

Development Management Sub-Committee Report

Wednesday 21 June 2023

**Application for Planning Permission
12 -18 Lower Gilmore Place, Edinburgh, EH3 9NY.**

Proposal: Demolition of existing buildings and erection of purpose-built student accommodation with associated landscaping and cycle parking (as amended).

**Item – Committee Decision
Application Number – 22/06109/FUL
Ward – B11 - City Centre**

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because 70 letters of objection have been received and it is recommended for approval. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

Overall, the proposal will make a positive contribution to the City's accommodation provision for those undertaking further and higher education and it is acceptable at this location. The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20-minute neighbourhood principles to be delivered. The proposal is compatible with these principles, as well as policy priorities that include sustainability in terms of transport and materials use, climate change mitigation and adaptation, and development on brownfield land. Landscape proposals include good blue-green features such as above ground drainage, and a mixture of planting to provide habitat creation.

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

SECTION A – Application Background

Site Description

The application site is approximately 0.11 hectares (ha) and encompasses 12-18 Lower Gilmore Place, presently consisting of a mix of low and medium-rise commercial workshops, service yards and office units.

The proposed scheme is bounded by an existing purpose built student accommodation development to the East, mixed-use commercial and office buildings to the West and commercial properties to the South including nurseries and a garage. To the North, the site faces Lower Gilmore Place beyond which is the brick boundary wall of the Union Canal which is a Scheduled Ancient Monument.

The site is not located within a Conservation Area, but is located adjacent to the Marchmont, Meadows and Bruntsfield Conservation Area on its South Boundary.

Description of the Proposal

Planning permission is sought for the erection of a purpose-built student accommodation, containing 80 studio flats. The proposal would involve the demolition of all the buildings currently on site. The proposed building would be four storeys, mirroring the height and built form of the neighbouring development to the east.

The proposed building will be 12.9 metres tall and formed using dark and light brick. The proposal will make use of aluminium windows and a zinc clad roof. Accommodation on the fourth floor is in the form of a mansard roof formed of an extensive flat-roofed area and steep pitches to the north and south elevations, with a hipped roof at each end. The front elevation would also have five gables, creating a "saw-tooth" appearance. The rear elevation includes a three storey projecting wing, approximately 9.9 metres in height, projecting 8.25 metres at its east side and 9.4 metres on the west.

Amenity space is provided to the rear, with 270 square metres of open space. Garden ground accounts for 220 square metres of this total which is twenty percent of the site area. This is complemented by 130 square metres of internal amenity space, which is to include gym, study spaces and a media/cinema room. Planter boxes are to be provided at the principal elevation and the proposal includes the provision of lawn, raingarden planting and ten new trees.

No car parking is proposed on site. A bike store with space for 80 cycles is to be located in communal garden space located to the rear. This includes the use of Easi-Riser racks which consist of high level storage for thirty five bikes, with Sheffield stands below for a further thirty five bikes. The Easi-Riser system proposed includes a gas strut mechanism to assist with lifting.

Ten non-standard bikes are accommodated for across the site, with four in the main storage area, and six in the pend. The garden area will be accessed through the pend which includes a secure gate.

Revised Scheme

The revised scheme amends proposed cycle parking to include Easi-Riser racks and introduce Sheffield stands for non-standard bikes. Further details regarding soft landscaping are also provided.

Supporting Information

The following information was provided:

- Archaeological Assessment
- Surface Water Management Plan
- Noise Impact Assessment
- Bat Survey
- Design and Access Statement
- Transport Statement
- Cycle Parking Information
- Landscape Maintenance Plan
- Soft Landscape Specification

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

Relevant Site History

17/04235/PPP

12, 14-16, 18, 20 & 22 Lower Gilmore Place

Edinburgh

EH3 9NY

Flatted residential development and approval for building footprint and maximum height.

withdrawn

12 March 2020

Other Relevant Site History

Neighbouring Site

4 March 2021 - Appeal against deemed refusal allowed: Demolition of existing buildings and erection of student residential development with associated landscaping (Appeal Reference: PPA-230-2323).

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Environmental Protection

Flood Planning

Scottish Water

Historic Environment Scotland

Scottish Canals

Archaeologist

Transport Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 14 December 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): Not Applicable

Site Notices Date(s): Not Applicable

Number of Contributors: 70

Section B - Assessment

Determining Issues

Due to the proposed development having a potential impact on the setting of a Conservation Area, this report will first consider the proposals in terms of Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997:

- Is there a strong presumption against granting planning permission due to the development conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?
- If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

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

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

Do the proposals comply with the development plan?

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

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

In the assessment of material considerations this report will consider:

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

Assessment

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

a) The proposals harm the character or appearance of the conservation area?

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

- *Managing Change - Conservation Areas*

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 buildings that are currently onsite are of no architectural value and are to be replaced with a building of a high-quality design. The existing buildings are in poor condition, constructed of poor quality materials and provide an inconsistent edge to Lower Gilmore Place in terms of height, form and location. The regeneration of the site through the proposed development 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 references the roofscape, materials and fenestration of the development to the East, enhancing the canal-side residential aesthetic of Lower Gilmore Place. This façade activates the neglected streetscape with large ground floor glazing, setbacks and inhabited units with views out to the canal and over the street. The proposed development will bring a consistent, linear height, form and street edge to principal elevation of Lower Gilmore Place; whilst the use different colour tones will provide visual variation.

