

# Development Management Sub Committee

Wednesday 25 November 2020

## Application for Planning Permission 20/02976/FUL at 7 Lower Gilmore Place, Edinburgh. Demolition of existing buildings and erection of student residential development with associated landscaping.

Item number

Report number

Wards

B11 - City Centre

### Summary

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The proposal is of an appropriate location and will not result in an excessive concentration of students in the locality. It is of an appropriate scale, form and design and will not have a detrimental impact on the conservation area. The proposal will result in a satisfactory residential environment for future occupiers, will not have a negative impact on neighbouring amenity and complies with relevant parking standards. The proposal complies with relevant Local Development Plan policies and broadly complies with non-statutory guidance set out in Edinburgh Design Guidance, Student Housing Guidance and the Fountainbridge Development Brief. There are no material planning considerations which outweigh this conclusion.

### Links

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[Policies and guidance for this application](#)

LDPP, LDEL01, LDEL02, LDES01, LDES02, LDES03, LDES04, LDES05, LDES10, LEN08, LEN06, LEN09, LEN12, LEN16, LEN21, LEN22, LEMP09, LHOU07, LHOU08, LTRA02, LTRA03, NSG, NSLBCA, NSGSTU, NSGD02, OTH, CRPMAR, DBFOUN,

# Report

## **Application for Planning Permission 20/02976/FUL At 7 Lower Gilmore Place, Edinburgh, Demolition of existing buildings and erection of student residential development with associated landscaping.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site comprises a mix of low rise commercial workshops, a martial arts school and the Pregnancy and Parents Centre. To the north, the site faces Lower Gilmore Place beyond which is the brick boundary wall of the Union Canal. To the east is a three storey brick tenement. To the west lies a three-storey office building, other, generally low rise, commercial buildings and sheds culminating in the four storey tenement terrace of Leamington Road. To the south lie the gardens of the terrace of residential properties in Gilmore Place.

This application site is located within the Marchmont, Meadows And Bruntsfield Conservation Area.

#### **2.2 Site History**

7 December 2017 - Application withdrawn: Demolition of all buildings on site and erection of office (Class 4) and flatted residential development with associated car parking, landscaping and public realm (application reference: 17/04234/FUL).

23 January 2018 - Application withdrawn: Complete Demolition in a Conservation Area (application reference: 17/04462/CON).

5 July 2018 - Non determination: Demolition of all buildings on site and erection of office (Class 4) and flatted residential development with associated car parking, landscaping and public realm (application reference: 18/00722/FUL).

20 August 2018 - Appeal against non-determination dismissed: Demolition of all buildings on site and erection of office (Class 4) and flatted residential development with associated car parking, landscaping and public realm (appeal reference: PPA-230-2227).

10 October 2019 - Planning permission refused: Demolition of all buildings on site and erection of office (Class 4) and flatted residential development with associated car parking and landscaping (application reference: 19/00789/FUL).

27 January 2020 - Appeal against refusal allowed: Demolition of all buildings on site and erection of office (Class 4) and flatted residential development with associated car parking and landscaping (appeal reference: PPA-230-2289).

## **Main report**

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### **3.1 Description of the Proposal**

Planning permission is sought for the erection of a purpose-built student accommodation unit containing 74 studio flats. The proposal would involve the demolition of all the buildings currently on site. The proposed building would be four storey with basement and would be finished in dark brick with a zinc roof. No car parking is proposed on site. A bike store with space for 74 cycles is to be located in communal garden space located to the rear. This will be accessed via a private pend.

### **3.2 Determining Issues**

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

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

Do the proposals comply with the development plan?

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

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

### **3.3 Assessment**

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

- a) the principle of development is acceptable;
- b) the proposals preserve or enhance the character or appearance of the conservation area;
- c) the scale, form and design are appropriate;
- d) impact on neighbouring amenity is acceptable;
- e) amenity for future occupiers is acceptable;
- f) the proposal will have any parking, traffic or road safety issues;
- g) there are any other material considerations; and
- h) any comments have been addressed.

#### a) Principle of development

The development is proposed entirely as purpose-built student accommodation. The site lies within the urban area and the principle of development needs to be assessed

under Local Development Plan policies Hou 8 (Student Accommodation) along with the non-statutory student housing guidance.

### *Student Accommodation*

Policy Hou 8 (Student Accommodation) supports purpose-built student accommodation where:

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

The supporting non-statutory Student Housing Guidance provides additional locational and design guidance.

### *Location*

The development site is in an appropriate central location and is within walking distance to campuses of Edinburgh and Napier Universities. Gilmore Place itself lies on a national cycle route connecting to a main campus of Edinburgh University and is further served by local and national cycle routes in the vicinity. There are frequent bus services on Gilmore Place and on nearby Home Street which provide access to other campuses, universities and college sites.

### *Concentration*

Part b) of policy Hou 8 seeks to protect areas from an excessive concentration of student accommodation to maintain balanced communities or maintain the established character and residential amenity of the locality. The non-statutory guidance document *Student Housing Guidance* states that where the student population is dominant, exceeding 50% of the population, there will be a greater potential imbalance within the community.

