

City of Edinburgh Council

PLANNING AUTHORITY RESPONSE: WRITTEN SUBMISSIONS IN RESPECT OF PROPOSED MIXED-USE DEVELOPMENT COMPRISING RESIDENTIAL, PURPOSE-BUILT STUDENT ACCOMMODATION, OFFICE AND OTHER COMMERCIAL USES WITH ASSOCIATED LANDSCAPING/PUBLIC REALM, CAR AND CYCLE PARKING AND ACCESS ARRANGEMENTS AT LAND 60 METRES NORTH OF 1 FETTES ROW, EDINBURGH, EH3 6SE - PLANNING APPLICATION REFERENCE 25/01899/FUL

FEBUARY 26 2026

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## WRITTEN SUBMISSIONS

BY

THE CITY OF EDINBURGH COUNCIL

In respect of

**Proposed mixed-use development comprising residential, purpose-built student accommodation, office and other commercial uses with associated landscaping/public realm, car and cycle parking and access arrangements at Land 60 Metres North of 1 Fettes Row, Edinburgh - Planning application reference 25/01899/FUL**

### **Introduction**

The appellant is appealing against the grounds for refusal, as set out by the Development Management Sub Committee (hereinafter referred to as 'Committee') on 17 December 2025.

Committee overturned the Chief Planning Officer's recommendation of approval and refused the application for the following reasons-

- 1. The proposal is contrary to Local Development Plan (LDP) Policies Hou 1 (Housing Development) and Env 26 (Housing Density). The site has been allocated to deliver the housing land requirement in line with development principles set out in Appendix D of the Plan. The proposal fails to meet the expected number of housing units required to comply with the development principles for the Housing Proposal Site H16 and in order to meet the housing land requirement.*
- 2. The proposal is contrary to LDP Policies Hou 5 part (b) (Student Accommodation) and Env 33 (Amenity) as the proposal does not meet the required amenity standards in terms of adequate daylight and sunlight.*
- 3. The proposal is contrary to LDP Policy Hou 5 part (d) as the density of the proposals are*

*not compatible with the characteristics of the wider area.*

The Council's webcast of the hearing can be found using the following link:

[https://edinburgh.public-i.tv/core/portal/webcast\\_interactive/1048874/start\\_time/37000](https://edinburgh.public-i.tv/core/portal/webcast_interactive/1048874/start_time/37000)

These form the written submissions from the Council, as planning authority, and address the comments set out in appellant's submissions.

## **Background to Committee Decision**

In this instance, under the Council's scheme of delegation, the application had to be determined by the Development Management Sub-Committee ("the Committee") which forms part of the Planning Authority with the Committee considering the proposal by way of a Hearing.

Committee as part of the Hearing process reviewed and discussed the proposal over the course of three hours. During the hearing, Committee heard and considered submissions by various Representors and Consultees, prior to the Appellant being given the opportunity to respond. The hearing process allowed Representors, including residents occupying nearby residential properties in proximity to the development site, the opportunity to present their concerns with the proposal to Committee. Likewise, the Applicant was afforded an opportunity to outline to Committee their requirement to develop the site per their planning application submission in support of the proposals. After the hearing session the Committee proceeded to debate and then determine the application. A copy of the Protocol Note (CEC Document 01) and Minutes (CEC Document 02) for the hearing has been provided as part of the Council's appeal response documents.

While the Chief Planning Officer's report put forward a recommendation for approval, the Committee – as the decision maker on this application - was entitled to reach a different decision, provided that the decision is consistent with the legal framework and justification is provided.

However, as noted above, the application which is the subject of this appeal was not a delegated decision and the Committee was the decision-maker for this application. The Committee considered the proposal in the context of NPF4 given it formed part of the statutory development plan at the time of the hearing on 4 September 2024.

## **1. The Legal Framework**

1.1. The proposals require to be considered in terms of Section 25 and 37 of the Town and Country Planning (Scotland) Act 1997. Under these sections, if the proposal is considered to comply with the development plan, planning permission should be granted unless material considerations indicate otherwise.

## 2. The Development Plan

2.1. The Council respectfully draws the Reporter’s attention to the adoption of the National Planning Framework 4 (“NPF4”) on 13 February 2023. Following adoption, the NPF4 now forms part of the statutory development plan.

2.2. In respect of these proposals, the development plan is currently comprised of:

2.2.1. NPF4; and

2.2.2. City Plan 2030, adopted November 2024 (“LDP”); and

2.2.3. Supplementary Guidance:

2.2.3.1. City Centre retail core adopted January 2020

2.2.3.2. Heat opportunities mapping adopted December 2018

2.2.3.3. Stockbridge town centre adopted December 2017

2.2.3.4. Bruntsfield/Morningside town centre adopted April 2017

2.2.3.5. Clerk Street/Nicolson Street town centre adopted December 2017

2.2.3.6. Leith town centre adopted April 2017

2.2.3.7. Tollcross town centre adopted December 2017

2.2.3.8. Portobello town centre adopted December 2017

2.2.3.9. Gorgie/Dalry town centre adopted December 2017

2.2.3.10. Corstorphine town centre adopted December 2017

2.3. In the event of any incompatibility between a provision of NPF4 and a provision of the LDP consideration should be given to Section 24(3) of the Town and Country Planning (Scotland) Act 1997. Under this section, in the event of any incompatibility between a provision of the National Planning Framework and a provision of a Local Development Plan, whichever of them is the later in date is to prevail.

2.4. The Council respectfully draws the Reporter's attention to the report considered by Planning Committee at the meeting of 18 January 2023. The 'National Planning Framework 4: Update' report (CEC Document 03) detailed how concurrently with adoption, the section of the Planning (Scotland) Act 2019 that sets out what happens when there is 'any incompatibility' between parts of the development plan was expected to come into force. The report sets out that due to a degree of incompatibility with NPF4, the Council considers that some of the LDP policies no longer apply to the same extent in the determination of future planning applications. The Council respectfully submits that the Reporter should have cognisance of this report in determining what comprises the Development plan, given Section 24(3) of the Town and Country Planning (Scotland) Act 1997.