The rear elevation continues an established building line, with a projecting wing largely being masked by an existing commercial unit. At 9.9 metres in height, this element of the scheme is broadly in line with the height of 12 Lower Gilmore Place which is approximately 9.75 metres tall. This element of the scheme will not be visible from public view points on Lower Gilmore Place. The projecting stair echoes the tenement architecture and provides a division of the façade to break down its visual massing. To the east, the proposed building will adjoin the neighbouring building subtly, continuing the roofscape. To the west a gable end echoes the existing tenement gable.

Conclusion in relation to the conservation area

The proposal has regard to the desirability of preserving or enhancing the character or appearance of the conservation area. The proposal is acceptable with regards to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals comply with the development plan?

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

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

- NPF 4 Sustainable Places policies 1, 2, 3, 4, 7, 9, 12, 13.
- NPF 4 Liveable Places policies 14, 15, 16, 18, 19, 20, 22, 23.
- LDP Delivering the Strategy policy Del 1.
- LDP Design Principles for New Development policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 7, Des 8, Des 10.
- LDP Caring for the Environment policies Env 12, Env 21, Env 22.
- Employment and Economic Development policy Emp 9.
- LDP Housing and Community Facilities policies Hou1, Hou 8.
- LDP Transport policies Tra 2, Tra 3 and Tra 4.
- LDP Resources and Services policy RS 6.

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

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

Conservation Area

The impact on the character and appearance of the conservation area has been addressed in section a) above. It is concluded that the proposal will not adversely impact on the character or appearance of the conservation area and therefore complies with NPF4 Policy 7 (Historic assets and places).

Acceptability of the development in principle

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

Policy 16 of NPF 4, in criterion c, lends support to 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. Part vii of criterion c) states that housing types for homes for people undertaking further and higher education are one of the categories of homes which are supported, subject to compliance with other policies of NPF 4.

Policy 14 of NPF 4 requires development proposals to improve the quality of an area regardless of scale. The site is within the urban area, on a site previously developed with a collection of poor quality commercial buildings in operation. It is in close proximity to local retail and other services, as well as public transport links. The proposal would introduce a good quality building, which reflects consented development next door and will provide a consistent, active frontage to Lower Gilmore Place.

Policy 9 of NPF 4 aims to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and empty buildings, and to help reduce the need for greenfield development. Outcomes should maximise use of existing assets, minimise land take, contribute to nature recovery and productive green space, and regenerate to improve well-being and transform places.

The proposal makes use of a brownfield site, and the new building will be constructed to a level that meets the current building regulations in terms of external wall thermal insulation and air leakage. Whilst criterion d) of the policy notes that demolition will be the least preferred option in making use of such sites, it also highlights that consideration should be given to the suitability of the existing buildings for the proposed use. In this case the aging office and commercial buildings are not suitable for residential development in terms of energy performance, materials and contribution to the appearance of the wider area. It should also be noted that the demolition of the existing buildings would be permitted development under Class 70 of the Town and Country Planning (General Permitted Development)(Scotland) Order 1992 (as amended).

The demolition of the existing buildings facilitates the proposed landscaping/green infrastructure at the site's rear providing amenity space for future occupiers, whilst the remainder of the brownfield site would be productively used to deliver accommodation for those studying in higher education. The demolition of existing buildings will allow new development to continue the building line of neighbouring buildings, providing an active, linear frontage to Lower Gilmore Place. The creation of more space to the rear of the site will facilitate the provision of a bike store and the provision of external bike racks which will support sustainable, active travel.

On balance the proposal complies with the overall policy objective to support sustainable re-use of brownfield, vacant and derelict land to help reduce the need for greenfield development. The proposal complies with the intentions of NPF 4 policy 9.

Housing land

LDP Policy Hou 1a states that priority will be given to the delivery of the housing land supply and relevant infrastructure on sites allocated in this plan through tables 3 and 4 and as part of the mixed use regeneration proposals at Edinburgh Waterfront and in the city centre. The LPD identifies the application within the CC3 area allocated for the mixed-use redevelopment of the former brewery site.

The LDP identifies an estimated total capacity of 1200 residential units to be delivered across the CC3 area. The LDP identifies 206 completions up to 2016 leaving a total of 994 units still to be delivered at that time. Since 2016, the 2022 Housing Land Audit and Completions Programme (HLA) identifies that 125 residential units have been completed at Fountain North. The HLA further identifies 345 units as part of the Moda development to the North of Dundee Street, these units are now at an advanced stage of completion. 253 residential units were consented to the North of the application site through application 21/01494/FUL and this development has been initiated. A total of 464 units were also recently approved as part of application 22/04045/AMC at 159 Fountainbridge to the North-West of the application site.

