the provision of air source heat pumps, a SUDs strategy including green/ blue roofs and other features such as non-PVC window fittings, measures to reduce water use and the use of sustainable construction materials.

Zero waste

NPF 4 policy 12 aims for the reduction and reuse of materials in construction, with a view to supporting the circular economy. The proposal will include waste management facilities with refuse stores at the rear courtyard to accommodate general and recyclable waste, for which a full range of recyclable waste storage will be provided. The applicant has confirmed that waste collection would be privately managed for the development. The Council's waste officer has noted that a waste agreement is not necessary in this case, on the basis that the developer will maintain responsibility for the collection of waste in the future. An informative is added to the consent which notes this position accordingly.

NPF policy 12 lends further support to development proposals where they re-use buildings and infrastructure, minimise demolition and salvage materials for re-use, minimise waste, use materials with low embodied emissions, and use materials that are suitable for re-use. The supporting sustainability for this proposal notes that despite demolition on site, the construction of new buildings will include at least 10% of materials from recycled sources and all timber will be sourced from sustainable and local sources. The proposal is consistent with the waste hierarchy and complies with NPF policy 12.

The proposal includes a range of design features in respect of climate change, biodiversity and sustainability and complies with the development plan in this regard.

Transport

The Council's Parking Standards allow for a zero-parking approach for student accommodation where justified. With reference to vehicles, the proposal includes two car parking spaces, one of which will be fully accessible and accommodate electric vehicle charging points. No other car parking is proposed. The parking spaces will be limited for use for staff, delivery and loading and unloading, therefore the development is essentially a car free design. This approach complies with the aims of both NPF 4 and the Council's aims to reduce car journeys.

The development will provide 100% cycle parking provision comprising 192 cycle spaces. The location, design and variety of bicycles that can be accommodated comply with the Council's parking standards and cycle parking fact sheet C7. Guidance requires that no more than 80% of cycle parking spaces should be one type. The cycle parking provision has been amended through the assessment of the application, and the proposed layout has been changed from provision including a 100% two-tier storage solution to a mix of two tier stands and Sheffield stands. The revised scheme includes 44 two tier stands providing 88 spaces (46%), and 34 single tier racks providing 68 spaces (35%), and 18 non-standard single tier racks providing 36 spaces (19%). Five Sheffield cycle stands will also be provided in the rear courtyard area. This provides the required quantum and mix of cycle parking for the development.

The applicant will also provide an additional ten folding bikes which will be available for hire to student residents free of charge.

The proposed cycle storage will be secure and easily accessible to students, with access to/from Smokey Brae to allow access to the road and path network in the city.

The Roads Authority has raised no concern in relation to road safety or cycle parking provision. The transport aspects of the proposal comply with the aims of NPF policy 13 which supports development that promotes and facilitates sustainable travel to prioritise walking, wheeling, cycling and public transport for everyday travel. The proposal is aligned with the objectives of the City Mobility Plan which seeks to encourage sustainable transport options due to its proximity to public transport connections and local services and provision of a satisfactory level of cycle parking. The proposal allows for reduced car dependency and is also consistent with NPF 4 Policy 15 which supports developments that contribute to local living.

The proposal complies with LDP policies Tra 2, Tra 3 and Tra 4 and is acceptable.

Amenity

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

Open space

For future residents, the proposal provides usable outdoor amenity space in the form of a rear courtyard area and two roof terraces. The rear courtyard area will provide 225 sq m of open space which equates to 13% of the overall site area. The roof terraces will provide a further area of 74 sq m of open space. These areas will include a mix of hard and soft landscaping treatments that will provide a range of amenity opportunities for residents. An area of private open space (36 sqm) for use by the commercial unit operator will also be provided.

There is no specific requirement for a minimum provision of open space for student developments in the Edinburgh Design Guidance. It is noted that the site is located within 400m (around five minutes' walk) from high quality open space at Holyrood Park, which provides additional outdoor amenity space available to future residents. On balance, the provision of amenity open space within the site is considered to be acceptable given the relatively dense grain of built form in the wider area, and its proximity to surrounding open space assets.

