

Notice of meeting and agenda

Additional Development Management Sub-Committee of the Planning Committee

1:00pm, Wednesday 30 January 2019

Dean of Guild Court Room, City Chambers, High Street, Edinburgh

This is a public meeting and members of the public are welcome to attend.

Contacts

E-mail veronica.macmillan@edinburgh.gov.uk /
jamie.macrae@edinburgh.gov.uk

Tel: 0131 529 4283 / 0131 553 8242

1. Order of business

- 1.1 Including any notices of motion, hearing requests from ward councillors and any other items of business submitted as urgent for consideration at the meeting.

2. Declaration of interests

- 2.1 Members should declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of their interest.

3. Minutes

- 3.1 None.

4. General Applications, Miscellaneous Business and Pre-Application Reports

The key issues for the Pre-Application reports and the recommendation by the Chief Planning Officer or other Chief Officers detailed in their reports on applications will be approved without debate unless the Clerk to the meeting indicates otherwise during “Order of Business” at item 1

- 4.1 None.

5. Returning Applications

These applications have been discussed previously by the Sub-Committee. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

- 5.1 None.

6. Applications for Hearing

The Chief Planning Officer has identified the following applications as meeting the criteria for Hearings. The protocol note by the Head of Strategy and Insight sets out the procedure for the hearing.

- 6.1(a) 106 - 162 Leith Walk Edinburgh EH6 5DX – application nos 18/04332/FUL & 18/04349 – Protocol Note by the Head of Strategy and Communications
- 6.1(b) 106 - 162 Leith Walk Edinburgh EH6 5DX – Demolition of existing buildings and erection of a mixed use development including 53 affordable housing flats, student accommodation (471 bedrooms), hotel with 56 rooms (Class 7), restaurant(s) (Class 3) and space for potential community and live music venue (Class 10 & 11), retail (Class 1), public house (sui generis) or commercial uses (Class 2 & 4). Includes associated infrastructure, landscaping and car parking - application no 18/04332/FUL – report by the Chief Planning Officer

It is recommended that this application be **GRANTED**.

- 6.1(c) 106 - 162 Leith Walk Edinburgh EH6 5DX - Complete Demolition in a Conservation Area – application no 18/04349/CON – report by the Chief Planning Officer

It is recommended that this application be **GRANTED**.

7. Applications for Detailed Presentation

The Chief Planning Officer has identified the following applications for detailed presentation to the Sub-Committee. A decision to grant, refuse or continue consideration will be made following the presentation and discussion on each item.

- 7.1 None.

8. Returning Applications Following Site Visit

These applications have been discussed at a previous meeting of the Sub-Committee and were continued to allow members to visit the sites. A decision to grant, refuse or continue consideration will be made following a presentation by the Chief Planning Officer and discussion on each item.

- 8.1 None.

Laurence Rockey

Head of Strategy and Communications

Committee Members

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Dixon, Gordon, Griffiths, McLellan, Mitchell, Mowat, Osler and Staniforth.

Information about the Development Management Sub-Committee

The Development Management Sub-Committee consists of 11 Councillors and usually meets twice a month. The Sub-Committee usually meets in the Dean of Guild Room in the City Chambers on the High Street in Edinburgh. There is a seated public gallery and the meeting is open to all members of the public.

Further information

A summary of the recommendations on each planning application is shown on the agenda. Please refer to the circulated reports by the Chief Planning Officer or other Chief Officers for full details. Online Services – planning applications can be viewed online by going to [view planning applications](#) – this includes letters of comments received.

The items shown in part 6 on this agenda are to be considered as a hearing. The list of organisations invited to speak at this meeting are detailed in the relevant Protocol Note. The Development Management Sub-Committee does not hear deputations.

The Sub-Committee will only make recommendations to the full Council on these applications as they are major applications which are significantly contrary to the Development Plan.

If you have any questions about the agenda or meeting arrangements, please contact Committee Services, City of Edinburgh Council, Business Centre 2:1, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG, 0131 529 4210, email committee.services@edinburgh.gov.uk.

A copy of the agenda and papers for this meeting will be available for inspection prior to the meeting at the main reception office, City Chambers, High Street, Edinburgh.

The agenda, minutes and public reports for this meeting and all the main Council committees can be viewed online by going to <http://www.edinburgh.gov.uk/cpol>.

Webcasting of Council Meetings

Please note this meeting may be filmed for live and subsequent broadcast via the Council's internet site – at the start of the meeting the Convener will confirm if all or part of the meeting is being filmed.

The Council is a Data Controller under the General Data Protection Regulation and Data Protection Act 2018. We broadcast Council meetings to fulfil our public task obligation to enable members of the public to observe the democratic process. Data collected during this webcast will be retained in accordance with the Council's published policy including, but not limited to, for the purpose of keeping historical records and making those records available via the Council's internet site.

Generally the public seating areas will not be filmed. However, by entering the Council Chamber and using the public seating area, individuals may be filmed and images and sound recordings captured of them will be used and stored for web casting and training purposes and for the purpose of keeping historical records and making those records available to the public.

Any information presented by individuals to the Council at a meeting, in a deputation or otherwise, in addition to forming part of a webcast that will be held as a historical record, will also be held and used by the Council in connection with the relevant matter until that matter is decided or otherwise resolved (including any potential appeals and other connected processes). Thereafter, that information will continue to be held as part of the historical record in accordance with the paragraphs above.

If you have any queries regarding this, and, in particular, if you believe that use and/or storage of any particular information would cause, or be likely to cause, substantial damage or distress to any individual, please contact Committee Services (committee.services@edinburgh.gov.uk).