Taking into account the figures set out above, a total of 1,393 residential units have now been built or consented within the CC3 area. This is 193 units more than forecast in the Local Development Plan. Within this context, the construction of purpose built student accommodation within this area will not jeopardise the delivery of housing. The proposal does not conflict with LDP Policy Hou 1.

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.

Accessibility of campus

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 of student population

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

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

The student population within an 800-metre radius of the area, based on 29 datazones within the 2011 census, showed an overall population of 24,027 of which students accounted for 7,859. This represents a student concentration of 33% within the locality in 2011.

Using the National Records of Scotland's Small Area Population Estimates for 2020, the overall population estimate for this 800-metre locality was estimated as 27,214. An adjusted present day student concentration figure for the locality is calculated by assuming that all student figures identified within the 2011 census have remained constant and that all pending and consented applications for Purpose Built Student Accommodation have been granted and are fully occupied. The figure for each datazone is then adjusted to provide an updated maximum figure for student percentage. Using this methodology and accounting for the current proposal, the estimated total students within an 800-metre radius of the site is 10,422, this represents 38% of the total population (an increase of 5% since 2011). This figure should be considered a maximum, as it assumes that the number of students staying within private accommodation in 2011 has remained constant and that all students living within purpose-built accommodation are new. In reality new purpose-built accommodation may have displaced students living in private accommodation.

The applicant has also referenced the assessment of the consented student accommodation next door to the application site, situated at 7 Lower Gilmore Place. In March 2021, consent was granted by the DPEA for a 74 bed student accommodation at 7 Lower Gilmore Place (Decision Reference: reference PPA-230-2323). The assessment of student concentrations in this case took a 'worst case scenario' approach which considered an area covering 21 Census datazones. This area encompassed Tollcross, Fountainbridge, North Bruntsfield which was outlined by the Community Council in their consultation response as the area considered by locals to constitute the locality for this area.

The Council considered population data for the 21 census datazones identified, then expanded upon this by including the number of student beds approved within this 21 data zone study area. This included all approved and pending consideration student accommodation applications post 2011. The 'worst case' nature of this approach involved the exclusion of any residential developments that had either been approved or were pending consideration post 2011, thereby increasing the resident population by students only. The Reporter considering appeal PPA-2302323 concluded that this 'worst case scenario' was an appropriate assessment of potential student concentrations within this locality.

Using 2011 census to provide base data for the 21 data zones identified, the 2011 total population was 18,060, with students representing 6,553 (36.3%). Since then, 17 purpose-built student residences had become operational and/or have been consented, with a potential capacity of 4,022. On this worst-case assumption, which assumes there had been no increase in permanent residential accommodation in the defined study area, this results in a student concentration of 47.88%.

When accounting for the proposed development, which seeks to provide an additional 80 student beds within this locality, and the 148 beds recently consented at Yeaman Place (Application Reference: 22/03556/FUL), this will see the potential capacity of students rise to 4,250. When this figure is added to the 2011 total population data this equates to a total 'worst-case' population of 22,310 within the defined locality. The total figure for the student population in this defined locality is 10,803 which accounts for this development and all student accommodation consented and pending consideration post 2011. The student concentration, considering these factors is therefore 48.42%, which falls below the 50% threshold set out in the Student Housing Guidance.

Tollcross Community Council has objected to the scheme. The response includes an objection on the basis of an overconcentration of students in the locality. The Community Council has identified 6,572 student beds within a fifteen minute walk of the site. The Community Council provided a similar objection response to the neighbouring student accommodation development at 7-11 Lower Gilmore Place. This was considered in the decision by the DPEA, where the Reporter stated that they did not believe a 15 minute walking distance represented a meaningful locality, given the significant area that it covered. This approach also does not acknowledge consented residential development within the same area.

Given the discussion outlined above, it is clear that the 'worst case' scenario is unrealistic. New residential units in the locality have been completed, development of others has been initiated and there have been recent planning consents for more. However, it does demonstrate that even with a degree of uncertainty relating to the continued use of the 2011 census, that the proposed development will not result in a student concentration above 50%. The proposal will not result in an excessive concentration of students within the locality.

The proposal complies with parts a) and b) of LDP policy Hou 8.

Student Housing Guidance

The Council's non-statutory student housing guidance recognises the value of higher education to the city and sets out the locational and design guidance to be applied for student housing. Part a) accepts student housing in locations within or sharing a boundary with a main university. This clause does not apply to the application site. Part b) states that outwith criteria a), student housing will generally be supported on sites with less than 0.25ha of developable area. The proposal has a developable area of approximately 0.11ha and is supported by this part of the guidance. Criterion c) of the guidance requires sites with a developable area of over 0.25 hectares to include 50% of the gross student accommodation floor area as residential housing. This clause does not apply as the developable site area is below the threshold. Criterion d) of the guidance states that student accommodation should comprise a mixture of accommodation types including clusters. No clusters are proposed in this case, however 29 cluster flats are provided within the student accommodation consented as part of the former St Joseph's Nursing home and 35 % of the student accommodation at the nearby Silk Mill student development is also in the form of clusters. Given the limited site size in this case and the presence of cluster flats in the surrounding area, this is acceptable in this case.