Indoor amenity space

The Edinburgh Student Housing Guidance notes that student accommodation is a primary place of residence and should therefore provide adequate amenity to contribute to healthy and sustainable lifestyles. The proposal includes provision for indoor communal facilities including a lounge/ study room, gym area and laundry area at ground floor level, as well as three communal areas on the upper floors of the building.

The proposal provides an appropriate mix of studio, accessible studio and cluster apartment accommodation which offers a sufficient level of choice to future occupiers. There are no minimum room size standards for student accommodation in the Edinburgh Design Guidance (EDG), however the proposed sizes are in line with other student accommodation developments in the city. The proposed amenity spaces provided within the development are acceptable.

Daylight to existing properties

The applicant has undertaken an assessment on the impact of the development on daylight to existing properties using the vertical sky component (VSC) and average daylight factor (ADF) approaches recommended in the Edinburgh Design Guidance (EDG). A total of 101 neighbouring windows have been assessed. The assessment concludes that 36 of the windows fall short of the VSC targets set out in the EDG.

The EDG recognises that in dense urban environments, it may be necessary to further interrogate daylight levels, by utilising a further ADF assessment. This has been undertaken in this case, and demonstrates that four rooms would fall short of EDG target in this regard. Of these four rooms, three are bedrooms which the EDG recognises as 'less important' in relation to daylight saving. The remaining room affected is a lounge.

Therefore, in summary, only one ground floor main room is affected to an extent which falls below the EDG assessment threshold in relation to loss of daylight. This room would have its daylight reduced by 0.3% df (daylight factor), which would mean the ratio of light level inside the building would be reduced by an additional 0.3% compared to the light level outwith the building. The daylight report notes that this level of daylight reduction is noticeable to a computer programme, but would be unlikely to be perceptible to an occupant of the room.

On balance, it is noted therefore that the proposed development largely complies with the requirements of the EDG in relation to daylight to existing properties.

Daylight to new properties

For future residents, a daylight assessment has been provided using the no-skyline approach (NSL) which includes 204 rooms within the proposed development, comprising 191 student bedrooms/ studios and 13 communal areas. Of the 204 rooms, 200 (98%) would achieve the required standard set out in the EDG, with at least half the overall room areas receiving direct skylight. The remaining four rooms are located in the corner of the inward facing elevations. The assessment has found that these rooms would be capable of receiving between 33% and 46% direct skylight. This represents a minor shortfall in the requirements of the EDG.

As a result, the applicant has also calculated the ADF to these four rooms, which indicates that they will meet the threshold set out in the EDG in this regard. On this basis, it is noted that the level of daylight penetrating the development can reasonably meet the requirements of the EDG and is acceptable.

Sunlight to existing open space

The applicant has provided an overshadowing assessment of the surrounding properties, using an hour by hour assessment approach on the spring equinox (March 21st). The assessment demonstrates that a small number of properties at Restalrig Road South and Portobello Road will be affected in relation to sunlight to front gardens.

Currently, the front gardens of these properties receive sunlight between 8am and 4pm on the 21st March. The proposed development will reduce this period of sunlight to by around two hours on the 21st March. On balance, this reduction is not considered to be overly adverse given the relatively dense nature of the urban environment and is acceptable.

Sunlight to proposed open space

The Edinburgh Design Guidance states that for open space in new developments, half the area of open space provided should be capable of receiving potential sunlight for more than two hours during the spring equinox (March 21st). A sunlight assessment of the proposed development was undertaken and this illustrates that the rear courtyard area will not receive any direct sunlight on that date. The proposed development therefore fails to meet the guidance in this regard.

It is recognised that in order to provide a development form that positively addresses the street frontage and provides a relatively private area of open space for future residents, the orientation of the open space within the site will be north facing. This orientation naturally results in a more compromised position in relation to sunlight.

Further information was provided which demonstrates that the built form on site would need to be reduced to a single storey in height in order to achieve the recommended two hours of sunlight on the spring equinox on the site using the proposed building form. It is not considered that a single storey development would be appropriate in scale or density in order to provide a positive contribution to the overall townscape.

The supporting sunlight study explores the extent of sunlight that will reach amenity areas on 21st June. This demonstrates that the 44% of the open space on site would receive at least two hours of sunlight on that date. This assessment approach is outwith the recommendations of the EDG, however this information provided demonstrates that the proposed open space is capable of achieving some sunlight during the peak summer period.