However, neither the LDP or non-statutory guidance define a 'locality' as stipulated in part b) of the policy, which leaves open different interpretations of what constitutes a locality. In an addendum to the Planning Statement provided with this application, the applicant has taken a ward approach. Noting that the Community Planning (Locality Planning)(Scotland) Regulations 2016 defines a locality as no more than 30,000 people or an electoral ward and using data from the 2018 Ward Population Profiles (version 4i, updated 9 October 2018), the applicant assessed the City Centre Ward and the Fountainbridge/Craiglockhart Ward which is adjacent.

Since the 2011 census there have been 2,442 student accommodation spaces consented within the City Centre Ward, bringing the student population to 12,211 (including the 74 spaces proposed in this application). The total population of the ward is 34,649. The 12,211-student population represents 35% of this total and the current proposal would represent a 1% increase. Within the Fountainbridge/Craiglockhart Ward

the proposal would bring the student population to 6,066, a concentration of 22%. In both cases the figure is below the 50% figure outlined in guidance.

A different approach is undertaken by Tollcross Community Council who has objected to the proposal on the basis it will lead to an overconcentration of students in the area. Tollcross Community Council state that local people consider the area encompassing Tollcross, Fountainbridge and the residential part of North Bruntsfield to be a locality. The Community Council note there are four student residences in this area, all approximately 200 metres from the proposal. These have a total capacity for up to 836 students. There are a further eight other student residences close by (within 430 metres) which have a potential capacity of 2185. Utilising census data from 2011, the Community Council note that the application site is located within datazone SO1008665. In 2011, the student concentration was 36% (440 students and 746 non-students) in this area. Following the opening of Canal Point and the Vita residences within this area the concentration of students, in theory, increased to 57%. The proposed 74 studio apartments outlined in this application would increase that figure to 59%. The Community Council also note that using 2011 census data and considering built and approved numbers for student accommodation that surrounding data zones outwith the application site such as SO1008638 are at 42%, SO1008666 would be at 56% and SO1008661 reached 70% when Bainfield House opened. However, this does not include potential increases in the permanent residential population associated with planning applications submitted both within Fountainbridge and the surrounding area.

Given the differing approaches outlined above, a broad approach has been utilised to assess this application. The Council has considered 21 datazones from the 2011 census as well as all operational student residences within this area and all consented and pending consideration applications for further purpose-built student units. The datazones considered are as follows:

- S01008621 Marchmont West - 05
- S01008622 Marchmont West - 06
- S01008623 Marchmont West - 07
- S01008637 Merchiston and Greenhill - 06
- S01008638 Bruntsfield - 01
- S01008639 Bruntsfield - 02
- S01008640 Bruntsfield - 03
- S01008641 Bruntsfield - 04
- S01008642 Bruntsfield - 05
- S01008643 Bruntsfield - 06
- S01008644 Bruntsfield - 07
- S01008651 Dalry and Fountainbridge - 01
- S01008658 Dalry and Fountainbridge - 08
- S01008659 Tollcross - 01
- S01008661 Tollcross - 03
- S01008662 Tollcross - 04
- S01008663 Tollcross - 05
- S01008664 Tollcross - 06
- S01008665 Tollcross - 07
- S01008666 Meadows and Southside - 01
- S01008667 Meadows and Southside - 02

- The total population of this area in 2011 was 18,060 with students representing 6,553 of that number (36.3%). Since the census, 13 purpose-built student residences have become operational with a potential capacity of 3,679. A further two applications have been consented, with a potential capacity of 261. Two other applications are pending consideration with a potential total capacity of 82. This area encompasses Tollcross, Fountainbridge, North Bruntsfield outlined by the Community Council as the area considered by locals to constitute the locality for this area.

If all units become operational, there is potential for purpose-built student accommodation to increase the student population in this area by 4,022. Taking a worst case scenario approach where the full time residential population has not and will not increase at all, and that all population growth only occurs as a result of the new-purpose built accommodation, the total population for the area would increase by 4,022 to 22,082 and the student population would increase to 10,575. This would represent a student concentration in the area of 47.88%. This is below the 50% figure outlined in non-statutory guidance.

Moving away from a purely figures based approach, it is undeniable that a cluster of purpose-built accommodation has developed around the Fountainbridge area and more generally within the City Centre Ward. Recent population density maps prepared for the Choices for City Plan Monitoring Statement show the application site is located within an area with over 100 people per hectare. One of the highest population densities in the city. The surrounding area is also strongly characterised by residential development. Gilmore Place to the south is characterised by tenements. There are commercial uses in this area, but these are largely limited to the ground floor of buildings, with residential units on the upper floors. 11 guest houses are in operation on Gilmore Place, but this does not represent an over-proliferation of commercial uses. To the west, areas such as Viewforth, Leamington Terrace, Montpelier Park, Merchiston and Polwarth are strongly characterised by residential use. To the east, despite more commercial uses on Home Street, these are again limited to the ground floor of buildings, with residential use at the upper levels. There are residential clusters on Tarvit Street, Panmure Place and Lauriston. To the north, new residential development has been consented in Fountainbridge as part of ongoing mixed-use development and residential uses are evident across Dundee Street, Dundee Terrace and areas such as Gardiner's Crescent.