Development Management Sub-Committee

1.00pm, Wednesday 30 January 2019

Protocol Note for Hearing

**Planning Application No 18/04332/FUL & 18/04349/CON
106 - 162 Leith Walk Edinburgh EH6 5DX**

Item number 6.1(a)

Report number

Ward

Laurence Rockey

Head of Strategy and Communications

Contacts: Veronica MacMillan

Email: veronica.macmillan@edinburgh.gov.uk

Tel: 0131 529 4283

Summary

Protocol Note for Hearing

Summary

The Council is committed to extending public involvement in the planning process. Hearings allow members of the public to put their views on planning applications direct to the Councillors on the Development Management Sub-Committee.

The Sub-Committee members have a report on the planning application which contains a summary of the comments received from the public. Copies of the letters are available for Councillors to view in the group rooms.

Committee Protocol for Hearings

The Planning Committee on 25 February 2016 agreed a revised general protocol within which to conduct hearings of planning applications as follows:

- Presentation by the Chief Planning Officer	15 minutes
- Presentation by Community Council	5 minutes
- Presentations by Other Parties	5 minutes, each party
- Questions by Members of the Sub-Committee	
- Presentation by Ward Councillors	5 minutes each member
- Presentation by Applicant	15 minutes
- Questions by Members of the Sub-Committee	
- Debate and decision by members of the Sub-Committee	

Order of Speakers for this Hearing

1	Chief Planning Officer - presentation of report	1.10-1.30
2	Representors or Consultees Jennifer Marlborough, Leith Harbour and Newhaven Community Council Nick Gardiner and Julian Siann, Leith Central Community Council Sally Millar, Leith Links Community Council Terry Levinthal, Cockburn Association Julie Carty, Leith Depot Clara Boeker and Pierre Forissier, Save Leith Walk	1.30-1.35 1.35-1.40 1.40-1.45 1.45-1.50 1.50-1.55 1.55-2.00
3	Ward Councillors Councillor Adam McVey Councillor Gordon Munro Councillor Amy McNeese-Mechan Councillor Susan Rae Councillor Lewis Ritchie	2.00-2.05 2.05-2.10 2.10-2.15 2.15-2.20 2.20-2.25
4	Break	2.25-2.35
5	Applicant and Applicant's Agent Graeme Bone (Drum) Mike Halliday (Halliday Fraser Munro) Fife Hyland (Drum) Paul Doherty (Drum) David Halliday (Halliday Fraser Munro) Yunming Thompson (Halliday Fraser Munro) Ross MacDonald (Fairhurst) Bill Ritchie (Atelier Ten) Ken Williamson, (Hurd Rolland)	2.35-2.50
6	Debate and Decision on Application by Sub-Committee	2.50

Scheduled times are approximate but within this the time limits for speakers will be enforced – speakers will be reminded when they have 1 minute remaining. Speakers should keep to “material planning matters” that the Sub-Committee can take into account. Any visual material must be submitted to Committee Services at least 24 hours before the meeting. Decisions will generally be to approve or refuse. Conditions of approval or reasons for refusal may be considered at a subsequent meeting. If the application is continued for further information, the Hearing will not be

re-opened at a later stage and contributors will not be invited to speak again. In such cases, the public can attend the meeting to observe the discussion from the gallery.

Development Management Sub Committee

Wednesday 30 January 2019

Application for Planning Permission 18/04332/FUL

At 106 - 162 Leith Walk, Edinburgh, EH6 5DX

Demolition of existing buildings and erection of a mixed use development including 53 affordable housing flats, student accommodation (471 bedrooms), hotel with 56 rooms (Class 7), restaurant(s) (Class 3) and space for potential community and live music venue (Class 10 & 11), retail (Class 1), public house (sui generis) or commercial uses (Class 2 & 4). Includes associated infrastructure, landscaping and car parking.

Item number	6.1(b)
Report number	
Wards	B12 - Leith Walk

Summary

The proposal is for a mixed use development incorporating student housing, hotel use, affordable housing and ground floor units suitable for a variety of uses including a live music venue on a site located in and adjacent to Leith Town Centre. The mix and balance of uses are acceptable and will result in an intensification of development along Leith Walk which will support the vitality and viability of the town centre and bring wider regeneration benefits.

The principle of student housing accords with policy Hou8 in the Edinburgh Local Development Plan (LDP) and the proportion of the site to be developed for student accommodation is a justified infringement of the student housing guidance. The relatively limited provision of class 4 business space as part of the overall mix accords with the Stead's Place/Jane Street Development Brief and is a justified exception to LDP Policy Emp9 as the proposals meets other LDP objectives.

On balance, the proposed design, height and layout, including the loss of a small area of open space, are acceptable and the proposal will preserve the character and appearance of the Leith and Pilrig Conservation Areas. Consideration of the impact of the loss of the existing building along 106-162 Leith walk is assessed under application 18/04349/CON.

Potential impacts on the amenity of future residents in terms of noise and odour can be addressed through conditions without prejudicing nearby employment uses. With the exception of a minor infringement of the daylighting guidance, the proposal will not have a detrimental impacts on the amenity of neighbouring properties.

Subject to developer contributions towards the tram and relevant transport infrastructure, there are no objections on transport grounds. The number of cycle spaces does not meet the requirements of the Edinburgh Design Guidance. However, the applicant has submitted supporting information to explain the reasons for the number of cycle parking spaces provided and this on its own would not justify refusal of the application.

A significant number of representations have been received both objecting to and in support of the proposals. The wide range of matters raised in the representations have been considered in the assessment of this application.

Overall, the application accords with the development plan as the minor departures on some matters represent justifiable exceptions to LDP policy. In this instance, the regeneration benefits for the town centre and wider area outweigh concerns regarding student housing and employment space, impact on amenity and the level of cycle parking provided. No other material considerations outweigh this conclusion and therefore it is recommended that the application is granted subject to a legal agreement and the conditions and informatives set out in this report.