Employment land

LDP Policy Emp 9 (Employment Sites and Premises) supports the redevelopment of premises in the urban area for uses other than business provided that the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use and the proposal will contribute to the comprehensive regeneration and improvement of the wider areas.

The applicant has submitted a supporting Noise Impact Assessment (NIA) which has investigated the potential impact of noise generating sources on the amenity of future occupiers. A number of existing industrial/commercial uses will be removed if this development is consented, resulting in the removal of more problematic noise generating sources and replacing them with mostly residential type uses. The noise from remaining commercial units will not raise significantly above background noise levels and will not have a negative impact on the amenity of future occupiers. The NIA provided has been considered and accepted by the Council's Environmental Protection Team. The proposal will have no impact on the existing operations of neighbouring commercial businesses and does not conflict with the Agent of Change Principle.

The proposal will remove poor quality commercial buildings and introduce a high quality build, which is consistent with neighbouring development. The proposal will contribute to the ongoing regeneration of the Fountainbridge area.

As the site area falls under one hectare, there is no requirement for replacement business spaces to be provided. Nonetheless there will be a small element of employment uses maintained by way of the running and maintenance of the student housing block.

The proposal complies with LDP policy Emp 9.

Fountainbridge Development Brief

The Fountainbridge Development Brief, was prepared for the area in 2005. It does not form part of the LDP and provides guidance for new developments. A number of objections from the public have noted that the Development Brief does not specifically identify student accommodation as part of plans for redevelopment of the area. 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 and as identified above, a large residential component of development has already been consented or delivered in the surrounding area.

The Brief identifies the application site as being within an area marked for redevelopment opportunity, to allow the formation of a quality urban environment that draws upon its distinct canal-side location. The brief states that in order to contribute to the overall objectives of the development brief for Fountainbridge, proposals should incorporate the following key components:

- Public realm improvement to enable creation of pedestrian priority environment within Lower Gilmore Place
- Visual permeability between Lower Gilmore Place and the waterspace
- Creation of high quality development to southern side of Lower Gilmore Place, as frontage to canal

The proposal will mirror the consented development to the east in terms of height, form and choice of materials. The use of gable roof forms links with the neighbouring development, creating a steady rhythm to the facade. The fenestration also links to the neighbouring building, providing large windows at ground level to activate the street frontage. The height is consistent with the neighbouring building and three to four storey buildings can also be identified elsewhere in the Fountainbridge area. The use of different coloured brick tones will add variation and break up the built form. A set back at ground level will allow the provision of planters to enhance the appearance of the street. The proposal provides level access to the site and proposes no car parking, ensuring that pedestrians and cyclists are prioritised.

The proposal will contribute to a coherent and attractive built form which will improve the setting of the canal and the wider area. The applicant has undertaken consultation with Historic Environment Scotland and Scottish Canals to discuss opportunities to improve a listed wall to the north of the site with the aim of improving visual permeability of the street. Although the Council acknowledges that the applicant has undertaken a level of engagement regarding future urban realm improvements around the site, this does not form part of this application.

The proposal complies with the general principles of the Fountainbridge Development Brief.

Principle conclusion

The proposal is acceptable in principle with reference to NPF policies 9, 14 and 16 as well as LDP objectives set out in policies Hou1, Hou 8, Emp 9 and Council guidance for student accommodation. Further policy considerations are addressed below in relation to other policy themes.

Design and liveable places

Policies 14, 15 and 16 of NPF 4 support development that delivers quality places, spaces and environments that can further contribute to achieving 20-minute neighbourhood principles. The delivery of good quality homes in the right location is also supported. LDP policies Des 1 to Des 5 and Des 7 to Des 8 also sets out requirements for new development in the City, and require proposals to be based on an overall design concept which takes influence from positive characteristics of the surrounding area to deliver high quality design.

Liveable places

The proposal demonstrates a variety of the NPF 4 six qualities for successful places which are outlined in NPF 4 policy 14. For example, the application site is close to local amenities in Fountainbridge, Tollcross, Bruntsfield and Morningside. To allow sustainable living, the proposal facilitates active travel and is well-located for public transport to other parts of the City without the need to use a car. It introduces a distinctive building to replace poor quality, aging commercial units. With reference to safety, the proposal will be managed on site and the proposal will contribute to the passive surveillance of Lower Gilmore Place. It is conceivable that the proposal could be adaptable, in future, to accommodate a different use if necessary, however specific alternative uses are not identified by the applicant in the submission. With reference to distinctive design, this matter is considered further below within this report.

Design considerations

As noted above, the proposal references the roofscape, materials and fenestration of the development to the east, enhancing the canal-side residential aesthetic of Lower Gilmore Place. This façade activates the neglected streetscape with large ground floor glazing, setbacks and inhabited units with views out to the canal and over the street. The proposed development will bring a consistent, linear height, form and street edge to principal elevation of Lower Gilmore Place; whilst the use different colour tones will provide visual variation.