Given that the figures outlined above would suggest student concentrations across an area encompassing Fountainbridge, Tollcross, Bruntsfield, and Marchmont would not exceed 50% and that there is evidence of widespread residential use throughout the area, the proposed 74 student accommodation units would not have a negative impact on the established residential character of the area or existing residential amenity. The proposal complies with Hou 8 in this regard.

### *Loss of Employment Sites*

LDP policy Emp 9 states that proposals to redevelop employment sites or premises in the urban area for uses other than business, industry or storage will be permitted provided:

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

The proposal accords with LDP policy Emp 9 as it will not prejudice the activities of any nearby employment use and will contribute to the regeneration of the wider area. The site is smaller than one hectare in size so there is no requirement to include floorspace for a range of business users.

### *Demolition*

A small portion of the south west of the site falls within the conservation area and the buildings are not listed. Aside from this small section, the buildings are afforded no protection and demolition could be undertaken as permitted development. The buildings are of no architectural value and their loss is acceptable.

### *Loss of Housing*

An objection has been raised in relation to a loss of housing. Consent was given for 20 residential units and office space on the site, linked to application 19/00789/FUL. However, this consent has not been initiated. The site currently hosts commercial units. The proposal will not result in a loss of housing.

### *Pressure on Local Services*

Objections have expressed concern about the potential for 74 new residents to place pressure on local services. It is anticipated that users of the site would support local businesses in the same way as any other residents in the area. The proposal could have a beneficial impact in this regard.

The application site is located within the Polwarth Health Care Contribution Zone. A contribution of £11.34 per student is required for new development relating to student accommodation in this area. Based on 74 new students, the applicant would be required to pay a health care contribution of £839.16.

The proposal will not place unacceptable pressure on local services.

### *Fountainbridge City Centre Proposal Area CC 3*

The application site is located with City Centre Proposal Area CC 3 outlined in the LDP. This area relates to the redevelopment of the area previously occupied by the Fountainbridge Brewery. The Development Principles for the area state proposals should provide mixed use development including a local centre, residential, office, small business units, retail, leisure, community and tourist/visitor facilities. Although this proposal is for the formation of student accommodation which is not a use explicitly identified within the brief, it is consistent with the mix of uses expected to be delivered on site and is acceptable.

The Development Brief emphasises the need for a mix of uses on site and identifies the provision of housing as a key component of this. Housing has been consented on site with work already underway. Permission in principle was also granted for a mixed-use development which will include a mix of uses including up to 330 residential units (application reference: 19/03097/PPP). The delivery of housing within the Fountainbridge Design Brief area remains important. However, the design brief does not state that every development should include a provision for new housing, nor would it be practical for this to be the case.

Overall, the proposal is consistent with proposal CC 3 and the Fountainbridge Development Brief.

The development is acceptable in principle subject to the consideration of other matters below.

#### b) Impact on Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states:

*In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.*

LDP Policy Env 6 (Conservation Areas - Development) states that development within a conservation area will be permitted if it preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal and demonstrates high standards of design and utilises materials appropriate to the historic environment.

A small area of the south west of the site falls within the Marchmont, Meadows and Bruntsfield Conservation Area. The buildings that are currently onsite are of no architectural value and are to be replaced with a building of a high-quality design. The regeneration of the site will have a positive impact on the wider area and therefore the proposal will enhance the character and appearance of the conservation area.

The proposal complies with LDP policy Env 6 and is acceptable in this regard.

#### c) Scale, Form and Design

Policy Des 1 (Design Quality and Context) requires development proposals to create or contribute towards a sense of place. The design should be based on an overall design concept that draws upon the positive characteristics of the surrounding area. Permission will not be granted for proposals that are inappropriate in design or for proposals that would be damaging to the character or appearance of the area.

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.



Policy Des 4 (Development Design - Impact on Setting) also requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regards to its height and form; scale and proportions, including the spaces between the buildings, position of buildings and other features on the site; and the materials and detailing.

Policy Des 10 (Waterside Development) requires proposals to provide an attractive frontage to the water in question, where appropriate maintain, provide or improve public access along the water's edge, maintain and enhance the water environment, its nature conservation or landscape interest and if appropriate, promote recreational use of the water.

The proposed building would be four storeys in height, though development in the roof ensures the building reads as 3.5 storeys. The proposal will sit no higher than 9.8 metres at eaves and 12.8 metres at ridge at the highest point from the pavement. This complies with the Fountainbridge Development Brief which states that new development in this area should not exceed 10 metres at eaves and 13 metres at ridge.

The palette of materials and the modern design of the building, equal ridged with Juliette balconies, will provide a high quality and attractive frontage to the canal. The bulk of the proposed building will be broken up by the proposed extensive fenestration and the saw toothed roof profile. The scale, form and detailed design of the proposal would draw upon positive characteristics of the locality and in particular, of the canal-side environment, which is evolving into an exciting, modern space.

The proposal complies with LDP policies Des 1, Des 3 and Des 4. The scale, form, design and choice of materials outlined in the proposal are acceptable and will not have a detrimental impact on the character of the area.