Links

<u>Policies and guidance for this application</u>	LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES11, LEN02, LEN03, LEN05, LEN06, LEN09, LEN12, LEN16, LEN18, LEN20, LEN21, LEN22, LEMP09, LEMP10, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU08, LHOU10, LRET03, LTRA02, LTRA03, LTRA04, LTRA07, LTRA08, LTRA09, LRS06, SUPP, SGLTC, SGDC, NSG, NSGD02, NSGSTU, NSHAFF,
---	---

Report

Application for Planning Permission 18/04332/FUL

At 106 - 162 Leith Walk, Edinburgh, EH6 5DX

Demolition of existing buildings and erection of a mixed use development including 53 affordable housing flats, student accommodation (471 bedrooms), hotel with 56 rooms (Class 7), restaurant(s) (Class 3) and space for potential community and live music venue (Class 10 & 11), retail (Class 1), public house (sui generis) or commercial uses (Class 2 & 4).

Includes associated infrastructure, landscaping and car parking.

Recommendations

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

Background

2.1 Site description

The site covers approximately 1.2 hectares and consists of a 1930s two-storey red sandstone building fronting Leith Walk and land to the rear comprising industrial units and some open space. The building contains a number of commercial units on the ground floor with office space above.

The building was designed for the London Midland & Scottish Railway Company, who operated the goods yard behind. Due to the industrial nature of the goods yard behind, the red sandstone ashlar frontage elevation has a far higher standard of architectural treatment when compared to the building's utilitarian brick rear.

To the immediate rear of this building, there are a series of larger industrial style units that are also in a variety of uses covering 4,087 sqm. This includes a timber yard and indoor paintball. To the west of the industrial units is an area of open space and some existing trees.

The northern boundary is created by the former railway abutment, arches and embankment. There are a number of small businesses operating within the arches and further business and industrial uses to the north. To the south is a modern flatted development rising up to six/seven storeys. To the west is a recently completed housing development and Pilrig Park. There is an informal link through the site to the park.

To the east, on the adjacent side of Leith Walk, are a number of buildings with various commercial uses on the ground floor and residential use mostly on the upper floors. Stone is the predominant material on the frontages, with slate roofs. Heights range from one storey to four and a half storey.

Vehicular access is from the entrance to Steads Place from Leith Walk at the south of the site.

There is a B Listed Building to the south of the site at 7 Stead's Place and other listed buildings in the vicinity of the site.

This application site is located within the Leith Conservation Area.

2.2 Site History

The units along the Leith Walk frontage have been subject to a number of applications for alterations and changes of use over the years.

6 August 2018 - application for conservation area consent for the complete demolition of the existing building submitted on the same site (application number 18/04349/CON).

Adjacent Sites:

6 February 2018 - planning permission and associated listed building consent granted for the refurbishment of existing building to facilitate flexible work space and gates/ external alterations and the placement of shipping containers to rear of building for Class 4 uses (as amended) at 165 Leith Walk opposite the site (application numbers 17/04380/FUL and 17/04381/LBC).

Site Brief:

August 2008 - The Stead's Place / Jane Street Development Brief was approved. This contains a number of objectives for the area. These include:

- Achieve attractive and safe pedestrian connections to Pilrig Park.
- Establish an appropriate mix of uses within the area that ensures the introduction of residential uses will not compromise the operation of existing businesses with regards to environmental health issues, such as noise.
- Provide modern flexible small business space to meet needs in north-east Edinburgh.
- Provide a frontage to Leith Walk that complements the character of the Leith Conservation Area.

Main report

3.1 Description Of The Proposal

The proposal is to demolish the existing buildings on the site and redevelop the site for a mixed-use development comprising 471 student rooms (529 beds) with ancillary space, 56 hotel bedrooms and associated uses, shop/business units and 53 residential flats. The floorspace has been set out for the uses as:

- Student - 13,228 sqm
- Communal - 2,150 sqm
- Hotel - 1585 sqm
- Business/Town Centre - 858 sqm
- Residential - 5128 sqm

A five storey building is proposed along Leith Walk, this is split into four blocks/sections:

a) The southernmost element contains a curved corner block that returns into the site. On the ground floor there are two shop units proposed (units 1 is 70 sqm and unit 2 is 59 sqm). The four storeys above contain student accommodation.

b) The next section contains a further two shop units (unit 3 is 57 sqm and unit 4 is 172 sqm), again with student accommodation situated above.

The design of these two blocks contains a red sandstone frontage on the ground floor with glazed shop fronts. Buff sandstone is proposed on the first to third floors with generally ordered windows, although these are offset on the corner block. Copper colour cladding is also proposed between some of the windows. The curved element contains a proposal for art work on the corner. A grey mansard style roof has been proposed at the fifth storey.

c) The central element contains the 56 bedroom hotel. The ground floor continues the red sandstone, but contains larger glazed frontage leading up to a double height glazed entrance. The upper levels take a more modern design approach, with the first to third floor level having a copper coloured façade, with a grey coloured clad roof element.

The ground floor of the hotel at the Leith Walk side is a restaurant covering 452 sqm. To the rear of this is a shared student / bookable work area. There are also four music rooms, a small library/ study area and a function room alongside other rooms, which in total cover approximately 679 sqm.

d) The northern block, adjacent to the bridge abutment, is of a similar design and style of the other two blocks, with the red sandstone ground floor, buff sandstone above and a mansard style roof on the fifth floor. The ground floor contains two shop units. Unit 5 is 107 sqm. Unit 6 is split across the ground and basement level covering 317 sqm - this unit has been identified as a live music venue.