### **3. Failure to provide required number of housing units per City Plan 2030 allocation (Reason for Refusal 1)**

3.1. Committee considered the proposal in terms of Section 25 and 37 of the Town and Country Planning (Scotland) Act 1997. Under these sections, if the proposal is considered to comply with the development plan, planning permission should be granted unless material considerations indicate otherwise.

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

3.3. Supporting paragraph 3.187 of Policy Hou 1 states Place Policies and Development Principles (and technical requirements in Appendix D) set out the key elements to be delivered on allocated housing sites. Where no place policy or development principles are provided, proposals for housing development should meet with the requirements of the Housing Density Policy Env 26, provide any required community facilities as set out in Policy Inf 1 and any other infrastructure requirements in accordance with Policy Inf 3.

#### **Officer Presentation-**

3.4. Committee were advised by Officers that the application site was allocated for housing in City Plan 2030 under site allocation H16 – Fettes Row. Officers clarified the proposed housing element of the proposal would not meet the number of housing units contained within the local development plan site allocation, with the proposed housing numbers representing a shortfall of approximately 10% on the allocation site capacity. The Chief Planning Officer’s report summarised this

position, and considered the proposal acceptable on this point, as it would not compromise the spatial strategy of the plan, due to the wider redevelopment proposals involved.

#### **Representor Presentation-**

- 3.5. Rodney Street Residents Group (“RSRG”) as part of their presentation to Committee intimated that in their view the previously approved scheme presented a more balanced development proposal for the site. Specifically, the infringement on Local Development Plan Policy Hou 1 and Policy Env 26 were not acceptable.
- 3.6. In further outlining concerns over the proposal to Committee, the RSRG summarised that in their view, allowing numerous deviations early into the adoption of City Plan 2030 would risk undermining the integrity of the local development plan and would set a concerning precedent for development proposals going forward.
- 3.7. The points outlined specific to the requirement for delivery of the number of housing units set by the LDP allocation was echoed in deputations given by New Town and Broughton Community Council, Fettes Row and Royal Crescent Association, Eyre Place & Canonmills Resident Association and the Cockburn Association to Committee.

#### **Ward Councillor Presentation-**

- 3.8. Councillor Miller (Ward Cllr for Ward 11 – City Centre) addressed Committee and expressed concerns as reflected by the local community regarding the proposal. Specifically, the 10% shortfall in housing unit delivery proposed, which would also result in fourteen fewer affordable homes being delivered on site. The Councillor considered the shortfall in housing delivery, with an emphasis on a reduction in provision of affordable homes, not acceptable in the context of the ongoing housing emergency facing Edinburgh.

3.9. Councillor Nicholson (Ward Cllr for Ward 2 – Inverleith) addressed Committee and expressed concerns reflected by the local community regarding the proposal. Specifically, the perceived overprovision of student beds as reflected by the proposed Purpose Built Student Accommodation on site, and considered that delivery of mainstream housing should be prioritised instead.

#### **Appellant Presentation-**

3.10. The Appellant addressed Committee and in doing so provided an overview of the proposal, and outlined the reasons behind the changes to the consented scheme for the site, including the introduction of student beds compared to the extant permission, and resulting impact on the ability of the proposal to deliver sufficient residential units to meet the residential unit site capacity per the LDP allocation.

3.11. Specifically, the Appellant reiterated to Committee that delivery of housing on site remained core as part of their proposals, however advised Committee of the challenges facing housing delivery within the development industry.

3.12. The Appellant outlined a general slowdown in delivery of large scale housing proposals to Committee, evidenced by submission of only four Proposal of Application Notice (PAN) applications within the last year, and recent publication of statistics from the Scottish Government which showed housing development starts being down 5% over the previous twelve month period, and affordable housing development starts at their lowest levels ever on record.

#### **Committee Discussion-**

3.13. In considering the potential reduction in housing units per the site allocation, Committee sought further information from Officers. This related to changes in the level of provision of mid-market and private residential units on site as part of the proposal. Specifically, Officers were asked if there was a threshold which could be applied in instances where proposals came forward and failed to deliver housing

units aligned with those set out in LDP site allocations.

3.14. Officers advised Committee that as a starting point in applicable assessments of this nature, it was a requirement that housing unit numbers are met as outlined in the LDP site allocations. However, Committee were advised that other considerations were involved in cases where there may be a shortfall. Specific to the proposal, Officers outlined to Committee viability and the impact it can have on overall site delivery, as a key consideration in the assessment. In this instance, Officers stated the 10% shortfall in housing units was deemed an acceptable deviation in this case, given the level of supporting information provided by the applicant as part of the assessment process to justify the reduced housing units proposed.

3.15. Committee requested additional information from Officers regarding the allocation history of the site per the implementation of City Plan 2030. Specifically, Officers were asked to clarify which extant planning permission applied at the point in time the current LDP was formally adopted, and whether this had any bearing on the residential unit numbers within the site allocation in the formally adopted LDP.

3.16. Officers advised Committee the Proposed City Plan 2030 contained a lower residential unit number per the allocation as part of draft proposals for the allocated site. The site capacity in respect of residential units was increased as part of the examination of the proposed LDP undertaken by the appointed Reporters of the Directorate of Planning and Environmental Appeals (“DPEA”) on behalf of Scottish Ministers. The increase in residential unit numbers for the site allocation, was to reflect those 349 consented residential units for the site at the time of the review via examination.

3.17. Committee noted the requirement to strike a balance between the housing unit numbers outlined in the site allocation, against the justification for the 10% shortfall as detailed in the Chief Planning Officer’s Report of Handling, with consideration given to the need to enable development delivery in the current housing emergency.