The rear elevations continue an established building line, with a projecting wing largely being masked by an existing commercial unit. At 9.9 metres in height, this element of the scheme is broadly in line with the height of 12 Lower Gilmore Place which is approximately 9.75 metres tall. This element of the scheme will not be visible from public view points on Lower Gilmore Place. The projecting stair echoes the tenement architecture and provides a division of the façade to break down its visual massing. To the East, the proposed building will adjoin the neighbouring building subtly, continuing the roofscape. To the West a gable end echoes the existing tenement gable.

The proposal introduces a well-designed and distinctive proposal that accords with NPF 4 policy 14 and LDP policies Des 1 (Design Quality and Context), Des 2 (Co-Ordinated Design), Des 3 (Incorporating and Enhancing Existing and Potential Features), Des 4 (Development Design - Impact on Setting), Des 7 (Layout Design), Des 8 (Public Realm and Landscape Design). The proposal will have a positive impact on the appearance of Lower Gilmore Place, whilst providing an attractive frontage to this part of the Union Canal in line with LDP Policy Des 10 (Waterside Development).

Amenity

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

In terms of daylight, the nearest element of the proposed development to neighbouring properties is a projecting element on the east side of the building which is set approximately 18 metres from metres away from the nearest window on the outshot of 62 Gilmore Place to the south of the site. In general the proposed scheme is 22-33 metres from windows of neighbouring properties to the south. At these distances the proposed scheme complies with the 25 degree daylighting method set out in Edinburgh Design Guidance (EDG) and will not result in a loss of daylight to neighbouring windows.

In terms of sunlight, the Design and Access statement includes section drawings demonstrating that the proposed scheme complies with the 45 degree sunlight criterion set out in Edinburgh Design Guidance in relation to neighbouring gardens to the South of the site. There is an existing three storey building at 12 Lower Gilmore Place, which is approximately 9.75 metres tall. The proposed scheme will also introduce a three storey element here which will be 9.9 metres tall. Given the height of the proposed three storey element of the proposed scheme, the north-west orientation of the proposed scheme in relation to these neighbouring gardens and a separation of at least 9 metres from neighbouring boundaries, the proposed scheme will not overshadow these neighbouring gardens associated with properties on Gilmore Place.

Section drawings set out in the Design and Access Statement indicated that the proposed scheme marginally failed the 45-degree sunlight criterion when assessed against the garden of the neighbouring student accommodation to the east at 7-11 Lower Gilmore Place. However, further assessment has confirmed that given the separation between the neighbouring development to the east and the north-east orientation of the proposed development in relation to the potentially affected garden, there will be no loss of sunlight to the garden of the neighbouring student accommodation.

In terms of privacy, EDG states that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. Window to window distances between the proposed development and neighbouring properties to the South ranges between 24-33 metres. This is consistent with the surrounding pattern of development and raises no concern in relation to potential overlooking.

The nearest window to the boundary of a neighbouring garden is approximately 10.5 metres away, whilst windows to the west side of the proposed development are up to 18 metres away from neighbouring gardens. These distances are also consistent with surrounding development. Reporters in two previous appeals relating to the neighbouring site at 7-11 Gilmore Place have both noted that there is a high degree of overlooking on the gardens of Gilmore Place from other residents at properties on Gilmore Place. Given the separation of the proposed scheme from neighbouring boundaries to the south, it is concluded that the proposed scheme will not increase overlooking beyond that already experienced.

The applicant has submitted a supporting Noise Impact Assessment (NIA) which has investigated the potential impact of noise generating sources on the amenity of future occupiers. A number of existing industrial/commercial uses will be removed if this development is consented, resulting in the removal of more problematic noise generating sources and replacing them with mostly residential type uses. The noise from remaining commercial units will not raise significantly above background noise levels and will not have a negative impact on the amenity of future occupiers. At this stage no data for plant or internal lifts has been provided and this will be finalised as part of a future Building Warrant application.

CEC's Environmental Protection Team has considered the NIA submitted and has no objection to the scheme subject to a condition requiring specific details of the acoustic glazing and trickle vents required for protecting the occupiers of the residential units from road traffic noise. A pre-commencement is also included requiring the provision of specific details of plant equipment and any noise mitigation measures required to protect the amenity of both future occupiers and existing residential neighbours.

For future residents, the proposal provides a suitable level of external amenity space with garden ground accounting for 220 square metres of the site, representing 20 percent of the total site area. This is complimented by 130 square metres of internal amenity space. 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.

There are no minimum room size standards for student accommodation in the Edinburgh Design Guidance (EDG), however the proposed sizes ranging between 20 square metres and 34.5 square metres are in line with other student accommodation developments in the city. The applicant submitted assessments with regard to noise impact, and daylight and sunlight and as outlined above, the scheme complies with the requirements set out in EDG in this regard. Future occupiers will experience a similar level of amenity as that associated with other developments in the surrounding area. The proposal does not represent overdevelopment of the site.

Future residents are provided with good quality accommodation overall. In respect of amenity the proposal provides an acceptable standard in the context of LDP policy Des 5, NPF 4 policy aspirations for liveable places and health and safety, and the EDG.