To the rear of the hotel and northern element, the student accommodation then extends into the site in a linear manner with a central wing which creates two northern courtyards, before terminating with two wings into the site. This part of the building steps up to six, then seven storeys with the upper storeys having a grey standing seam/clad roof. The main material for the block is a buff brick. It contains ordered fenestration with some elements of grey and copper coloured cladding introduced. To the rear of the Leith Walk block is an external terrace at the first floor associated with the student accommodation. Further external space is provided in a south facing landscaped courtyard area.

A block of 53 affordable flats is proposed in the western part of the site, nearest to Pilrig Park. It is a six storey L-shaped building orientated around a landscaped area. The primary material for this block is buff brick which is broken up by zinc and copper cladding sections. The building has ordered windows and Juliette balconies. The flats are split into:

- 11 x one bedroom units
- 30 x two bedroom units
- 12x three bedroom units

Vehicular access is taken from the existing access adjacent to Stead's Place. This leads through to a pedestrian/cycle link through the site towards Pilrig Park. A total of 31 car parking spaces is proposed. Twenty-seven spaces are associated with the residential flats (this includes two disabled and five with electric vehicle charging points). Four disabled spaces are proposed for the other land uses.

Cycle parking is proposed either internally within the blocks or within external buildings. For the flatted block, 118 spaces are proposed. For the student accommodation 174 spaces are proposed. The remaining uses have 34 covered spaces with an additional 15 uncovered stands (30 spaces).

Previous Scheme:

The previous scheme contained an extra storey along the block fronting Leith Walk and a total of 523 student rooms (581 beds).

The cycle storage was predominately located in external buildings.

The cycle/pedestrian path was less defined with car parking arranged differently.

The elevations of the affordable housing block contained smaller windows and more materials.

The original entrance posts and railings were removed.

Supporting Documents:

The following documents have been submitted in support of the application:

- Planning Statement and addendum;
- Pre-application Consultation Report;
- Design and Access Statement and addendum;
- Transport Assessment;
- Drainage Assessment (including flood risk);
- Surface Water Management Plan;
- Daylight and Sunlight Analysis;
- Sustainability Assessment;
- Geo Environmental Study;
- Economic Impact Assessment;
- Heritage Assessment;

- Archaeology Statement;
- Noise Impact Assessment and noise calculations;
- Topographical Survey;
- Bat Survey;
- Light Pollution Assessment; and
- Submission to Historic Environment Scotland.

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

3.2 Determining Issues

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

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

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 proposed mix and balance of uses are acceptable;
- b) the design, scale and layout is appropriate to the site;
- c) the proposals preserve or enhance the historic environment;
- d) adequate open space has been provided and there is an acceptable level of amenity;
- e) there are any transport issues;
- f) there are any other material considerations;
- g) the impacts on infrastructure are acceptable; and
- h) comments raised have been addressed.

a) Mix and Balance of Uses

The site is within an area covered by a number of policies and guidance which aid in establishing whether the proposed uses and mix of uses are acceptable.

Housing:

The Edinburgh Local Development Plan (LDP) indicates that Edinburgh needs more housing to provide homes for an increasing population and economic growth. It also states that the plan looks beyond just the amount of housing to be provided and aims to also address the housing needs of particular groups such as students.

LDP Policy Hou 1 Housing Development states that priority will be given to the delivery of the housing land supply and relevant infrastructure. Criteria (d) covers other suitable sites in the urban area, provided the proposals are compatible with other policies in the plan.

The site is identified as being within Area A of the Stead's Place/Jane Street development brief. The brief states that in Area A "residential development is acceptable in principle, but other non-residential uses that complement the Town Centre should be established".

All of the 53 proposed flats are to be affordable - 35 social rent and 18 mid-market rent. Places for People (Castle Rock Edinvar) has been identified as the Registered Social Landlord for the proposals and has provided a letter in support of the application.

The commitment to providing 100% on site affordable housing is welcomed by Housing (Enabling and Partnerships). In accordance with LDP policy Hou 6, 25% affordable housing provision will be secured through a suitable legal agreement.

Housing is acceptable at this location and the intention to provide all the housing units as affordable housing is supported.

Student Housing:

Policy Hou 8 Student Housing of the LDP a) supports the development of purpose built student accommodation in appropriate locations in terms of access to university and college facilities by walking, cycling or public transport, and, b) provided the proposal will not result in an excessive concentration of student accommodation to an extent that would be detrimental to the maintenance of balanced communities or to the established character and residential amenity of the area.

The supporting policy text states that the provision of student accommodation in purpose-built and managed developments is preferable to conversion of family housing, and that increasing the amount of purpose built accommodation assists the growth of the universities and the attractiveness of the city as a centre for higher education. The 2018 Student Housing Planning Bulletin states that there were 49,900 full-time students in Edinburgh in 2016.

Policy Hou 8 is supported by the non-statutory planning guidance on Student Housing (February 2016). This sets out further guidance on how the Council will encourage the further provision of purpose-built student accommodation and balance both the needs of the existing community and the need for general housing.

It is proposed that the student accommodation will be operated by the University of Edinburgh, which supports of the application.

In terms of Policy Hou 8 criterion a) the site is 25 minutes by bus, 15 minute cycle, and a 45 minute walk from the university campus which the development is proposed to serve. Whilst the site could be considered slightly remote from the university campus, the location for the development has good accessibility given its location on Leith Walk.

Bus stops are found on Leith Walk, but also on Bonnington Road, Duke Street and Easter Road which are all within 400 metres walk. The site is well served by a number of bus routes.

Safeguarded tram stops are located along Leith Walk, currently shown on the LDP Proposals Map at the Foot of Leith Walk and adjacent to Balfour Street which are in walking distance to the site.