- 3.18. In considering the extent to which the proposed tenure delivery would represent an appropriate housing mix on site, Committee requested further details from the Appellant regarding the number of Mid-Market Rent and Social Rent units which would be delivered.
- 3.19. The Appellant advised Committee that affordable housing provision for the proposal was compliant with the applicable LDP policy. Additionally, the tenure make-up of the affordable housing element was a factor influenced by Scottish Government grant funding.
- 3.20. Committee considered this information as well as the concerns raised by those who made representations at the hearing (including numerous community and resident groups) in relation to the detrimental impact the revised housing delivery proposed would have on the ability to deliver a balanced, mixed-use proposal with sufficient housing numbers to meet the requirements of the LDP site allocation.
- 3.21. Committee were of the view that given the context of the ongoing housing emergency, there should be greater emphasis on development proposals delivering the necessary number of housing units required through site allocations in the LDP, with the number of housing units outlined in site allocations at the very least regarded as a minimum to maximise housing delivery.
- 3.22. Committee outlined concerns that any failure to achieve complete delivery of housing unit allocations on allocated sites may lead to a potential scenario where green belt land could be released to meet housing land, as had happened in previous appeal decisions upheld by the DPEA, on the basis that allocated brownfield sites could not deliver the necessary housing numbers to meet the strategic aims of City Plan 2030.
- 3.23. In these particular circumstances, Committee were of the view the proposal could not be supported, as the under provision of housing units on site would fall short of the LDP site allocation, and could exacerbate the housing emergency, accordingly

failing to comply with Policy Hou 1 (Housing Development) and Policy Env 26 (Housing Development) of City Plan 2030.

**4. The proposal would not meet the required amenity standards in terms of adequate daylight and sunlight (Reason for Refusal 2)**

4.1. LDP Policy Hou 5 (Student Accommodation) states planning permission will be granted for purpose-built student accommodation where:

- a. there is good access by public transport and active travel routes to further and higher education institutions,
- b. it provides suitable amenity to students, including open space,
- c. no more than 10% studio flats are provided and,
- d. there will be no adverse impact on the established character of the area

4.2. The Non-Statutory Student Accommodation Guidance (September 2025) provides additional context for the provision of acceptable amenity achieved through design of Purpose Built Student Accommodation. The guidance states PBSA is a place of residence and therefore it is critical that design is of a high quality with adequate amenity to contribute to healthy and sustainable lifestyles.

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

4.4. Supporting paragraph 3.172 of Policy Env 33 states the intent to protect the amenity of neighbouring and occupiers of proposed buildings as well as public and private amenity spaces. Additionally, the text outlines the content of the Edinburgh Design Guidance and associated appendices which provide further information on how to ensure proposals provide acceptable levels of amenity for new occupiers and neighbouring developments, in relation to amenity spaces. Furthermore, where a proposal may cause some existing or future occupiers to suffer inadequate amenity then further information may be required as necessary to assess whether the proposal complies with this policy and guidance noted above, for example such as daylight/sunlight assessments.

## **Officer Presentation-**

### Neighbouring Amenity-

- 4.5. Officers provided Committee with an overview of the amenity considerations specific to the proposal and potential impact on neighbouring residential properties. The overview as summarised in the Chief Planning Officer's report of handling stated Vertical Sky Component assessments were provided for the adjacent neighbouring properties that were potentially affected by the proposed changes in the proposed blocks. Given the general massing was retained from the previous permission, the study focused on the areas being altered by the proposals.
- 4.6. Regarding the adjacent properties on Dundas Street the study noted the permission in place for 108-114 & 116 Dundas Street (22/05886/FUL) and summarised that all the windows for this development would meet the VSC criteria, and the existing building adjacent to the development on 120 Dundas Street would also meet the VSC targets.
- 4.7. The Chief Planning Officer's report of handling noted windows along 1-12 Fettes Row were also assessed and all except one of the windows would meet the VSC target criteria. The report detailed that the one window which would not meet the test was located within a basement and was served by two other windows meaning that there would be no material difference in daylight. The report also summarised that 74 of the windows would receive higher levels of daylight than the office block permission. In summarising, the Chief Planning Officer report of handling stated the proposed changes would not materially alter the daylighting impact on the neighbouring properties considered in the daylighting study.

#### Future Occupiers Amenity-

- 4.8. Officers provided Committee with an overview of the amenity considerations specific to the future occupiers. The overview summarised in the Chief Planning Officer report of handling stated daylighting information for the new buildings was provided using the No Sky Line (NSL) method. Furthermore, the report summarised the findings for Block 6 showed that using the No Sky Line method that out of the 278 rooms assessed, 216 (77%) would be compliant with the guidance. The Chief Planning Officer's report of handling also stated the design of the block was altered to provide an alternative window design to enhance the daylight to the proposed flats where possible.
- 4.9. The study set out that the unit sizes were generous with deeper rooms that resulted in lower levels of daylight, with all the 100 living/kitchen/dining rooms meeting the required levels with many far exceeding the 50% target, with the 62 rooms that would not meet the target levels being bedrooms.
- 4.10. The Chief Planning Officer's report of handling further detailed that per the student blocks proposed, PBSA Block 1 showcased an 86% compliance rate (426 out of 495 rooms) and PBSA Block 2 had a 79% compliance rate (186 out of 236 rooms). These were deemed broadly acceptable for a dense development. For comparison the granted BTR block (next to KGVP) where the PBSA Block 2 was now proposed had 94% compliance (336 out of 357 rooms passing).

#### **Representor Presentation-**

- 4.11. Rodney Street Residents Group ("RSRG") as part of their presentation to Committee stated their concerns that the student accommodation elements of the proposal contained no meaningful social spaces for future occupiers, whilst also expressing concern that any future conversion of the student accommodation to residential use would retain the same issues in respect of poor-quality social spaces for use.

4.12. Furthermore, the RSRG considered the failure of several student rooms on the daylight test as part of the amenity assessment to further highlight provision of a poor quality living environment for future occupiers.

4.13. New Town and Broughton Community Council (NTBCC) as part of their presentation to Committee also raised concerns regarding the provision of both amenity and open space to serve the development as inadequate. Furthermore, the NTBCC considered the proposal would utilise the nearby King George V Park to compensate for shortcomings within the development related to the under provision of useable amenity and open space, to the detriment of existing users.

#### **Appellant Presentation-**

4.14. In addressing Committee, the Appellant advised that a minor design amendment was proposed on Block 6 on the corner of Dundas St and Fettes Row per a slight increase in building height equivalent of the short side of a piece of A4 paper, which would not result in a detrimental impact on neighbouring amenity.