#### d) Neighbouring Amenity

Policy Des 5 (Development Design - Amenity) states that development will be permitted where the amenity of neighbouring development is not adversely affected.

Policy Hou 7 Inappropriate Uses in Residential Areas Developments, including changes of use, which would have a materially detrimental effect on the living conditions of nearby residents, will not be permitted.

The Edinburgh Design Guidance (EDG) states - The pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances.

#### *Daylight*

Information has been submitted in the Design and Access statement showing that the vertical sky component (VSC) of the housing block to the east will be 80% or greater of the current VSC and therefore in compliance with the requirements of the Edinburgh Design Guidance.

### *Sunlight to existing garden and spaces*

The removal of the existing buildings, that are currently hard to the boundary, would facilitate an improvement to sunlight to the rear gardens of Gilmore Place when using the 45-degree line method.

### *Privacy*

The closest potential window to window distance is over 25 metres, so the proposal would not raise any issues regarding privacy in relation to neighbouring windows. The proposal is also acceptable in relation to the neighbouring gardens.

### *Noise*

The applicant has submitted a supporting Noise Impact Assessment which has investigated the proposal and the predicted noise generated from the development, demonstrating it will be acceptable in terms of residential amenity. Existing industrial uses would be removed if this development is consented, resulting in the removal of more problematic noise generating sources. The noise impact assessment has assessed the potential noise impacts on the proposed residential properties. The applicant has identified that there may be minor exceedances of the required internal noise criteria set by Environmental Protection. However, it is accepted that there were confounding factors during the noise measurements taken that could not have been avoided such as construction noise from neighbouring development sites. Therefore, noise levels will reduce when construction noise ends.

Objections have also raised concern about nuisance noise associated with use of the rear garden space by those staying on the site. The residential nature of the site is in keeping with wider residential uses. Purpose-built student accommodation is supported in residential areas. Anti-social noise is addressed through legislation outside of the planning system.

### e) Future Occupiers

Policy Des 5 (Development Design - Amenity) states that development will be permitted where future occupiers have acceptable levels of amenity.

The proposal includes 390 square metres of external amenity space. This represents 32% of the total site area. The Edinburgh Design Guidance and Student Housing Guidance do not set out minimum floorspace requirements in relation to student accommodation. However, each studio contains a kitchen and all necessary elements for independent living. Each studio is served by a window or rooflight, which given the simple studio layout of each unit, ensures adequate daylight. The private spaces are also complemented by 228 square metres of communal amenity space internally. The site is within walking distance of Bruntsfield Links and the Meadows to the east and is also close to Harrison Park to the west.

Technical Standards contained in the Building Regulations require the building to be completely accessible and for one in twenty rooms to be wheelchair accessible. The building has been designed to be accessible and four rooms have been designed to be wheelchair accessible. Wheelchair accessible facilities are also shown in the common

room. This will be a requirement of any building warrant and will be explored in more detail and finalised as part of that process.

Future occupiers will have an acceptable level of amenity.

#### f) Traffic and Parking

Policy Tra 2 states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council guidance.

Policy Tra 3 states that planning permission will be granted for development where proposed cycle parking and storage provision complies with the standards set out in Council guidance.

The proposed secure bike store for 74 cycles is accessible at ground floor level through a pend. The bike store is covered and incorporates Sheffield style racks. The proposal complies with Parking Standards in this regard. The applicant proposes no car parking on the site. This complies with Parking Standards and is in keeping with the Council's aspiration of reducing reliance on private cars. National Cycle Route 75 passes along the site frontage (Lower Gilmore Place) and it is well linked to the various university campuses. The site is well served by public transport and it is not anticipated the proposal should place any pressure on parking in the area.

The Council has produced a preliminary design for Cycle Priority Street on Lower Gilmore Place. The proposal includes widening of the footways on each side of Lower Gilmore Place to 2.2m, raised crossings on both ends of Lower Gilmore Place and road markings and signs to improve walking and cycling. The Council do not have a cost estimate for the improvements to this street and therefore cannot reasonably require contributions from this development.

The proposals comply with LDP policies Tra 2 and Tra 3.

#### g) Other Planning Matters

##### *Trees*

There are no trees on the site, although there are trees in the adjacent land that may be affected by the development. The applicant has submitted details of root protection plans. A condition has been attached to ensure that any part of the trees falling within the site are adequately protected.

The proposal accords with LDP policy Env 12.

##### *Scheduled Monument*

Historic Environment Scotland made no comment with regards to the proposals impact on the Union Canal Scheduled Monument. Impacts on the scheduled monument are acceptable.

### *Protected Species*

No objection has been raised with regards to protected species. Impacts on protected species are acceptable.

### *Environmental Protection*

In line with comments received from Environmental Protection regarding a contaminated land survey and electric charging points at parking spaces a condition requiring a site survey and potential remedial work is proposed.

### *Archaeology*

A condition is attached requiring an archaeological programme of works is undertaken prior to work commencing on site.

The proposal accords with LDP policy Env 9.