Leith Walk contains on-road cycle lanes, with further cycle infrastructure planned for Leith Walk if the tram goes ahead. Connections will also be made with the cycle paths in Pilrig Park and onwards towards the Water of Leith.

With regards to policy Hou 8 b), maps 3 and 4 in the Council's guidance on student housing show a low concentration of university students both living in managed accommodation and in privately rented accommodation in the area proposed for development. This is based on the 2011 census data. The guidance also indicates that there is a general strategy of seeking to deliver student accommodation over a wide area.

Objectors have referenced previous guidance which sought to limit the student population to no more than 30% in a locality (a locality was defined as a datazone). This guidance is no longer in place and is not a material consideration for this application.

Leith Links Community Council has suggested an alternative means of measuring concentration based on an up-to-date analysis of population across the EH6 and EH7 postcodes. Whilst this is a helpful suggestion in terms of any future review of the guidance, it is not possible to do such analysis as part of the consideration of this application.

The schedule of student housing and associated maps, shows a number of purpose built student accommodation developments at the top of Leith Walk and around the London Road area.

The 2011 census data for the Leith Walk Ward shows a population of 31,867 with full time students accounting for 3,468. Purpose built accommodation either consented or developed post-2011 equates to 1888 bedspaces (including this application). Not accounting for any new build housing, this results in a student percentage of 16%.

The Council's guidance requires housing to comprise part of new student housing developments on sites greater than 0.25ha developable area in order to protect existing communities, ensure a balance in the mix of land uses and to contribute to housing land need. The guidance states that on such sites, the new build residential gross floor area shall represent a minimum of 50% of the total new build housing and student accommodation gross floor area.

The floorspace of the student housing is 13,228 sqm (72%) and the housing is 5,128 sqm (28%). However in this instance, the mixed use development also includes 2,693 sqm of other uses which helps meet the aims of the guidance in terms of balance of uses. The non-statutory guidance indicates that the guidance will not be applied in isolation and consideration must be given to other matters addressed in the LDP and planning guidelines. Given the character of the site and its location in and adjacent to a town centre, a split of 58% student housing and 42% other uses is acceptable.

It is noted that many letters of objection from the local community have expressed concerns over the transitory nature of students and the impacts on community cohesion. However, the mix of housing and student housing on this site, coupled with the relatively low numbers of students in the area at present, means that the development could be absorbed into the existing community without a detrimental impact.

In summary, the proposal accords with LDP Policy Hou 8 and an infringement to the non-statutory student guidance is justified.

Hotel Use:

LDP Policy Emp 10 Hotel Development supports hotels in locations within the urban area with good public transport access to the city centre. The proposed hotel is on Leith Walk which is served by a high number of bus routes to the city centre. Furthermore, the Stead's Place/Jane Street Development Brief states that hotel use would be acceptable in principle as the site is an accessible location in Leith. A hotel in this location is acceptable.

Town Centre Uses:

The Leith Walk section of the application site is located within the Leith Town Centre. LDP Policy Ret 3 Town Centres and the Leith Town Centre Supplementary Guidance (SG) apply.

Policy Ret 3, criterion a) stipulates that development should not lead to "significant adverse effects on the vitality and viability" of any other town centres. The number and size of units proposed will not significantly impact the success of other town centres.

To meet the requirements for Criterion b) and c) of Policy Ret 3, the development should integrate well into the town centre through its scale and character. This application maintains the precedent of the buildings in the area of ground floor uses with development above. Design aspects of the proposal are considered in section 3.3c).

Criterion d) states the proposal should "reinforce the retail vitality and improve the appearance, including public realm".

The ground floor of the existing building contains approximately 1207 sqm of space in a variety of shops (class 1), food and drink (class 3), public houses and hot food takeaways (both sui generis) use.

The proposed development is for 858 sqm of space for class 1, 2 (financial, professional and other services) 3, 4 (business) and 11 (assembly and leisure) flexible space and as part of the hotel/student accommodation class 3 (452 sqm) alongside sui generis uses, including the communal social area and bookable music rooms (679 sqm).

There will be a reduction in the amount of available retail floorspace in the town centre. However, this stretch of the town centre is not in a defined frontage where shop uses are generally more protected. Leith Town Centre SG Policy LTC 3 does allow for a wider range of uses including, Class 2 (Financial, professional and other services), Class 3 (Food and drink) or appropriate commercial or community uses at this location. Furthermore, the proposal enhances the quality of floorspace for town centre uses through the provision of new units suitable for a range of occupiers.

Aim 3 of the Leith Town Centre SG is to create a vibrant mix of shopping and other town centre services for residents and visitors, and maximise Leith's large resident population and ensure that the town centre meets their shopping needs and demands, balanced against the benefits of extending economic activity and footfall into the evening. The proposal accords with this aim and the occupiers of the hotel, student housing and affordable housing will provide additional expenditure for town centre businesses.

The SG highlights the opportunity to capitalise on the wide pavements and clustering of food and drink with outdoor seating permits located between Stead's Place and Iona Street applying an appropriate policy that allows greater flexibility in changes to food and drink uses. The proposed uses, including the ground floor restaurant with its own separate entrance, will allow for this.

Therefore in terms of the town centre designation, the proposed uses are acceptable.

Objections have been received in relation to the loss of the existing uses on the site, including the live music venue. The objections go into detailed comments regarding the importance of music venues, including the retention of more grass roots / organically formed ones, rather than just the creation of a new space.

LDP Policy Hou 10 Community Facilities sets out that development involving the loss of valuable health or other community facilities will not be allowed, unless appropriate alternative provision is to be made.