#### **Committee Discussion-**

4.15. Committee considered the content of the Chief Planning Officer's report of handling, as well as the presentations by the Representors and Appellant in making their determination. Committee requested clarification from Officers regarding the nature of assessment undertaken to review and assess overshadowing from the proposal in term of existing residential properties and nearby amenity space.

4.16. Officers advised Committee of the requirements set out in the Edinburgh Design Guidance (September 2025) regarding the assessment of overshadowing and daylighting, with consideration of potential impacts on existing residential properties and future occupiers of the development. Officers further advised Committee that an updated overshadowing plan was not sought for the King George V Park, given the heights and massing proposed at this section of the site per the proposal was similar in nature to that previously assessed and deemed acceptable.

- 4.17. Committee requested further clarity from the Appellant regarding the number of single aspect student rooms proposed per the proposals, given the reported daylight assessment findings for a select number of rooms showed a failure. The Appellant advised Committee that a single aspect approach was integrated in the design of some student rooms, however steps were also taken as part of the design process to enhance social spaces within the student accommodation offering to encourage internal movement from occupiers and general inclusivity within internal spaces.
- 4.18. Committee were of the opinion that despite the justification contained within the Chief Planning Officer's report, and clarity provided by the Appellant detailing the design approach undertaken for some of the student rooms, concerns remained regarding the number of rooms which would not receive a sufficient level of daylight per the standards set in the EDG.
- 4.19. Committee also considered the provision of useable amenity space which would be accessible to future occupiers of the student accommodation element of the proposal. On this point, Committee requested clarity from the Appellant regarding a breakdown of the extent of greenspace and hardstanding proposed to serve the development, highlighting the concern of local residents that under provision of amenity space on site as part of the proposal would place further pressures on the nearby open space provision at the King George V Park.
- 4.20. The Appellant advised Committee in response that useable greenspace to serve the proposal made up 30% of the site area, with private terraces and communal areas included within the 30% but not the inaccessible green spaces.
- 4.21. Having considered the information before them as well as presentations from both the Representors and Appellant, Committee were of the view the number of student rooms which would fail the daylight test could not be considered acceptable in this instance. Committee were not satisfied that the amenity of future occupiers within

several of the student rooms would be safeguarded.

4.22. In these particular circumstances, Committee were of the view the proposal could not be supported, as the amenity of future occupiers could not be sufficiently safeguarded given not all student units would receive acceptable levels of daylight, failing to comply with part (b) of LDP Policy Hou 5 (Student Accommodation) and LDP Policy Env 33 (Amenity).

**5. The density of the proposal is not compatible with the characteristics of the wider site (Reason for Refusal 3)**

5.1. LDP Policy Hou 5 (Student Accommodation) states planning permission will be granted for purpose-built student accommodation where:

- a. there is good access by public transport and active travel routes to further and higher education institutions,
- b. it provides suitable amenity to students, including open space,
- c. no more than 10% studio flats are provided and,
- d. there will be no adverse impact on the established character of the area

5.2. The Non-Statutory Student Accommodation Guidance (September 2025) provides additional context for assessing the potential for adverse impact on the established character of the area where student accommodation is proposed. The guidance states that character is a combination of qualities and features that distinguish one place from another, with all elements of a place contributing to character. Furthermore, the guidance advises these elements are not just physical but include wider social aspects and aspects that are subject to perception.

**Officer Presentation-**

5.3. The Chief Planning Officer's report of handling set out the acceptability of the student accommodation element of the proposal specific to criterion d) of LDP Policy Hou 5 (Student Accommodation), which requires PBSA proposals to not result in an adverse impact on character of the area.

5.4. The report stated that the form of the proposed development itself was similar to the extant planning permission and built form would not be damaging to the character of the area. Additionally, there was not a proliferation of student accommodation in the area and given the mix of commercial and residential uses present in the area already, the proposed introduction of PBSA was considered to be consistent with the existing character.

### **Representor Presentation-**

- 5.5. All Representors (New Town and Broughton Community Council, Fettes Row and Royal Crescent Association, Eyre Place & Canonmills Resident Association, Rodney Street Residents Group and the Cockburn Association) in presenting to Committee, outlined shared concerns over the number of student beds proposed on site.
- 5.6. Specifically, representors highlighted several issues on this point regarding an influx of new residents to the area, including added pressure on existing local services and infrastructure such as GP practices, Bus Services and local Amenity Space such as the King George V Park, ultimately resulting in a detrimental impact on community cohesion due to the perceived transient nature of occupiers of the student accommodation element of the proposal.

### **Appellant Presentation-**

- 5.7. In presenting to Committee, the Appellant emphasised the identifiable demand for student beds across Edinburgh, with students central to the social and economic success of the city during and after their periods of study.
- 5.8. The Appellant also outlined to Committee the reasoning behind the introduction of the student accommodation element in place of the previously approved BTR blocks, to the site. In addressing Committee on this point, the Appellant advised that a combination of factors including changes in policy and market conditions had diminished demand for, and investment in, BTR led development. Subsequently the proposal was required to achieve a revised development mix to ensure development delivery on site.

### **Committee Discussion-**

- 5.9. Committee considered the points raised by the Representors regarding the PBSA element of the proposal and perceived localised impacts on the surrounding community, as well as the Appellant justification for the introduction of student accommodation to the consented scheme, per the application before them for determination.
- 5.10. Committee requested clarity from the Representors regarding their knowledge of the density of population for the wider site surrounds. However, the Representors advised they did not have access to this nature of information.
- 5.11. To further understand the potential impact of the introduction of the proposed student beds per the PBSA element of the scheme, Committee requested clarification from Officers regarding the nature of calculations undertaken, as part of the application assessment to understand the potential impact on the character of the local area resultant from the increase in site density per the proposal.
- 5.12. Specifically, Committee requested from Officers details of the applicable data zone for the application site, including the current number of households within the data zone to assist with their determination of the proposal. Additionally, Committee sought details of the forecasted site density, and whether this would be in line with the density of the surrounding area and appropriate in the context of site characteristics and location. This being in comparison with the density of the previously approved scheme, and extent to which the development mix would have an impact.
- 5.13. To address these points, Officers presented to Committee a table populated with information drawn from the 2011 Census. This overview included data sets for surrounding residential development with associated number of households in proximity to the site for comparison, showing total number of people in households present. Additionally, Officers clarified that the application site sat within the S01008855 data

zone, which per the 2011 census data contained a total of 1,185 households.