Climate change, biodiversity, and sustainability

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

Drainage

The application site is not within an area identified as at risk of flooding. A Surface Water Management Plan has been submitted by the applicant. This has been considered by, and accepted by, the Council's Flood Planning Team. Scottish Water comments offer no objection to the proposal. In addition to the above noted NPF 4 policies, the proposal complies with NPF policy 22 and LDP policies Env 21 (Flood Protection) and RS 6 (Water Supply and Drainage) which all seek to ensure sustainable water management and flood risk measures are in place for new development.

Biodiversity

A supporting bat survey was submitted and confirms no protected species are present at the application site. The area surrounding the site has low suitability to be used by a limited range of bat species for roosting, foraging, and commuting.

The application site is currently dominated by the existing commercial buildings and hardstanding. The proposed development will introduce green space including lawn, raingarden planting, new planters and ten new trees. This will have a positive impact on biodiversity.

Energy and sustainability

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

Sustainability statements are set out in the Design and Access Statement and Planning Statement provided by the applicant. The proposed building will be constructed to a level that meets the current building regulations in terms of external wall thermal insulation and air leakage. The proposal to use brick as the primary wall cladding material is inherently sustainable and provides an external wall build-up that is rated A+ in the BRE Green Guide to Specification. The applicant has identified that as part of the scheme it is proposed to include an array of rooftop photovoltaics, thereby providing a sustainable energy source on the site.

The proposal complies with the aims of NPF 4 and detailed building design methods will be subject to Scottish Building Standards.

Zero waste

NPF 4 policy 12 aims for the reduction and reuse of materials in construction, with a view to supporting the circular economy. The proposal will include waste management facilities with refuse stores at the ground floor and in an external store, and these will be capable of providing bins for future residents for mixed, food and glass recycling. Waste collection would be privately managed for the proposed development with collections on a weekly basis.

It is also proposed that the existing bin store for the adjacent development at no.7-11 is removed and the refuse provision for both developments is combined into one store. This will reduce the carbon impact of the proposed development.

The proposal is consistent with the waste hierarchy and complies with NPF policy 12.

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

Transport

The applicant proposes no car parking on the site. The Council's Parking Standards allow for a zero-parking approach for student accommodation where justified. National Cycle Route 75 passes along the site frontage (Lower Gilmore Place) and it is well linked to the various university campuses and range of amenities and services. The site is well served by public transport. This approach complies with the aims of both NPF 4 and the Council's aims to reduce car journeys, and the Roads Authority has not objected to the proposed arrangement.

80 bicycle parking spaces are proposed. The location and number of bicycles that can be accommodated complies with the Council's parking standards and cycle parking fact sheet C7. No specific guidance is given in relation to student accommodation. However, page 14 of fact sheet C7 relating to long stay residents within flats states that no more than 80% of cycle parking spaces should be of one type. The guidance further recommends that at least 20% of cycle parking shall be suitable for use by non-standard bicycles (such as adapted bikes, tandems, cargo bikes and bike trailers). Page 32 of the guidance recommends that where possible two-tier racks should make up no more than fifty percent of cycle storage provision. However, the use of two tier racks is identified as suitable for constrained sites.

In this case 70 cycle parking spaces are provided in the form of two-tier racks. This represents 87.5% of the total provision. The Easi-Riser racks which are proposed in this case will provide Sheffield Stands at ground level for 35 bikes, whilst a further 35 spaces will be provided on upper level racks. The Easi-Riser system proposed includes a gas strut mechanism to assist with lifting. 10 non-standard bikes are accommodated for across the site, with four in the main storage area, and six in the pend. These are extra length 1.5m long Sheffield hoops, as advised in the guidance.

Given the limited size of the site in this case, the use of two tier racks to provide more than fifty percent of the cycle parking provision is acceptable. The applicant considered different layouts and cycle parking types in order to limit the use of two-tier racks to fifty percent, this included the use of Cobra bike stands. However, these options were rejected by the Council's Active Travel Team and Transport Planning. The design of the racks and the space within the site to accommodate them was not considered appropriate and also limited available amenity space for future occupiers.

The applicant has provided ten non-standard spaces in this case on the basis that it is less likely that a student is going to have a non-standard bike such as a tandem, courier or child cart. The applicant has taken cognisance of the fact that four rooms within the scheme are specifically designed for wheelchair users and people with other mobility issues. The ten spaces provided can therefore accommodate adapted bikes for those four rooms, plus another six.

The proposal accords with LDP policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) and the Council's parking standards in terms of numbers. A deviation from guidance in terms of the type of cycle parking provided is considered justified in this case. The transport aspects of the proposal comply with the aims of NPF policy 13 which supports development that promotes and facilitates sustainable travel to prioritise walking, wheeling, cycling and public transport for everyday travel. The proposal allows for reduced car dependency and is also consistent with NPF 4 Policy 15 which supports developments that contribute to local living, including 20-minute neighbourhoods.