The analysis provided demonstrates that the amount of open space capable of receiving sunlight on the site would be significantly restricted, even at a considerably lower built density. On this basis, it is recognised that it would be very difficult and would require a significant compromises in terms of built form in order to achieve the sunlight standards. The failure to meet sunlight amenity standards is therefore considered to be acceptable in this instance, given the significant constraints of the site.

Noise

Planning Advice Note on Noise (PAN 1/2011) promotes a pragmatic approach to the location of new development within the vicinity of existing noise generating uses. The applicant has undertaken a noise impact assessment (NIA) which considered the noise implications of the development both on surrounding and proposed noise sensitive properties.

Environmental Protection has reviewed the NIA submitted by the applicant and has raised concerns in relation to the proposed scheme. The NIA notes that noise from the plant room at lower ground floor and roof plant (four air source heat pumps and five condenser units) will require to be mitigated in order to minimise any potential impact on new residents within the development. The source noise levels for this cannot be confirmed at this stage and therefore a condition is recommended to ensure the above noise sources alongside potential cooking ventilation system noise is fully considered with an updated NIA at a later stage.

The NIA also considers the impact of commercial noise from existing and proposed uses on site. A snooker hall is adjacent to the application site and the NIA considers noise breakout that may occur from events at the venue. The NIA report recommends upgraded glazing with mechanical ventilation to suitably mitigate the noise. This 'closed window' approach is not supported by Environmental Protection, but is recognised that this approach has previously been accepted in densely populated areas of the city.

The application includes a ground floor commercial unit which the NIA describes as a Class 3 café. The NIA recommends floor and wall mitigation measures to ensure that noise will be inaudible within the properties above. A condition is recommended below to ensure that that matter is addressed to protect the amenity of new residents.

Road traffic noise has been considered within the NIA and an upgraded glazing and ventilation specification recommended to ensure that internal noise levels will be within acceptable limits. A condition is recommended below to that effect.

On balance, it is considered that the proposed noise mitigation measures set out in the NIA are acceptable on the basis that the conditions noted are attached to any planning consent.

Air Quality

This part of London Road is positioned at the eastern edge of the Central Air Quality Management Area (CAQMA). Therefore, an Air Quality Impact Assessment (AQIA) has been submitted in support of the application.

The proposed development includes two parking spaces which will be used in a limited manner for staff, delivery and loading/ unloading. The AQIA advises that the development will have a negligible impact upon local air quality during both the construction (road traffic) and operational phase, and the resulting effects are therefore predicted to be not significant.

A further air quality addendum was submitted by the applicant which considers the impact of the development and potential for a street canyon being formed. This considers the effect of a street canyon, where there is potential for existing air quality issues to be exacerbated, by reducing the ability of the street to dissipate traffic pollutants.

In relation to the risk of a canyon effect being created on London Road, the air quality assessment concludes that;

- The predicted mean concentrations of key pollutants (NO₂, PM₁₀ and PM_{2.5}) are all below the relevant air quality standards (AQS) at proposed receptors corresponding to future residential accommodation units;

- The predicted one-hour mean concentrations of NO₂ are below the relevant AQSs at all receptors corresponding to future commercial/non-residential space and residential accommodation units; and
- The predicted 24-hour mean concentrations of PM₁₀ are below the relevant AQSs at all receptors corresponding to future commercial/non-residential space and residential accommodation units.

The air quality modelling undertaken for London Road indicates that the predicted concentrations on the south side of the street has the potential to improve air quality.

The AQIA notes that there will be predicted exceedances of the annual mean objectives to occur at two modelled air quality receptors at street level at the proposed development façade on the north side of the street that will be the closest to London Road. These exceedances are predicted to be within air quality standards. Environmental Protection has however noted that whilst indicative pollution levels may be within air quality standards (maximum levels), that does not mean that air quality impacts are not being exacerbated due to the proposal and so has the potential to impact upon the health of people who live in the proposed residences.

As noted, the two air quality receptors that are predicted to be exceeded are located at ground floor level of the proposed building. As there are no residential uses proposed at ground floor level on the London Road elevation, the AQIA report advises that the air quality objectives do not apply because they are at ground floor commercial level and therefore higher levels are permitted. Environmental Protection does not support this position, however it is noted that development proposals have been accepted elsewhere across the city where a similar situation has been established.