- 5.14. Committee considered the information provided by Officers regarding the household numbers for the site and surrounding residential areas. As part of their deliberation, Committee noted the information provided by the Appellant that a total of 1,283 bedspaces would be provided across the development as a whole.
- 5.15. Committee also requested Officers guidance regarding application site density based on the number of units proposed for delivery across both residential and student accommodation. Officers provided this information to Committee on the caveat that the figure arrived at was in reference to the student accommodation element of the proposal only.
- 5.16. In reviewing this information, Committee were of the opinion the potential doubling of the household number by way of the proposal within the data set where the site was located would be too high. Committee in coming to this conclusion acknowledged the site was located within a densely populated urban area, but one which provided a high quality of living to residents due to availability of localised amenity space.
- 5.17. Committee arrived at this position based on availability of green space near the site in the form of the King George V Park. Committee considered that such a large scale increase in the household number within a relatively small area would place further pressures on existing green space provision as a recreational space. The additional pressure would have a detrimental effect on the recreational space for both future occupiers of the site and existing residents, given the change in density.
- 5.18. In these particular circumstances, Committee were of the view that the proposal could not be supported, as the proposal would result in a site density too high to be accommodated by existing amenity space serving the local community, which would in turn result in a detrimental impact on the character of the area, failing to comply with part (d) of LDP Policy Hou 5 (Student Accommodation).

## **6. Conclusion in relation to the Committee Decision**

6.1. Committee are supportive of the delivery of mixed-use development on a major scale, with associated benefits with the delivery of several uses within a prominent city centre site subject to meeting the relevant policy tests. However, Committee acknowledged that this must be balanced against safeguarding the amenity of future occupiers and existing residents, whilst protecting the established character of the local area. Committee was of the opinion that the proposal could not be supported under the terms of Section 25 and Section 37 of the Town and Country Planning (Scotland) Act 1997 due to incompatibility with the provisions of Policy Hou 1 (Housing Development), criterion (b) and (d) of Policy Hou 5 (Student Accommodation), Policy Env 26 (Housing Density) and Policy Env 33 (Amenity) and was therefore in breach of the Development Plan.

## 7. Other Matters

### Introduction of New Matters-

- 7.1. As the Reporter will be aware Section 47A of the Town and Country Planning (Scotland) Act 1997 (the “1997 Act”) prohibits the raising of new matters at appeal that were not before the Council at the date of determination, unless any of the limited statutory exceptions apply. The Appellant has sought to submit new evidence that was not before the Committee at the date of their decision.
- 7.2. The Appellant highlighted the submission of a ‘Daylight Addendum Report’ (appeal document 10) in support of their appeal submission, to address concerns raised associated with the second reason for refusal as determined by Committee, and the submission of a ‘Final Student Living Report 2024’ (appeal document 319) to address concerns raised associated with the third reason for refusal as determined by Committee.
- 7.3. Both documents were not submitted for the purpose of the assessment of the proposal by the Case Officer nor were they available to Committee for consideration. The Council respectfully request the Reporter discount this document in their consideration of the appeal, as it is considered none of the exceptions set out in Section 47A of the 1997 Act are met, which would allow these new matters to be raised at this stage of the appeal.
- 7.4. In the event the Reporter reaches a contrary conclusion on Section 47A of the 1997 Act, and is minded to accept the new information, the Council would respectfully request that it be given the opportunity to consider and respond to this new information within a reasonable timeframe.

#### Clarification of Planning Site History-

- 7.5. The Council note the Appellant has provided a summary of the site planning history in their Appeal Statement (Section 1. Executive Summary paragraphs 1.1 to 1.3) in setting the context for the appeal submission.
- 7.6. The Council have prepared a summary note regarding the planning site history and general application timeline for the attention of the Reporter, and this is appended at Appendix 2 – Planning Site History and Timeline.

#### Student Accommodation as a form of Housing-

- 7.7. In their appeal submission (Section 1. Executive Summary paragraphs 1.14 to 1.16), the Appellant contends Committee failed to recognise that student housing is housing in its own right per the provisions of NPF4 Policy 16 – Quality homes criterion c), and that the delivery of student housing on the Appeal Site would assist in meeting both student and “mainstream” housing need in Edinburgh by providing purpose-built accommodation into which students who would otherwise occupy “mainstream” residential properties could relocate.
- 7.8. Furthermore, the Appellant in their appeal submission (Section 7. Rebuttal of Reasons for Refusal paragraph 7.8) contends NPF4 is clear in policy 16 part (c) that student accommodation is a form of housing. The Appellant states NPF4 Policy 16 criterion (a) supports development proposals for new homes on land allocated for housing, and they advise it is important to note that it does not restrict the types of homes which could be permitted on such sites, with the Appellant also highlighting the recent appeal decision which in their view confirms this position - PPA-230-2557 (Appeal Document 323).
- 7.9. In addressing this position outlined by the Appellant, the Council do not agree with this position, nor the interpretation of student accommodation as a form of housing in its own right. NPF4 Policy 16c) supports development of student accommodation. It states:

*“Development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision, will be supported. This could include: vii. homes for people undertaking further and higher education.”* This support does not extend to development of allocated housing sites in Edinburgh for student accommodation. Student accommodation is considered commercial development, not housing for the purposes of City Plan Policy Hou 1 (Housing Development) and Env 26 (Housing Density). Policy Hou 1 and ENV 26 are to ensure the provision of mainstream homes (including affordable homes) to meet City Plan 2030 statutory housing targets. City Plan Policy Hou 5 (Student Accommodation) provides the principal Local Development Plan (LDP) policy for the assessment of student accommodation.

7.10. The Council contends that there are strong reasons why housing land was not calculated to include student accommodation and to deliver Minimum All-Tenure Housing Land Requirement (MATHLR), and City Plan 2030 housing land supply must be protected for that purpose (having regard to the housing emergency).