Ground conditions

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

Built heritage and archaeology

The site lies adjacent to the southern bank of the Union Canal, a Scheduled Ancient Monument. National Planning Framework 4 Policy 7 intends to protect the historic environment, and criterion h) states that development proposals affecting scheduled monuments will only be supported where significant adverse impacts on the integrity of the setting of a scheduled monument are avoided.

The applicant has undertaken a desk based archaeological assessment of the site which outlines that the proposed development will not have a significant impact on the setting of the ancient monument. HES has no objection to the scheme and agrees that it will not impact the setting of the monument.

In consultation comments, the City's Archaeological Service (CECAS) has indicated the existing buildings on site are not considered historically significant to warrant their retention. Their demolition is nevertheless considered to have an adverse archaeological impact. Accordingly, it is recommended that a historic building survey (phased internal and external elevations and plans, photographic and written survey and analysis) of these surviving buildings is undertaken prior to and during their demolition. This is required to provide permanent records of these industrial/commercial buildings.

Subject to the recommended condition, the proposal complies with the aims and intentions of NPF 4 policy 7.

Infrastructure first

Health services

The application site is within the Polwarth Healthcare Contribution Zone. In Line with the Developer Contribution and Infrastructure Delivery Supplementary Guidance, contributions are required to facilitate the refurbishment of Tollcross Health Centre to mitigate the impact of ongoing residential development within the CC 3 area.

A contribution rate of £11.34 per student bed is set out in guidance. For this 80 room scheme this results in a required contribution of £907.20. It is recommended this amount should be secured through a Section 69 Agreement under the Local Government (Scotland) Act 1973 or through Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) as appropriate.

Objections have expressed concern about the potential for 80 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 economic impact in this regard.

Conclusion in relation to the Development Plan

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

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

The following material planning considerations have been identified:

Emerging policy context

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

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified. The proposal provides level access to the site, four accessible rooms are included within the development in line with Building Regulations. Internal lifts will provide access to all floors.

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

Public representations

The application received 70 objection comments. This includes objections from Tollcross Community Council and the Gilmore Place and Lochrin Residents Association. These comments are summarised below.

Material objections

- Excessive concentration of students/approach not sustainable/increase in transient population; this is addressed in section b).
- No parking provided and cycle parking not adequate; this is addressed in section b).

- Developer should improve pavements; this is addressed in section b).
- Loss of privacy/light; this is addressed in section b).
- Excessive height; this is addressed in section b).
- Contrary to Fountainbridge Development Brief; this is addressed in section b)
- Negative impact on streetscape; this is addressed in section b)
- Noise Impact; this is addressed in section b)
- Detrimental impact on the Conservation Area; This is addressed in section a) and b).
- Detrimental Impact on the Scheduled Monument; this is addressed in section b).
- Lack of amenity space; this is addressed in section b).
- Overdevelopment; this is addressed in section b).
- Loss of workshops; this is addressed in section b).
- Proposal only includes studio rooms; this is addressed in section b).
- Elements of neighbouring site are included as part of this proposal; this addressed in section b).

Non-material objections

- Preference for social or affordable housing at this site - the applicant has not proposed this form of development.
- Applicant has deviated from plans on neighbouring site; applicant has all consents in place for neighbouring site and this has no bearing on this application.
- No sustainability statement; a sustainability statement is set out in the Design and Access statement and also within the Planning Statement provided by the applicant.
- Does not comply with City Plan 2030; as noted in section c) City Plan 2030 has not been adopted and is not a material consideration in the assessment of current planning applications.
- Public representation period was too short; neighbour notification was carried out in line with relevant legislation and an extension was granted for late representations upon request.
- Shops cater for students; this is not a planning matter.
- Cost of student accommodation. This is not a material planning matter.
- Accommodation will be used for short term letting; the application is not for short term letting.
- Health implications for residents linked to continued development of brownfield sites; construction associated with consented development is permitted development. The application site is not within an Air Quality Management Area. Environmental Protection were consulted and did not object on air quality grounds.
- Non-payment of council tax by students which deprives the Council of investment in public infrastructure. This is not a planning matter.
- Integrity of developer; this is not a planning matter.
- Anti-social behaviour in area; this is not a planning matter.
- Decrease in property prices; this is not a planning matter.

Community Council comments

Tollcross Council submitted comments objecting to the proposal. These are summarised below:

- Over concentration of student accommodation in the area; this is addressed in section b).
- Development does not deliver mixed use development aspiration of masterplans and briefs for the area; this is addressed in section b)
- Creating transient population; this is addressed in section b)
- Location near to some campus buildings but not a wider range; this is addressed in section b)
- Residential development should be included; the application has been assessed on its own merit in line with policies set out in the Development Plan.

Conclusion in relation to identified material considerations

No equalities or human rights issues were identified in the assessment of the proposal. The material considerations do not raise any matters which would result in recommending the application for refusal. Therefore, the application should be granted.

Overall conclusion

Overall, the proposal will make a positive contribution to the City's accommodation provision for those undertaking further and higher education and it is acceptable at this location. The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20-minute neighbourhood principles to be delivered. The proposal is compatible with these principles, as well as policy priorities that include sustainability in terms of transport and materials use, climate change mitigation and adaptation, and development on brownfield land. Landscape proposals include good blue-green features such as above ground drainage, and a mixture of planting to provide habitat creation.