### h) Public Comments

#### **Material Representations - Objection**

- Over concentration of students in the area; this is addressed in 3.3a.
- Loss of housing; this is addressed in 3.3a.
- Overlooking and loss of privacy; this is addressed in 3.3d.
- Loss of daylight/sunlight; this is addressed in 3.3d.
- Noise; this is addressed in 3.3d.
- The development is contrary to the Fountainbridge Development Brief; this is addressed in 3.3a and 3.3c.
- Inappropriate scale, form, design and use of materials; this is addressed in 3.3c.
- Detrimental impact on existing community; this is addressed in 3.3a.
- Inappropriate Location; this is addressed in 3.3a.
- No provision for users with disabilities; this is addressed in 3.3e.
- Pressure on parking; this is addressed in 3.3f.
- Pressure on local services; this is addressed in 3.3a.
- Impact on Scheduled Monument; this is addressed in 3.3g.

#### **Material Representation - Support and Neutral**

- Existing buildings are poor and do not contribute to the area; this is addressed in 3.3c.
- Cycle parking should be secure and easily accessible; this is addressed in 3.3f.

## **Tollcross Community Council**

- Tollcross Community Council objected to the application for the following reasons:
- Over concentration of student accommodation in the area and increasing transient population; this is addressed in section 3.3a.
- Inappropriate location of proposal; this is addressed in section 3.3a.
- Inappropriate scale and massing of proposal; this is addressed in section 3.3c.
- Loss of privacy; this is addressed in section 3.3d

## **Non-Material Representations**

- The area needs more affordable homes not commercial lets and other transient uses; each application is assessed on its own merit.
- Loss of kung fu school; this issue is not covered by planning policy.
- Local businesses are catering to transient population; this is not a planning matter.
- The proposed units may be used as short-term lets over the holidays; the proposal is for student accommodation and has been assessed against relevant policies and guidance.
- Clutter on streets when students arrive/leave for term; this is not a planning matter.
- Proposal will result in excessive litter; this is not a planning matter.
- Students may not return due to Covid-19 pandemic; there is no planning policy covering this issue.
- Community should be given the opportunity to develop a local place plan for the site; the application must be assessed against existing policy and guidance.
- Potential increase in anti-social behaviour; this is a matter for the police.
- The proposal should include a swift nest; this is not a planning matter.

## **CONCLUSION**

The proposal is of an appropriate location and will not result in an excessive concentration of students in the locality. It is of an appropriate scale, form and design and will not have a detrimental impact on the conservation area. The height of the building slightly exceeds the recommendations set out in the Fountainbridge Development Brief; however, this is a minor infringement of guidance. The proposal will result in a satisfactory residential environment for future occupiers, will not have a negative impact on neighbouring amenity and complies with relevant parking standards. The proposal complies with relevant Local Development Plan policies and broadly complies with non-statutory guidance set out in Edinburgh Design Guidance, Student Housing Guidance and the Fountainbridge Development Brief. There are no material planning considerations which outweigh this conclusion.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions :-**

1. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
2. Prior to the 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.
  - c) 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.
3. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
4. Any part of trees falling within the development site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".

#### **Reasons: -**

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to safeguard public safety.
3. In order to safeguard the interests of archaeological heritage.
4. In order to safeguard protected trees.

## Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
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. The applicant will be required to pay a health care contribution of £839.16.
5. The applicant should investigate the installation of further renewable energy technology and storage to ensure no fossil fuels are required to service heat and energy demands for the units.
6. Construction Mitigation
  - i) All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.
  - ii) The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.
  - iii) Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.
  - iv) Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.
  - v) All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.

- vi) Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.
- vii) This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.
- viii) No bonfires shall be permitted.

## **Financial impact**

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### **4.1 The financial impact has been assessed as follows:**

There are no financial implications to the Council.

## **Risk, Policy, compliance and governance impact**

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

## **Equalities impact**

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### **6.1 The equalities impact has been assessed as follows:**

The application has been assessed and has no impact in terms of equalities or human rights.

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

This application meets the sustainability requirements of the Edinburgh Design Guidance.

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

There is no pre-application process history.

### **8.2 Publicity summary of representations and Community Council comments**

The original application was advertised in local press on 7 August 2020. The application received eighty-six comments, eighty three objecting, two taking a neutral stance, one in support.

## **Background reading/external references**

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

**Statutory Development  
Plan Provision**

Edinburgh Local Development Plan.

**Date registered**

29 July 2020

**Drawing numbers/Scheme**

01-12,

Scheme 1

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PLACE

The City of Edinburgh Council

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**Links - Policies**

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**Relevant Policies:**

**Relevant policies of the Local Development Plan.**

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

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

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

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

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

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

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

LDP Policy Des 10 (Waterside Development) sets criteria for assessing development on sites on the coastal edge or adjoining a watercourse, including the Union Canal.

LDP Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

LDP Policy Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

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

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

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

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

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

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

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) establishes a presumption against development which would have an unacceptable effect on the living conditions of nearby residents.

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

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

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

## **Relevant Non-Statutory Guidelines**

**Non-statutory guidelines** 'LISTED BUILDINGS AND CONSERVATION AREAS' provides guidance on repairing, altering or extending listed buildings and unlisted buildings in conservation areas.