On balance, it is considered that in order to ensure any exceedances of the annual mean air quality objectives do not impact adversely on new residents then it necessary to ensure that residential development takes places at first floor level and above only. This is currently proposed as part of the scheme, however it is recommended that a condition be attached to the consent to ensure that ground floor use of the building is retained for non-residential purposes only.

Ventilation

Cooking ventilation details and a drawing for the proposed commercial unit were provided which demonstrate that cooking effluvia will be vented to 1 metre above roof level and otherwise complies with the requirements in this regard.

The adjacent snooker hall includes a cooking ventilation extract point which Environmental Protection has identified as having the potential to impact upon the proposed residents by way of odour. However, given this urban environment, a level of odour can be expected from surrounding uses, and in this instance it will not adversely impact on the future residents.

Amenity - conclusion

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

Ground conditions

Due to the previously developed nature of the site, a condition is attached requiring a site contamination investigation to be carried out and any necessary mitigation measures to be put in place in the interests of future occupiers of the development, as recommended by Environmental Protection.

Infrastructure first

Health services

Public comments raise concern with regard to the effect of the proposal on local health services such as doctors and dentists. The proposal is not located in a contribution zone for health care as shown in the Council's finalised guidance on Developer Contributions and Infrastructure Delivery (August 2018). There is no necessity to apply a planning contribution for this proposal in the context of NPF 4 policy 18. LDP policy Hou 10 (Community Facilities) sets out the circumstances where impacts of housing development on health or community facilities are required; this policy does not apply to student accommodation developments.

Conclusion in relation to the Development Plan

The proposed development broadly complies with the provisions of NPF 4, the 2016 Edinburgh LDP and associated guidance, and there is not considered to be any significant issues of conflict.

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

The following material planning considerations have been identified:

Emerging policy context

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010 in relation to the assessment of the proposed development and in the context of comments received from the public.

The development plan recognises the need for housing of a variety of types to be provided across the city. This includes the provision of purpose built student accommodation as part of this mix. The assessment set out in section (b) above demonstrates that this site provides an acceptable location in principle for student housing as part of the wider mix of accommodation on offer in this location. The provision of student housing is therefore considered to be a compatible housing type and does not result in any negative impacts in relation to equalities.

The proposal has been considered in relation to accessibility. The development provides nine accessible rooms and there are internal lifts to access all floors. Whilst the development has been designed to be predominantly car-free, two parking spaces (one accessible space) have been provided.

Due to the compact nature of the site parking provision is located to the rear of the main building, with ramped access provided from the parking area connecting into the courtyard area and the rear entrance to the building's main lobby area. The proposal is considered to have no negative impacts in relation to the accessibility of the building or surrounding streets.

The development will provide natural surveillance opportunities of adjacent streets and will increase the quantum of residential accommodation in the local area. The proposed use provides an opportunity to improve street safety.

The proposal has been assessed in relation to impacts on amenity of existing and future occupiers in section (b) above. No concerns relating to equalities have been raised in this regard.

Public representations

This application has received a significant level of public interest.

It is noted that a number of the addresses provided in the public comments are related to both objection and support comments. There is therefore a level of uncertainty to the validity of a number of these comments, however the material matters raised within submissions have been considered as part of the assessment process in order to ensure that all material comments are given due regard.

A summary is provided as follows;

Scheme 1

One thousand, six hundred and thirty four comments were received for Scheme 1. Representations included the following;

- Objection comments: 1097
- Neutral comments: 4
- Support Comments: 533

It is noted that 249 support comments received for Scheme 1 did not contain any material content and/ or valid names and addresses. The submission of these comments is noted, but there is no material weight given to them.

Scheme 2

Two hundred and sixty three comments were received for Scheme 2. Representations included the following;

- Objection comments: 228
- Neutral comments: 2
- Support Comments: 32

Scheme 1 - Comments

Scheme 1 - material objections

The comments noted below are addressed in the assessment sections (a,) (b) and (c) above.