A definitive list of community facilities is not contained within the LDP. However, unit 6 of the proposal contains a 317 sqm space that has been identified as a live music venue. In terms of the LDP, the replacement space is sufficient to meet this policy and a condition should be used to restrict the use of this unit to such a use.

Some of the leases have not been renewed by the applicant and a number of the units are now vacant. This has been raised by a number of objectors, but in itself is not a planning matter.

The final occupier of a unit is also not a planning matter, as planning just considers the use class and not the occupant or operator. It is understood that the applicant has been in discussions with some existing occupiers with a view to them occupying the future units.

The uses proposed are acceptable at this location.

Employment Space:

LDP Policy Emp 9, Employment Sites and Premises, seeks to ensure that proposals for redevelopment of sites over one hectare which are or were last in employment use contribute to the city's stock of flexible small business premises. The policy supports proposals which will contribute to the comprehensive regeneration and improvement of the wider area.

The policy also indicates that the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use. This point is considered later on in section 3.3d) in relation to amenity.

The 2008 development brief also states that all sites for development should include a significant element of new small business space. This was related back to the previous Edinburgh City Local Plan where the word 'significant' was utilised in a similar policy to Emp 9, but this wording has not been brought forward into the current LDP.

The site is identified as being within Area A of the development brief. It states that, 'Flexible small business space should be provided to partly replace lost industrial and office units'. However, the Town Centre location of Area A and the opportunity to meet other Local Plan objectives such as hotel and retail development means that a significantly smaller provision of business space than is currently on site may be acceptable.'

The existing site contains 4,087sqm of warehouse use, albeit not all is in general industrial or business use with a leisure use (indoor paintball) last occupying the largest unit. There is also 890 sqm of office space on the site.

An Economic Impact Assessment has been submitted. This summarises that the estimated cost of development is nearly £38 million over a 2-year period. The main impacts will be those generated by construction, operation and additional housing / people. On a jobs basis it assumes 195 jobs when fully occupied. There would be an additional 15-35 jobs and 25%-40% greater net additional GVA over the current buildings. The cumulative impact of the proposal would be £3.1-£7.2 million.

Economic Development has commented on the proposals, noting that if the existing uses were all fully occupied, then there would be the potential for 211 full time equivalent jobs (FTE) and £11.05 million of GVA (gross value added) per annum. A comparison with the proposed development would be an estimated 106-157 FTE jobs and £2.29 million to £6.48 million of GVA. This is hypothetical and does not take into any considerations of the state of the buildings or the continuing acceptability of the location for industrial units. It does note that most redevelopments of non-residential space into residential space will see decreased economic impact. There would also be positive economic impacts from expenditure from the future residents with the potential to support 158 jobs and approximately £5 million GVA (based on scheme 1).

The main thrust of the response from Economic Development is in relation to providing replacement class 4 uses as part of the proposal under Policy Emp 9. Indicating that 890 sqm of class 4 space should be provided to recreate the existing quantum of class 4 provided by the 1930s building (the office space).

Information submitted in representations states that if fully used the existing development could provide 270 FTE jobs, 75 more than the 195 stated by the applicant and the proposed development would see a reduction in GVA by between £0.9 million and £1.4 million.

The applicant has also provided information regarding the marketing of the site since 2009. This indicates that overall quality of the accommodation was at best poor to adequate, particularly the retail and office spaces which are in a dilapidated condition. It summarises that:

- Office space - tenants selected for short commitments and turnover was relatively high. The offices were rarely fully occupied.
- Industrial - the previous owner adopted a flexible approach and accommodated short term requirements. Lettings were achieved at low rents, but not all uses were to industrial occupiers.
- Retail - although this fared better, incentives of six months rent had to be granted to secure occupiers and turnover of tenants was particularly high.

The current industrial warehouse units are ageing and the location does not necessarily lend itself to industrial style use with its tighter access and location within the built up area. Given the nature of the site, the most appropriate location for any form of proposed business or commercial space is along the Leith Walk frontage where town centre uses are supported.

The proposal contains a co-working shared space covering approximately 500 sqm to the rear of the ground floor restaurant area. This is to be rentable to the public. Also bookable to the public is a 40 seater conference facility and four music rooms. The applicant puts forward that such space provides an alternative approach to the more traditional office space previously provided. As per the development brief, the proposal also contains a hotel use.

Five of the units proposed along the Leith Walk frontage are proposed for a mix of class 1, 2 3 and 4 (business), totalling 465 sqm. A condition could be used to restrict some of the units to class 4 use. However, given the town centre location it would be more prudent to leave these open to a potential range of occupiers.

In summary, the most appropriate location for any business/commercial space to be located is within the town centre along the Leith Walk frontage. The proposal contains a number of units which have been left open for a potential range of appropriate town centre uses, including a replacement live music venue, restaurant, hotel use and proposed co-working area. In addition, this mixed use development will contribute to the comprehensive regeneration and improvement of the wider area. Accordingly, there is justification for the uses proposed without a significant level of class 4 business space being proposed.

Conclusion:

All the uses proposed in this mixed use development are acceptable on the site. The main consideration is therefore whether the quantum of the proposed mix of uses is appropriate. The main policy issues that arise are the balance of student accommodation and housing and the amount of business space being proposed.

The student housing guidance supports a 50/50 split between student housing and general housing. In this instance, the proposal is for 58% student housing, 22% general housing and 20% other uses. Given the existing employment uses on the site, the proposals should include some replacement business space.

On balance, given the characteristics of the site and its location in and adjacent to a town centre and the wider regeneration benefits of the development, the proposed mix of uses is acceptable.

b) Design and Layout

LDP Policies Des 1 - Des 8 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials.