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

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

### **Other Relevant policy guidance**

The Marchmont, Meadows and Bruntsfield Conservation Area Character Appraisal emphasises the well proportioned Victorian tenemental perimeter blocks with Baronial detailing and the substantial area of the open parkland formed by the Meadows and Bruntsfield Links.

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

# Appendix 1

## **Application for Planning Permission 20/02976/FUL At 7 Lower Gilmore Place, Edinburgh, Demolition of existing buildings and erection of student residential development with associated landscaping.**

### **Consultations**

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#### **Tollcross Community Council**

Tollcross Community Council(as an official consultee) would like to object to this planning application.

We consider that this development would lead to an even greater overconcentration of students in this locality. Furthermore, we believe that the location for this proposal is inappropriate. The scale of the proposed building is also inconsistent with local policies. We further believe that a residential development would be preferable. Also several neighbours to the proposal have complained about overlooking and loss of privacy.

Edinburgh City Council has produced planning guidance on all these issues, such as to prevent these over concentrations of students and to direct student residences to appropriate sites.

The aims are stated in Policy HOU 8 of the current LDP and in in Non-Statutory Guidance - Student Housing Guidance (2016). Policy HOU 1 also allude to the preference for residential developments. We support these policies and believe if upheld, this proposal will be rejected.

We have consulted widely in this area with residents' associations and individuals. Not a single person has approved of this development which reflects the complete local opposition to another student residence.

#### **1. Local Concerns**

For over a decade now, local people have been buying into development plans and master plans which have stated that the aim of developments in this area is to create a new community where people can live and work. What we should be seeing is mixed-use development that blends a combination of residential, commercial, and cultural uses, where those land uses are physically and functionally integrated, where there are active street level floor frontages and pedestrian connections to the surrounding area. Family, social and affordable housing should predominate, not student housing, hotels, apartment hotels or flatted blocks for commercial tourist type letting. Unfortunately, this vision of a new locality has not materialised. So far, we have seen the building of hotels, apart-hotels, a school, many student residences and the burgeoning of short-term let accommodation This means that the new population of the area is a transient one and not forming a sustainable community. The area is at risk of

becoming more a student campus, almost a student ghetto more than what it should be, a permanent residential urban community. Granting permission for another student residence can only make this situation worse.

Local opinion is not against students and acknowledges the vital role of higher education in Edinburgh. However, when the concentration of students in residential areas reaches a certain level it is felt to be a distorted demography which undermines community cohesion. There is ample evidence around the UK and elsewhere for the problems that this causes.

Our views are expressed in the CEC Student Housing Guidance: 'The concentration of students, as a proportion of the transient population, can undermine the social and physical fabric which defines a community and place. In recent years the development of a significant number of larger student developments, in the Old Town, South Side and Fountainbridge have been on sites where much needed housing would previously have been delivered. Balanced sustainable communities require the dominant residential component to be permanent and not transient.'

## 2. Quantifying the Overconcentration of Students

One problem is that a Locality is not defined in the planning guidance. Local people consider the area encompassing Tollcross, Fountainbridge and the residential part of North Bruntsfield to be a locality. It is where people meet, shop, live and find entertainment and recreation.

The developer's Planning Statement addresses the issue of student concentration by inventing a locality with the development on the very edge of this invented locality (p 18 Fig. 4). This locality contains mostly, the residential areas around Gilmore Place, Leamington Terrace, Viewforth and Bruntsfield. It excludes shops and leisure and recreation areas. They acknowledge 4 student residences in this area, all approximately 200 metres from the proposal. These have a total capacity of 836 students. There are several other student residences(built or approved) very close by which would be considered to be in any definition of, even a small locality. There are a further eight other student residences close by (within 430 metres) which have a student capacity of 2185. This is in addition to the 836 acknowledged by the developer and the students in non-purpose-built residents must also be added.

If you examined the data census area (a rather small area), SO1008665, in which the proposal sits then in 2011 the student concentration was 36% (440 students and 746 non students). When Canal point opened, this student percentage went up to 48% and when the Vita residence on Fountainbridge opened the percentage went up to 57% (1007 students and 746 non students). The current proposal would raise this further. Also, the St. Joseph's proposal, now approved, (230 students) is on the border of this data zone and is only 180 metres from the proposal.

Any reasonable person would see the developer's invented locality as an attempt to minimise student numbers so as to appear to be within the Council's guidelines.

Past planning rules have looked at data census areas which are, of course too small and out of date if 2011 data are used. The proposal is in SO1008665 with a current 57% students. Using 2011 data and updating with built and approved numbers,

surrounding data zones are SO1008638 at 42%, SO1008666 at 56% and SO1008661 which reached 70% when Bainfield House opened.

The 2 main ways to see an over-concentration are firstly to see Fig. 1 below with its list of residences (Table 1) which are (built or consented) within a 15 minute walk of the proposal. There are 33 such residences. They account for 6500 beds. 8 - 10 are within a 5 minute walk. This is in addition to students living in HMOs which are plentiful in this area with a lot of tenements and other flats. This southern wedge of Edinburgh already had one of the highest student concentrations before the burgeoning of student residences. This Locality has seen more than one extra student residence per year for quite some time. Secondly, an overconcentration is demonstrated by so much local feeling about the loss of the established community due to too many students and other short term residents. These feelings are now commonly expressed locally, on blogs and in local newspapers and have even led to the setting up of campaigning groups concerned about the amenities for local communities.