- Principle of student accommodation is unacceptable in this location;
- Principle of loss/ change of local retail/ leisure provision is unacceptable; Contrary to the Local Development Plan;
- The development is contrary to the City Mobility Plan;
- The development will only serve new residents, not the wider community;
- Inaccuracies in information provided by the applicant;
- Redevelopment of the site should form part of a wider masterplan area;
- The proposed development does not provide any benefits for local families;
- The density of student numbers proposed for the site is excessive;
- Design matters - concerns in relation to; scale, height, massing, overdevelopment, co-ordinated development, contemporary materials, detailing, roofscape, location of open space, landscaping, fit with urban grain, visual impact, public realm provision, safety on terraces and surrounding streets.
- Impact of the development on the setting of surrounding streets;
- Impact of the development on the setting of listed buildings;
- Impact on amenity of local residents (daylight, sunlight, noise, air quality, privacy, mental health, littering);
- The development will lead to a canyon effect on surrounding streets;
- Impact on the demand for community amenity facilities (eg. doctors, dentists);
- Insufficient amenity provided for new residents (open space, provision of adequate amenity space within the development);
- The development will impact negatively on women's safety in the surrounding neighbourhood;
- The proposal will decrease biodiversity in the local area;
- The development should achieve better sustainability standards;
- Demolition on site will have a negative environmental impact;
- Gas boilers will contribute to climate change;
- Disabled access to the building is insufficient;
- There is a lack of disabled parking provision;
- Transport concerns (road safety, pedestrian safety, impact on local road network, impact of zero car parking on surrounding streets, access considerations for surrounding businesses, loading/servicing arrangements, student drop off/ pick up arrangements, impact of new residents on local public transport network capacity, accuracy of Transport Assessment);
- Cycling concerns (lack of proximity to dedicated cycle routes);
- Heritage concerns (impact of the proposal on local heritage, accuracy/ detail of heritage assessment);
- Structural stability of the site to accommodate future development;
- Student housing is difficult to convert into mainstream housing in future;
- Insufficient community engagement undertaken by the applicant;
- Land ownership query in relation to site boundary;
- Agent of change principle in relation to adjacent business use;

Scheme 1 - non-material objections

- Development does not comply with policy Ret 9 (this policy is not relevant to the application);
- Disruption from construction period on local transport network;
- Loss of local pub business on site - not a change of use application, therefore not material;
- Behaviour from students - this is outwith the control of Planning;
- Loss of view - not a material consideration;
- Impact of development on local property values;
- Development would increase crime in the local area - not substantiated;
- Non-compliant with proposed City Plan 2030 - Plan at examination stage and little weight can be attached;
- Increased fear of crime- overspilled car parking will increase risk of confrontation between inconsiderate parkers and residents - Planning does not control how and where individuals park their cars or the reactive behaviours of individuals;
- There is no requirement for students to register with the university health services - Planning does not control or enforce the choice of where individuals register for access to health services;
- Housing crisis - Development is not in line with the city's long term housing requirements/area in need of affordable housing all year round - While a material issue, this is not within the scope of the application to resolve;
- The proposed PBSA does not provide sustainable long-term housing to meet the city's housing needs due to the difficulties in converting PBSA into standard residential housing - The proposed development is for a PBSA and planning cannot control fluctuations in the market that may result in the building being vacant and faced with potential demolition at a future date;
- Contrary to LDP policy Env 18 Open space Protection - This is not applicable to the assessment of the proposal;
- Impact on property values;
- Increase littering;
- Fire alarms are a regular occurrence with PBSA;
- Actions of the developer (Alumno Group) fraudulent support buy-ins/no discussion with The Willow's management team - not substantiated;
- No mention of restricting the hours of use of the terrace are made in the management plan - this would not meet the tests for an effective planning condition;
- Recent new builds have resulted drainage issues, needing much work (Lochend Park) Not within the scope of the application to resolve;
- PBSA are exempted from certain aspects of private rental laws, which can be detrimental and predatory towards newcoming students;
- Reference to Development Management Committee held in February 2021, Members requested that the option for other uses of the site are explored - The application is assessed as submitted.