An early iteration of the proposals was discussed at the Edinburgh Urban Design Panel (EUDP) on 28 March 2018. A copy of the report can be found in the consultations section in the appendix.

Layout:

LDP Policies Des 4 Development Design - Impact on Setting and Des 7 Layout Design set out that developments should have regard to the position of buildings on the site and should include a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths and open spaces.

The layout has been governed by the constraints of the site and some of the principles set out in the development brief. There is a servitude right of access along the southern and western boundary of the site. There is also a wayleave over an existing water main at the western end of the site and the existing railway embankment to the north.

The development brief indicates that new development should create frontages and define and enclose streets and paths, although this relates to the wider site. The Leith Walk elevation provides active frontage onto the street and town centre. Within the site itself, the frontage of the proposed development is less defined.

The design concept has been based on positioning the blocks towards the embankment and orientating the development around south facing courtyards. The embankment itself is 15 metres wide allowing space within the adjacent site for future development. The L-shaped form of the development means that there are parts of the built development that do face onto the proposed route through the site.

Making use of the constraints and opportunities of the site to form south facing courtyard areas is acceptable. This has resulted in the housing block being located further into the site towards the quieter residential Pilrig Park area.

However, the execution of the courtyard garden space has become compromised by the placement of the external bin and cycle stores. The proposed fencing and hedging will help to soften and screen the stores.

Vehicle access has been retained from Stead's Place, as promoted in the development brief. This runs through into the site and provides access to the limited car parking proposed within the scheme.

There is an existing informal route through the site which provides pedestrian and cycle access between Leith Walk and Pilrig Park. The development brief seeks to improve the pedestrian and cycle access through the site. The EUDP also encouraged an enhanced route through the site. This application will formalise the link and provide lighting. The initial access point is a shared surface, before transitioning to a three metre wide cycle/footpath and remaining road area.

The path will be at the same level as the road, but different materials will be used to differentiate the areas. The path continues through the area of open space and onwards to connect to the existing path. This is an improved link and meets the requirements of the brief.

The brief also indicates that a route through the site could be created over the former railway embankment. The embankment and associated bridge abutment are not within the ownership of the applicant and are outwith the application site. Space at the western part of the site has been retained to allow access to the embankment in the future if the proposed Leith Bridge project is ever implemented.

The car parking has been redesigned within the scheme to allow the re-orientation of the cycle/footpath through the site. The car parking will be overlooked by the proposed development. Most of the car parking has been located at the western end of the site. The accessible spaces have been located closer to the buildings they serve. The Roads Authority response indicates that some aspects such as lining, signing and any overrun matters can be resolved through the Roads Construction Consent (RCC) process.

The applicant has also had discussions with the Police Architectural Liaison Officer regarding Secure by Design.

In summary, the layout provides frontage onto Leith Walk, retains the vehicle access point as per the brief and includes a more formal link through the site. The buildings to the rear are less defined in terms of creating frontages, but this has been designed around the constraints of the site and the desire to create south facing courtyards. The general layout is therefore acceptable.

Design and Materials:

The Leith Walk elevation has been designed to take into account the importance of Leith Walk. The Design and Access Statement sets out the approach to the design and the references that the elevational treatment makes to tenements found elsewhere in Leith. This incorporates ground floor shop fronts, rectangular windows on the upper levels, horizontal stone banding and the use of a modern mansard roof to add interest to the roof level. The predominant material is sandstone.

At the southern end of the site, a rounded corner element is proposed. This takes its influence from other corner tenement details within the Leith area. It creates a feature that aids in guiding people round into the rear of the site and the link through to Pilrig Park. Unique details are proposed through feature windows and stained glass art work. The latter is conditioned for further detail.

At the ground floor level, a red sandstone element is introduced to frame the shop fronts. Within the red sandstone layer the shop fronts themselves differ to add some individuality.

As access to the site is remaining at the existing location there is no break in the façade of the Leith Walk block. The EUDP recommended that the Leith Walk building was broken up to avoid a dominant insertion to the area. The elevation is instead broken up visually through the design, including recessed sections, window detailing/materials and a change in the roof design to create blocks of development.

The hotel within the central part of the Leith Walk section takes a different approach to the development and introduces a modern element to the proposal, moving away from the more traditional sandstone cladding design. The ordered and rectangular windows are retained, but copper coloured cladding has been introduced. This is detailed with vertical and horizontal struts or fins. These are a modern intervention along with the glazed frontage still broken up by red sandstone pilasters and double height hotel entrance introduce a bold element into the proposals. The restaurant frontage takes up a large area of the ground floor but has been designed to fit in with the hotel element above.

Façade retention has been discounted by the applicant. Scheme 1 did contain a double height two storey red sandstone element, which the applicant indicated came through the pre-application consultation process. However, the reduction in height of this frontage has led to the reduction of red sandstone to one storey in order to balance design with the upper storeys.

Consideration of the proposals within the conservation area are considered in the section below. The existing building is proposed to be demolished. However, the use of the red sandstone is a signal back to this building and can be found elsewhere within Leith. The proposal does seek to re-use the existing gate piers at the entrance to the site.

The rear block links into the Leith Walk block and continues the mansard style roof over the upper two floors. The design is modern and relatively simple with ordered fenestration and cladding between some of the windows. The block is broken up by the development wings and a larger area of grey cladding. The primary material is a buff brick.

The design of the residential element is similar to the student accommodation without the Mansard roof. It is simple and modern with ordered fenestration and large windows. The primary material is brick and is not dissimilar to many modern developments found within the north of the city.

The surrounding area contains a wide mix of building styles and materials. This includes stone and render on the flats to the south, brick on the newly built flats and houses to the west and the predominately sandstone buildings on Leith Walk.