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

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following;

Conditions

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.

2. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority
3. 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.
4. Development shall not commence until specific details of the acoustic glazing and trickle vents required for protecting the occupiers of the residential units hereby consented from Lower Gilmore Road transport noise has been submitted to and approved in writing by the Planning Authority; all works which form part of the approved scheme shall be completed before any part of the development is occupied.
5. Development shall not commence until specific details of any proposed plant noise mitigation measures required for protecting the occupiers of the residential units (and existing residential units) hereby consented from new plant noise has been submitted to and approved in writing by the Planning Authority; all works which form part of the approved scheme shall be completed before any part of the development is occupied.
6. 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.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the interests of archaeological heritage.
3. To safeguard public health.
4. To safeguard the amenity of future occupiers.

5. To safeguard the amenity of future occupiers.
6. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The application site is within the Polwarth Healthcare Contribution Zone. In Line with the Developer Contribution and Infrastructure Delivery Supplementary Guidance, contributions are required to facilitate the refurbishment of Tollcross Health Centre to mitigate the impact of ongoing residential development within the CC 3 area.

A contribution rate of £11.34 per student bed is set out in guidance. For this 80 room scheme this results in a required contribution of £907.20. It is recommended this amount should be secured through a Section 69 Agreement under the Local Government (Scotland) Act 1973 or through Section 75 of the Town and Country Planning (Scotland) Act 1997 (as amended) as appropriate.

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 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.
5. 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.
6. The applicant should consider the provision of one car club vehicle in the area. A contribution of £7,000 (£1,500 per order plus £5,500 per car) would be required
 7. All existing vehicular access fronting the proposed development will be required to be replaced by raised footway.
 8. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
 9. The applicant should consider developing a Travel Plan including provision of 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.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 2 December 2022

Drawing Numbers/Scheme

01A-12A

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

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

Appendix 1

Summary of Consultation Responses

NAME: Environmental Protection

COMMENT: No objection to the proposed development subject to conditions requiring site investigation/remediation, provision of acoustic glazing and trickle vent specifications and any further details of plant noise mitigation measures for protecting future occupiers.

DATE: 15 March 2023

NAME: Flood Planning

COMMENT: No objection.

DATE: 24 February 2023

NAME: Scottish Water

COMMENT: There is sufficient capacity to service the development. Specific surface water arrangements will be assessed in a separate application to Scottish Water.

DATE: 30 March 2023

NAME: Historic Environment Scotland

COMMENT: We would agree with the conclusion outlined in paragraph 6.2.3 of the archaeological desk-based assessment that accompanies the application. The proposed development would not have any significant impact on the setting of the above scheduled monument.

DATE: 19 December 2023

NAME: Scottish Canals

COMMENT: There are several residential moorings along the length of the wharf opposite the application site. The privacy for these moorings is achieved via the existing brick-built wall, which is owned by Scottish Canals. Visualisations in the Design Statement show changes to this wall, including sections of down takings and a change in materiality; such a permeable option wouldn't be viable and will not be supported by Scottish Canals.

DATE: 15 March 2023

NAME: Archaeologist

COMMENT: No objection, subject to condition requiring programme of archaeological works.

DATE: 9 January 2023

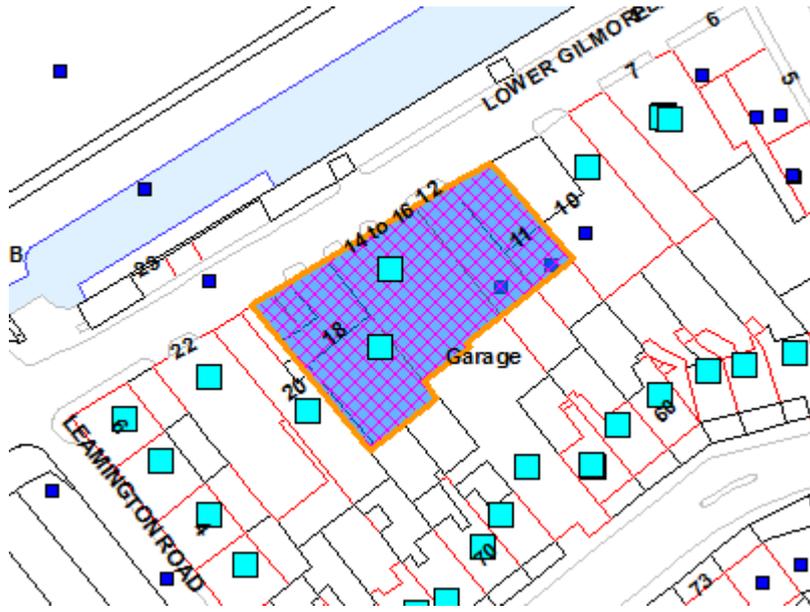
NAME: Transport Planning

COMMENT: No objection to the proposal.

DATE: 20 February 2023

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

Location Plan



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