7.11. The Council note there is clearly a degree of conflict between the NPF4 Policy and City Plan 2030 Policy positions, and if the former applies on student accommodation this potentially undermines the latter. There is now a legal provision to deal with substantive incompatibility between provisions in the Plans comprising the Development Plan. Section 24(3) of the 1997 Act (as amended) states that: “(3) In the event of any incompatibility between a provision of the National Planning Framework and a provision of a local development plan, whichever of them is the later in date is to prevail.”

7.12. The Innerhouse of the Court of Session in concluding that Section 24(3) applied *Miller Homes Ltd v The Scottish Ministers* [2024] CSIH 11 (Case: XA41-23 | Scottish Courts) stated that the opposing policies were the “antithesis” of each other. It is the Council’s submission that NPF4 Policy 16(c)(vii)’s reference to student accommodation as a form of housing creates a degree of conflict with City Plan’s Policy Econ 2 – Commercial Development, which defines it as a form of Commercial Development. Firstly, because the NPF4 policy would substantially undermine the delivery of housing on land allocated for housing in

terms of the MATHLR and City Plan 2030. Secondly, given the commercial development definition of student accommodation flows through the rest of City Plan 2030. In terms of Section 24(3), City Plan's Policy Econ 2 prevails over NPF4 Policy 16(c)(vii).

7.13. Accordingly, NPF4 Policy 16(c)(vii) is not part of Edinburgh's Development Plan. Student Accommodation proposals are expressly addressed by Edinburgh's Development Plan by Policy Hou 5 – Student Accommodation. This reflects the settled position of the Council on this matter and has been outlined in previous appeal submissions to the DPEA.

## **8. Overall Conclusion**

8.1. For these reasons, set out by the Committee on 17 December 2025 and summarised this appeal response the Committee found the proposals:

8.1.1 To not comply with the Development Plan, given the proposal would fail to deliver the expected number of allocated housing units for the allocated site in conflict with the provision of LDP Policy Hou 1 (Housing Development) and LDP Policy Env 26 (Housing Density). The proposal was not deemed to provide an acceptable level of amenity for future occupiers in conflict with criterion b) of LDP Policy Hou 5 (Student Accommodation) and LDP Policy Env 33 (Amenity), and by virtue of the density of the proposed student accommodation element of the proposal, there would be non-compliance with criterion d) of LDP Policy Hou 5 (Student Accommodation) as detailed within Section 3, 4 and 5 of this Statement. There were no material considerations that outweighed the non-compliance with the Development Plan and that in terms of Section 25 and 37 of the Town and Country Planning (Scotland) Act 1997 the application must be refused.

8.2. The Reporter is respectfully asked to refuse the appeal on the grounds outlined.

## **APPENDIX 1 – Proposed Conditions & Planning Obligations**

The Council recommends the below conditions/reasons/informatives form any permission should the Reporter be minded to uphold the appeal.

If the Reporter considers a Planning Obligation necessary in place of a planning condition, the Council are willing to engage in such discussions.

### **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.

Reason: To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.

2. Notwithstanding the information on the submitted drawings a detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing for each development block by the Planning Authority before work is commenced that block.

Reason: In order to enable the planning authority to consider this/these matter/s in detail.

3. Prior to the commencement of the construction of the superstructure or above ground works for each development block, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship for that block and submitted for written approval by the Planning Authority.

Reason: In order to enable the planning authority to consider this/these matter/s in

detail.

4. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.

Reason: In order to enable the planning authority to consider this/these matter/s in detail.

5. The development shall be carried out in accordance with the landscaping scheme approved under condition 4. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing by the Planning Authority.

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

6. No development shall commence on site until a detailed Arboricultural Method Statement, written with the contractor, that includes all work required under canopies and adjacent to mature trees is provided and approved by the Planning Authority.

Reason: In order to safeguard protected trees.

7. Prior to the commencement of development, a Tree Protection Plan in accordance with BS5837:2012 "Trees in relation to design, demolition and construction" to demonstrate how trees to be retained on and adjacent to the site will be protected, including the location of tree protection fences, must be submitted to and approved by the Planning Authority.

Reason: In order to safeguard protected trees.

8. Prior to the commencement of development, the tree protection measures as approved in condition 7 must be implemented in full and maintained during the entire development process and not altered or removed unless with the written consent of the Planning Authority.

Reason: In order to safeguard protected trees.

9. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work interpretation) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reason: In order to safeguard the interests of archaeological heritage.

10. i) Prior to commencement of construction works on site:

a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

Reason: In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

11. Prior to commencement of development details of a cycle wheel ramp will be required on at least one of the two stepped accesses besides the ramped access leading to Dundas Street from the main public realm route to aid movement of cyclist.

Reason: In order to ensure the adequacy of facilities for cyclists.

12. No development shall take place until a scheme for protecting the residential development hereby approved and existing from noise from the proposed plant has been submitted to and approved in writing by the Planning Authority ; all works which form part of the approved scheme shall be completed to the satisfaction of the Planning Authority before any part of the development is occupied.

Reason: In order to safeguard the amenity of neighbouring residents and other occupiers.

13. No development shall take place until a scheme for protecting the residential development hereby approved and existing from noise from commercial uses (and traffic) has been submitted to and approved in writing by the Planning Authority; all works which form part of the approved scheme shall be completed to the satisfaction of the Planning Authority before any part of the development is occupied.

Reason: In order to safeguard the amenity of neighbouring residents and other occupiers.

14. The space labelled 'Retail Unit or Co-working' on all relevant drawings shall be used solely for Class 4 (Business) purposes as defined by the Town and Country Planning (Use Classes) (Scotland) Order 1997.

Reason: To define the permission.

15. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, any permitted development rights that are available to Class 4 uses the change the use of the space labelled 'Retail Unit of Co-working' in part or in whole are hereby suspended and this will require consent under an application for planning permission.

Reason: To define the permission.

16. Prior to commencement of development a phasing plan shall be submitted to the Planning Authority for written approval, this should include details of public realm connections and landscaping elements. Following approval, the development shall be implemented in accordance with the approved scheme.