### 3. Location

This location is inappropriate for yet another student residence. LDP Policy, HOU 8 states that Developments should be close to the universities and colleges and accessible by public transport. Map 1 in Student Housing Guidance shows where the main campuses are. Section a) in this locational guidance suggests that being adjacent to these sites is the best option.

The proposal is near to certain University buildings but all the local student residences stress this same point. This is disingenuous as they cannot all serve the same few small campuses. The student website, Student.com, lists 11 student residences near Edinburgh College of Art. The fact is that they are not near many major campuses such as King's Buildings, Queen Margaret's University, Heriot-Watt, Edinburgh Napier Craiglockhart and Sighthill, Edinburgh College and the Scottish Agricultural College. In fact, most students in Edinburgh do not study close to this area.

The developer's Planning Statement points to good bus services but journey times to some campuses such as Heriot Watt and Queen Margaret's can be quite long so this does not contribute to decreasing the need for travel with students located on or adjacent to campuses.

In the Luton Court appeal the Reporter states that the objective of the policy as a whole is to support purpose-built student accommodation in locations which are close to higher education facilities but as already stated it cannot be the objective to have all the residences near to one or two smaller facilities. There are far more residences in this area than the educational facilities of the area warrant and far too few residences in areas where they are needed if they are to meet the location criteria.

4. Residential amenity  
There have been 3 applications and 2 appeals for the development of this site. On the first appeal, the reporter was concerned about overlooking and privacy for the residents of Gilmore Place. This was because of living areas looking directly into the gardens and windows of residents. The developer took this on board in the next application and made sure only bedrooms and bathrooms were to the rear. In this new application, half of the students will have their living spaces facing the gardens and windows of the residents on Gilmore Place. This would take us back to the situation that the reporter used as a reason for rejecting the appeal.
  
5. Scale and Massing  
Tollcross Community Council highlighted concern over the scale and massing with regard to Application No. 19/00789/FUL and this was supported by the CEC Planning Committee when they rejected the Application because 'it would fail to comply with Edinburgh Local Plan Policies Des 1, Des 2, Des 3, Des 4, the Fountainbridge Development Brief and the Edinburgh Design Guidance by virtue of the building's excessive massing, which would lead to an unsympathetic and over-dominant addition to the surrounding streetscape'. As this application maintains the same scale and massing our concerns remain. The 3 storeys envisaged in the Fountainbridge development Brief would seem more appropriate.

#### Student Residences and spaces- Table 1

314	IQ Fountainbridge 114 Dundee Street
308	Arran House 5 Drysdale Road The Student Housing Company
321	IQ 69 Grove Street
778	Bainfield Street (Napier),
202	123 Fountainbridge The Bridge House (Old Napier) Unite
117	Mansion House 129 Fountainbridge Back of Bridge House. Mansion Apts.
240	Canal Point, 22 West Tollcross The Student Housing Company
269	Riego Street
96	Morrison Circus (Napier)
106	Wright's Houses Bruntsfield
234	Unite Lady Lawson Street
252	Unite Chalmers Street
168	Warrender Park Crescent On Links, Edinburgh Uni
155	West Bryson Road Napier
327	125A Fountainbridge (Vita Student) - new end of canal
108	Warrender Park Road/Spottiswood St.
180	Nido Haymarket 5 W Park Place Haymarket
245	Bairds Close 27 Kings Stable Road
229	Portsburgh Court Student Halls 56 Lady Lawson Street. Private Halls
75	Student Flats at Archer's Hall N Meadow Walk
138	Meadow Lane/46-56 Buccleuch St.
323	Sylvan Place (Sick Kids) Approved
225	Dundee Street (Telford Underground) Approved for building + addition
180	Meadow Court 13-29 Sciennes 148 bedrooms + 5/6 bed Mews houses
43	Lady Nicholson Court 38 Potter Row - Bristow Square
52	24 Potter Row. Under Construction



39	St. Kentergens student development	Approved
280	Richmond Place next to George Square	Edin. Uni.
72	91 Buccleuch Street	Hello Student Accommodation U Homes
104	22 Haymarket Yards.	Approved
12	91 Lothian Road.	Approved
230	St. Joseph's	Gilmore Place. Approved
74	Proposal	Lower Gilmore Place

Total 6496

It is for the reasons given above that Tollcross Community Council ask that this application should be rejected.

## Transport

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, 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;
2. Applicant will be required to provide a minimum of 74 secure cycle parking spaces for the proposed development in Zone 1;
3. All dropped sections of the southern footway along Lower Gilmore Place fronting the proposed development are required to be reinstated as full height kerb footway;
4. The applicant should be advised that as the development is student housing, 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 F - All student housing);

## Note

- a) The applicant proposes zero parking provision and complies with the Council's parking standards which could allow a maximum of 3 car parking spaces in Zone 1;
- b) National Cycle Route 75 passes along the site frontage (Lower Gilmore Place) and it is well linked to the various university campuses.
- c) The proposed development is accessibly by public transport to university campuses;
- d) Refuse collection per existing arrangement on Lower Gilmore Place.
- e) Most of the estimated trips for the proposed development are by sustainable transport with a predicted 23 two-way peak people trips during the hour 18:00;
- f) The Council have produced preliminary design for cycle Priority Street on Lower Gilmore Place. The proposal include widening of the footways on each side of Lower Gilmore Place to 2.2m, raised crossings on both ends of Lower Gilmore Place and road markings and signs to improve walking and cycling. The Council

do not have a cost estimate for the improvements to this street and therefore cannot reasonably require contributions from this development.