Scheme 1 - material support comments

- Support for student accommodation (meeting demand locally and for the wider city, purpose built accommodation, suitable location, sustainable transport links, students will support the local community);

- Good design (building scale, footprint, detailing, appearance, materials, compatibility of design with the setting of the surrounding area, location at key junction is positive);
- The proposal will provide a high level of accommodation, service and amenity for future residents;
- Contribute to creating a 20 minute neighbourhood;
- Regenerate the site;
- Replace existing buildings on site which are unattractive;
- Provide local employment opportunities;
- Support for provision of new business premises;
- Not adversely impact on local amenities;
- Accessible for disabled residents;
- The development will enable private rented accommodation to return to mainstream housing market;
- Open space provision on site is welcomed;
- Cycle parking provision is welcomed;
- The development will improve the safety of the local area.

Scheme 2 - Comments

The comments noted below are addressed in the assessment sections (a,) (b) and (c) above.

Scheme 2 - material objections

- Resubmission of comments as noted for Scheme 1 above;
- The proposed amendments do not address the previous concerns;
- The increase of building footprint of the north wing will impact negatively on the surrounding area;
- The number of student bedrooms proposed have not been reduced;
- Visualisations do not provide an accurate representation of the proposed scale;
- Changes to proposed landscaping treatment are minor and not beneficial to the scheme;
- Impact on human rights/ privacy of existing residents;
- The scheme does not address the need to consider embodied carbon in the existing buildings on site.

Scheme 2 - non-material objections

- Transport disruption during construction period;
- Loss of views;
- It is noted that around 30 objection comments received for scheme 2 are noted as non-material due to duplication.

Scheme 2 - other comments

- Questioning validity of some comments lodged in support of the application for Scheme 1 and Scheme 2, including the use of objector's details to submit comments.

Scheme 2 - material support comments

- Support for student accommodation (meeting demand locally and for the wider city, purpose built accommodation, suitable location, sustainable transport links, students will support the local community);
- The development incorporates sustainability measures;
- The proposal will provide local employment opportunities;
- The development will support existing businesses;
- The development could lead to economic growth in the area.

Conculsion in relation to material considerations

There are no equalities or human rights issues and the material considerations do not raise any matters which would result in recommending the application for refusal. Therefore, the application should be granted.

Conclusion

The proposal will make a positive contribution to the City's accommodation provision for those undertaking further and higher education and is acceptable in this location. The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20 minute neighbourhood principles to be delivered. The proposal is compatible with these principles.

The impact of development on the setting of nearby listed buildings and the wider townscape has been considered and is acceptable in this regard. The proposal will reflect the heritage value of the local area through a public art strategy and will improve the quality of public realm.

The proposed commercial use at ground floor area will provide an activated street frontage and the accommodation will increase the opportunity for natural surveillance of the surrounding streets. The proposal is not considered to have a significantly adverse impact on surrounding residents and will provide an acceptable amount of indoor and outdoor amenity space for future residents.

Landscape proposals include blue-green roofs and a mix of planting that will provide an improved level of habitat creation on the site and create a positive setting for the building.

Subject to recommended conditions, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the 2016 Edinburgh Local Development Plan, as well as the Council's non-statutory guidance for student housing and the Edinburgh Design Guidance. There are no material considerations that outweigh this conclusion.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Planning Authority, 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 Planning Authority.

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 Planning Authority.

3. The noise mitigation measures as specified within RMP noise impact assessment no. R-9091-GH2-RGM and dated 2/5/2023 shall be installed and operational prior to occupation of the development.
4. Once the specification of all mechanical and ventilation plant has been determined, a further Noise Impact Assessment (NIA) shall be provided that demonstrates that acceptable mitigation measures have been provided and that the cumulative noise levels from all plant will be within acceptable noise levels that are agreed in writing with the Head of Planning.
5. The ventilation details as shown in drawing no. 6335-50-05 Rev A and dated April 2023 should be installed and operational prior to start of operations on site.
6. The ground floor commercial premises is restricted to Use classes 1, 2, 3 or 4 only.
7. No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, historic building recording, analysis & reporting, publication and public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