Reason: To define the permission.

### **Informatives**

It should be noted that:

#### 1. Legal Agreement:

It should be noted that:

Planning permission shall not be issued until a suitable legal agreement has been concluded.

This should set out the full contribution amounts applicable to the development, but make allowances for the existing legal agreements in place which cover residential blocks 1-5 and the MMR block (which the applicant has stated are being delivered under existing permissions) and avoid any double counting.

Any legal agreement shall include the following:

Education:

The full contribution levels for 315 units:

- A contribution of £647,976 (Q4 2022) is required towards additional primary school capacity in sub-zone NE-1
- A contribution of £1,047,956 (Q4 2022) is required towards additional secondary school capacity (£561,484 towards actions identified in sub-zone CB-3 and £486,472 towards actions identified in sub-zone NE-1)

Note for Block 6 and excluding the one-bedroom units there are (indexed linked):

- 19 units in the Stockbridge PS / Broughton HS Education Contribution Zone CB3 which requires £4,964 per unit for secondary education.
- 47 units in Broughton PS / Drummond HS Education Contribution Zone NE-1 which required £6,613 per unit for primary education and £4,964 per unit for secondary education.

Healthcare:

The site is within Healthcare Contribution Zone Grouping A as defined in the Non-Statutory

Planning Guidance on Developer Contributions and Infrastructure Delivery:

- The per unit contribution for residential use is £1,682.49.

- A contribution of £841.25 is required per bedspace.

Open Space:

Covering the previous contribution to the park:

- A contribution of £48,373.90 towards improvements within King George V Park.

- A contribution of £75,055.15 to the improve the facilities in the play park within King George V Park.

Transport:

The full tram contribution for zone 3 is calculated as £508,165 based on:

- £208,195 – 593 bedspaces student accommodation

- £88,412 – 100 residential units in block 6

- £93,941 – 108 MMR residential block

- £93,294 - residential blocks 1-5

- £24,323 – 530sqm class 4 use

The sum to be indexed as appropriate and the use period to be 10 years from date of payment.

Again, having cognisance to the existing permissions.

The legal agreement should also cover the following transport requirements:

- design and build signalised toucan crossing on Dundas Street close to the proposed ramped access as possible to the satisfaction and at no cost the Council (location and type of signalised crossing to be agreed with CEC signal team)

- Upgrading the surface course of the carriageway and both footways on Eyre Terrace from the development car park to its junction with Eyre Place and subsequently provides continuous footways on the eastern footway pend access junction of Eyre Terrace to ensure pedestrian priority to the satisfaction and at no cost to the Council.

- The east west route from the courtyard leading to Dundas Street is required to be secured by planning agreement to ensure public rights of access and will require CEC structural approval for the podium access.

- A raised crossing will be introduced on Fettes Row to provide a safe pedestrian crossing

to the satisfaction and at no cost to the Council. Details to be submitted for further approval by the council. The crossing is expected to displace at least a resident parking space, and pay and display parking space and further approval from the Council's parking will be required.

The applicant should also consider contributing £83,000 for provision of 4 EV car club vehicles in the area. Contributions towards the costs of the necessary order £3,000 for 1-4 standard Car Club parking spaces and 20,000 per EV car club vehicle as per 2025 Guidance on Developer Contributions and Infrastructure Delivery.

Affordable Housing:

Legal agreement should set out requirement for 35% with allowances made for previous development. The legal agreement should be concluded within 6 months of the date of this notice. If it is not concluded within that 6-month period, a report may be referred to committee with a recommendation of refusal.

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

4. For the duration of development, between the commencement of development on the site until its completion, a notice shall be: displayed in a prominent place at or in the vicinity of the site of the development; readily visible to the public; and printed on durable material.

5. The EIA Report has been taken into consideration in the making of this decision, as required under the Environmental Impact Assessment (Scotland) regulations 2017.

6. The Roads Authority response notes a number of issues that the applicant should be made aware of:  
– The applicant will be required to contribute an amount to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development including waiting and loading restrictions. – Any works affecting adopted road must be carried out under permit and in accordance with the specifications. See Road Occupation Permits <https://www.edinburgh.gov.uk/roads-pavements/road-occupation-permits/1>

- All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges, and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design, and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details. – The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation. – The applicant should be advised that: as the development is located in Zones 1 to 8, they will not be eligible for residential parking permits in accordance with the Transport and Environment Committee decision of 4 June 2013. See [https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item\\_77\\_\\_controlled\\_parking\\_zone\\_amendments\\_to\\_residents\\_permits\\_eligibility.pdf](https://democracy.edinburgh.gov.uk/Data/Transport%20and%20Environment%20Committee/20130604/Agenda/item_77__controlled_parking_zone_amendments_to_residents_permits_eligibility.pdf) (Category A - New Build).
- The applicant should consider developing a Travel Plan including provision of a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
- All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with relevant legislation, regulations, and Building Standards.
- Electric vehicle charging outlets will be required in line with Mandatory Standard 7.2, Building Standards Domestic Technical Handbook, April 2024.
- The applicant should note that the proposed development lies on or adjacent to a 'traffic sensitive street' and that this may affect the method and timing of construction, including public utilities - see <https://www.edinburgh.gov.uk/roadspavements/road-occupation-permits/2> – The applicant may be required to undertake a road dilapidation survey prior to any work on site.
- The applicant should be aware that noise, dust, vibration, traffic, and other activities on construction sites can have significant negative impacts on neighbours. The contractor should be aware of their legal

responsibilities regarding construction sites, and the Council's ambitions to foster good relations with neighbours. The applicant should make themselves aware of particularly sensitive nearby premises, such as schools and care homes, and consider registration of the site under the Considerate Constructors Scheme (see <https://www.considerateconstructors.com/>).

– The applicant should be required to submit a Construction Traffic Management Plan.

7. A detailed Construction Environment Management Plan (CEMP) shall be submitted to the satisfaction of The Planning Authority and adhered to during the construction phase.