## **Environmental Protection**

Environmental Protection have previously comment on similar proposals for this application site (17/04234/FUL, 18/00722/FUL & 19/00789/FUL). However, the first application was withdrawn and the other deemed refusal but the last 2019 was consented on appeal.

The site is currently occupied by a mixture of residential properties, businesses (mainly garages), and derelict warehouses. To the south of the site is the Union Canal with mooring for pleasure craft, houseboats and boats used for commercial purposes, including a small floating café. Lower Gilmore Place and the canal are busy pedestrian thoroughfares and designated cycle paths. Beyond the canal is a derelict site, occupied during the Edinburgh Fringe festival as a venue, and currently subject to a planning application for development into residential dwellings and a hotel.

To the north of the site are private gardens, which are enclosed by properties along Gilmore Place and Lower Gilmore Place. Properties on the northern side of this quadrant comprise residential flats, a children's day nursery and a small vehicle repairs and servicing garage. There are several residential properties and hotels (holiday lets) to the east and west of the site.

The proposal includes 74 student residential units with no parking spaces. The applicant has provided supporting documents regarding noise and contaminated land. This previously included confirmation of the use of the existing garage under the office currently used by the parking wardens. This garage is only used for parking and of vehicles that are used by the office workers and no servicing takes place in this garage.

The applicant has submitted a supporting Noise Impact Assessment which has investigated the proposal and the predicted noise generated from the development and demonstrated how it will be acceptable in terms of residential amenity. The number of existing industrial uses which would be removed if this development is consented resulting in the removal of more problematic noise generating sources and replacing them with mostly student residential uses. The noise impact assessment has also assessed the potential noise impacts on the proposed residential properties.

No specific formal noise mitigation measures are required for the detailed application.

The applicant has submitted a Geo-Environmental desk study which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.

The applicant has been advised to ensure emissions were kept to a minimum. It is welcomed that the applicant has reduced the number of car parking spaces from that of previous planning applications. The applicant also includes the provision of solar

panels which is a good mitigation measure to reduce energy demand and emissions. The applicant should also investigate the installation of photovoltaic panels and use ground and air sourced heat pumps linked to energy storage. The applicant should be aware of the Climate Emergency and Edinburgh's Zero Carbon targets. Therefore, no fossil fuels should be considered.

Therefore, on balance Environmental Protection offer no objection subject to the following condition

1. Prior to the 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.
  - i) 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.

#### Informative

1. The applicant shall investigate the installation of further renewable energy technology and storage to ensure no fossil fuels are required to service heat and energy demands for the units.

#### Construction Mitigation

- a) All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.
- b) The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.
- c) Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.
- d) Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The

frequency of road sweeping shall be recorded as part of documented site management procedures.

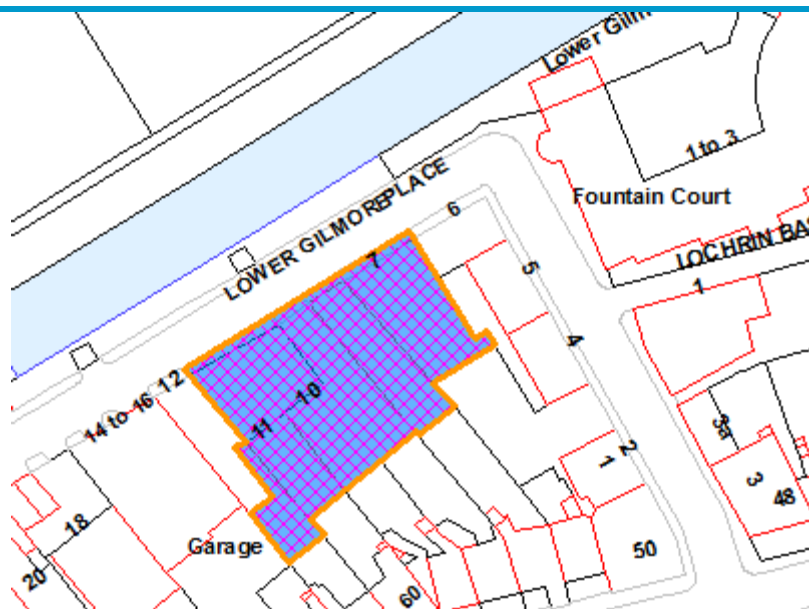
- e) All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.
- f) Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.
- g) This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.
- h) No bonfires shall be permitted.

### Historic Environment Scotland

We have considered the information received and do not have any comments to make on the proposals. Our decision not to provide comments should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on development affecting the historic environment, together with related policy guidance.

### Location Plan

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