8. A detailed specification, including trade names where appropriate and samples where requested, of all proposed external materials, walls and boundary treatments, shall be submitted to, and approved in writing by, the planning authority before work is commenced on site. Development shall then take place in accordance with the materials approved.
9. A full planting schedule including details of tree planting/ proposed soil volumes and landscape maintenance schedule shall be provided. The approved landscaping scheme including boundary treatments, as shown in planning drawing references 04B, 05A, 25A and 26A shall be implemented within six months of the completion of the development.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to protect the health of the building's occupants.
3. In order to protect the amenity of the existing neighbours and future occupiers of the development.
4. In order to protect the amenity of the existing neighbours and future occupiers of the development.
5. In order to protect the amenity of the existing neighbours and future occupiers of the development.
6. In order to protect the amenity of the existing neighbours and future occupiers of the development.
7. In order to safeguard the interests of archaeological heritage.
8. In order to enable the planning authority to consider these matters in detail.
9. In order to ensure that the approved landscaping works are properly established on site.

Informatives

1. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
2. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

3. Waste arrangements for the development will be undertaken by a private contractor. The proposed arrangements do not comply with CEC waste services and therefore could not be considered for CEC collection in the future.
4. The 2 parking spaces as shown on drawing 04B shall be served by at least a 13-amp 3Kw (external three pinplug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets. They shall be installed and operational in full prior to the development being occupied.
5. The applicant shall provide swift bricks in the development. Details of their proposed location should be submitted to the authority for approval.
6. The removal of any existing habitat should avoid the nesting birds season to ensure that these are suitably protected.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 4 January 2023

Drawing Numbers/Scheme

1A,2,3,4B,5A,6B,7B,8A,9A,10A,11A,12A,13A,14A,15A,16B,17A,18A19A,20A,21A,22A,23A,24A,25A,26A

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Julie Ross, Planning Officer
E-mail: julie.ross@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Willowbrae and Northfield Community Council

COMMENT: Neutral comment but issues raised in relation to building height, massing, loss of local businesses and community interest.

DATE: 18 May 2023

NAME: Archaeology

COMMENT: Issues raised in relation to loss of local historic asset as detailed in full response. Condition provided.

DATE: 9 May 2023

NAME: Environmental Protection

COMMENT: Concern raised in relation to matters detailed in report (noise/ air quality). Conditions provided.

DATE: 11 May 2023

NAME: Roads Authority

COMMENT: Roads Authority - no objection to the proposal subject to details in full comment.

DATE: 7 March 2023

NAME: Flood prevention

COMMENT: No objection to the proposal subject to details in full comment.

DATE: 23 March 2023

NAME: Scottish Water

COMMENT: No objection subject to information in full comment.

DATE: 11 January 2023

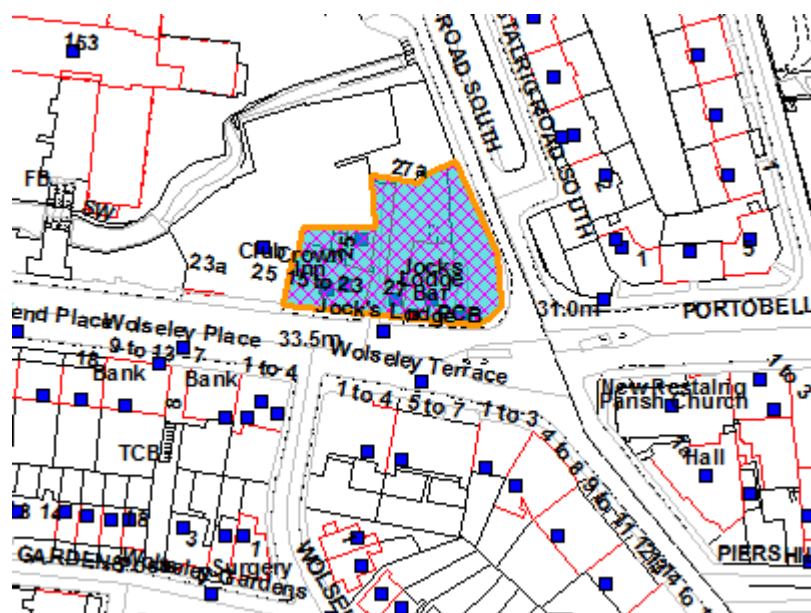
NAME: Flood Prevention

COMMENT: No objection to the proposal subject to details in full comment.

DATE: 11 April 2023

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

Location Plan



© Crown Copyright and database right 2014. All rights reserved. Ordnance Survey License number 100023420