## APPENDIX 2 – Planning Application Site History and Timeline

Planning Application Reference/Proposal	Decision/Date of Decision	Officer Comments
14/01126/CON - Demolition of 7 Eyre Terrace and existing warehouse known as the Scotsman Building at 7, 11, 13 Eyre Terrace	Granted 1 <sup>st</sup> April 2015	Demolition of former warehouse and stable block. Works not initiated under this application.
20/00705/CON - Complete Demolition of derelict cottage in a Conservation Area at 7 Eyre Terrace	Granted 2 <sup>nd</sup> April 2020	Related to 7 Eyre Terrace (stable block). Building was fire damaged. Demolition completed.
14/01177/PPP - Planning permission in principle for mixed use development. Retail (class 1); financial, professional + other services (class 2); food + drink (class 3); business (class 4); hotels (class 7); residential (class 8, 9 + sui generis), car parking, access + other works, approval of siting + maximum height of principal building block, points of vehicular/pedestrian access + egress at 7, 11, 13 Eyre Terrace	Granted 7 <sup>th</sup> January 2021	Planning Permission in Principle (PPP) related to just the northeast part of the site adjacent to the park. Permission was for a range of uses as the applicant was seeking flexibility. PPP granted, but no AMCs submitted and permission has now lapsed.
20/03661/CON - Complete Demolition in a Conservation Area at 34 Fettes Row	Granted 26 <sup>th</sup> February 2021	<p>This was to demolish the existing buildings on the site and linked to the main application of 20/03034/FUL. These were the Dundas Street office building, the Fettes Row data centre, the link building and the garages and warehouse buildings at the rear of the site.</p> <p>The demolition works have been completed and the site cleared.</p>
20/03655/FUL – Formation of path and associated landscaping at King George V Public Park	Granted 26 <sup>th</sup> February 2021	Proposal was to provide a link from that site (and Dundas Street in the west) through to the park and beyond. Permission not implemented.

Planning Application Reference/Proposal	Decision/Date of Decision	Officer Comments
<p>20/03034/FUL for Demolition of existing buildings and erection of mixed-use development comprising residential, hotel, office, and other commercial uses, with associated landscaping / public realm, car parking, and access arrangements at 34 Fettes Row</p>	<p>Granted 1<sup>st</sup> September 2021</p>	<p>This is the main permission that covers the whole of the site. It was for the below uses:</p> <ul style="list-style-type: none"> <li>• Plot 1 – Mid-Market Rent (MMR) – 108 units + 116 Bedroom Hotel (adjacent to Dundas Street)</li> <li>• Plot 2 – Build to Rent (BTR) – 144 units (adjacent to the park at the north east)</li> <li>• Plot 3 – Office Block – 9,820 sqm (plus 282sqm retail unit onto Dundas Street) running north of Fettes Row</li> <li>• Plot 4 – Private Residential 47 units on Fettes Row Block + 70 in crescent blocks to at the southeasten part of the site.</li> </ul> <p>At the committee hearing members had concerns largely relating to the impact that the MMR block would have on the residential amenity of the Applecross block to the north. As such, the proposed development on Plot 1 of the MMR and hotel was not granted and conditioned out i.e. this element of the proposal was refused by committee for any development above the car park level.</p> <p>The rest of the scheme was granted.</p> <p>A notice of initiation has been submitted and works have commenced. It is understood that the applicant wishes to deliver the private residential blocks on the eastern part of the site under this permission.</p>
<p>21/00157/TCO for 10 Norway Maple, 4 Elm and 1 Sycamore - fell 4 trees and prune 11 trees according to tree survey dated June 2020 at 34 Fettes Row</p>	<p>Not to make a Tree Preservation Order on 24<sup>th</sup> February 2021</p>	<p>Confirming tree works across the site related to the proposed development.</p>

Planning Application Reference/Proposal	Decision/Date of Decision	Officer Comments
21/00228/TCO for removal and pruning of several trees to facilitate development proposal at King George V Public Park	Not to make a Tree Preservation Order on 24 <sup>th</sup> February 2021	Confirming tree works across the site related to the proposed development and park area.
21/03481/FUL for residential development with ground floor commercial uses and associated landscaping and infrastructure at 34 Fettes Row	Granted 6 <sup>th</sup> June 2022	<p>This was an application for the section of 20/03034/FUL that had essentially been refused at committee and conditioned out from the car park up on Plot 1.</p> <p>It was for 108 Mid-Market Rent (MMR) units on the northern part of the block next to the existing Applecross block. On the southern part of the plot the proposal was for 66 Build to Rent (BTR) units.</p> <p>A notice of initiation has been submitted for this proposal and works commenced.</p> <p>To summarise at this point, across the whole site the combined outcome of the two main permissions was for a total of 435 residential units and the office block + ancillary uses (split below):</p> <ul style="list-style-type: none"> <li>• Plot 1 – MMR – 108 units + BTR – 66 units</li> <li>• Plot 2 – BTR – 144 units</li> <li>• Plot 3 – Office Block – 9,820 sqm (plus 282sqm retail unit onto Dundas Street)</li> <li>• Plot 4 – Private Residential 47 units on Fettes Row Block + 70 in crescent blocks.</li> </ul> <p>There was also a non-material variation for Block 1-5 (Plot 4) which reduced the unit numbers from 117 to 107. If implementing with the NMV this leaves a</p>

Planning Application Reference/Proposal	Decision/Date of Decision	Officer Comments
		total of 425 residential units. There have also been other NMVs for minor alterations to the parent permission.
24/00079/FUL for formation of path and associated landscaping (renewal of planning permission 20/03655/FUL) at King George V Public Park	Granted 26 <sup>th</sup> April 2024	Application essentially signified a renewal of 20/03655/FUL.
24/06261/SCO for EIA Scoping Request at 34 Fettes Row	Decision issued 17 <sup>th</sup> March 2025	Scoping opinion formally issued.
25/02364/FUL for formation of path and associated landscaping at King George V Public Park	Under assessment	<p>New planning application for the connection to the park. Changes to 25/01899/FUL permission to enable fire tender access meant that the small bridge previously proposed from the site into the park was no longer suitable. This proposal provides for a more level access connection.</p> <p>Decision is still pending as it now no longer connects with the previously granted permission.</p>