The Leith Walk elevation has been designed with consideration to the location and references features of tenements within Leith. This block is split into sections by design features. The rear blocks are simpler in their execution with ordered fenestration and mansard style roofs in areas. The materials proposed are acceptable, subject to a condition for samples to be provided. Brick is the primary material which has successfully been used in the area. The design and materials are acceptable.

Height:

LDP Policy Des 4 states that development should have a positive impact on its surroundings, including the wider townscape and landscape, and impact on existing views including (amongst other matters) height and form.

The general approach to height in the development brief is that the predominant building form should be 4-5 storey tenemental-scale buildings with ground floor uses and residential or compatible uses in the upper floors. It also states that exceptions to building heights may be acceptable at appropriate locations if justified.

The brief states that proposals for the redevelopment of the Leith Walk frontage should seek to establish a building height that matches the adjacent and opposite buildings. The EUDP report suggested the height in this area should be limited to three storeys above ground floor retail use.

The surrounding area has a mix of building heights. A mix of four and five storey tenements can be found on Leith Walk, alongside some two and three storey buildings. There is also the adjacent residential development that rises to six and seven storeys. In the wider area there are some high-rise flatted blocks such as Linksvie House and Kirkgate House that break the skyline.

The revised scheme has reduced the height of the Leith Walk elevation to five storeys, incorporating a mansard roof. The elevations and section drawings show the proposed development in the context of Leith Walk and that the proposal ties in with the height of the adjacent tenements on the same side as Leith Walk.

The development steps up in height into the site, initially six and then seven, before dropping back down to the six storey residential block. The potential for higher development at the rear of the site was recognised by the EUDP. Neighbouring developments also extend the 6 and 7 storeys, however due to site levels, the proposal is slightly higher.

Environmental Assessment requested a chimney calculation. The applicant has responded and indicated that a two metre high chimney would be required above the highest part of the development. A drawing has been provided to demonstrate this, but this was not included in the revised drawing package that was re-notified. The chimney comprises of two flues located within a central part of the site and not within the conservation area itself. The flues do not materially alter the proposals and chimneys are not an alien feature within the city.

LDP Policy Des 11 Tall Buildings - Skyline and Key views generally relates to tall buildings that will impact on key views. The proposed development is not of a height and scale out of keeping with the context of the surrounding area. The development does not impact any safeguarded key view cones. The Design and Access Statement contains a view from Calton Hill (pre-removal of the storey from the Leith Walk elevation) and the proposal, with its varied height and roofscape will not be detrimental to the context of the area when viewed from this vantage point.

In addition, concerns have been raised by local residents with regards to a possible canyon or wind tunnel effect along Leith Walk as a result of the height of the development. The Edinburgh Design Guidance states that wherever possible, new developments should not create a new "street canyon". In assessing this proposal, it is noted that Leith Walk is a wide street (approximately 22 metres wide) and although it consists of tenement buildings, the general height of buildings along Leith Walk is not consistent. Immediately opposite the site the buildings vary in height, and are between two and four storeys. This, coupled with the generous width of the street, will prevent any canyon or wind tunnel effect.

The height of the proposal, although up to seven storeys in parts, is not out of context with the wider area. The height of the Leith Walk block has been reduced to match that of the existing tenements and is acceptable. Overall the height is acceptable.

Density:

LDP Policy Hou 4 Housing Density states that the Council will seek an appropriate density on sites giving regard to the characteristics of the surrounding area, the need to create an attractive residential environment, accessibility and need to encouraging local services.

The supporting text to Policy Hou 8 Student Housing indicates that general purpose built student accommodation can take place at relatively high densities.

Taking the housing element in isolation, comprising the flats, car parking and associated external space (but excluding the open space to the west) this works out at a site area of approximately 0.3ha and therefore a density of 176 dwellings per hectare. This is comparable to modern flatted development at Westfield (172 dph) and Lochrin Place tenements (164 dph).

High density development is encouraged where there is good access to a full range of neighbourhood facilities, including immediate access to the public transport network.

The site is in an accessible town centre location where higher density development should be encouraged.

Proposals would maximise the use of this brownfield site in an accessible town centre location, where high density development can and should be directed to. Comments on infrastructure are considered below in section 3.3g).

Housing Mix:

LDP Policy Hou 2 Housing Mix seeks the provision of a mix of house types and sizes where practical.

A range of one, two and three bedroom units are proposed. Twelve units (23%) contain three or more bedrooms, which meets the requirements of the Edinburgh Design guidance.

The Edinburgh Design Guidance includes recommended internal floor areas for flat sizes. The proposal complies with these recommended minimum sizes.

Twelve flats are single aspect which equates to 23% of the total number. The Edinburgh Design Guidance recommends that no more than 50% of the total units should be single aspect.

The Council has no minimum room size standard for student accommodation. A range of accommodation types are proposed in relation to smaller clusters to larger corridors with shared facilities. There is the potential for these to be converted in the future.

In summary, the proposed design and layout are acceptable.

c) Historic Environment

LDP Policy Env 6 sets out that development within the conservation area or affecting its setting will be permitted where it preserves or enhances the special character or appearance of the conservation area and is consistent with the character appraisal, preserves existing features which contribute positively to the character of the area and demonstrates high standards of design and utilises materials appropriate to the historic environment.

Scottish Planning Policy states that proposals that do not harm the character or appearance of the conservation area should be treated as preserving its character or appearance.

The proposed demolition of the existing building is considered in the associated conservation area consent.

Leith Conservation Area:

The character appraisal states that respect for design should be demonstrated in the way new buildings are inserted into the framework of the existing townscape; on one hand respecting its scale and form while on the other producing contemporary architecture of the highest quality.

The conservation area at this location exhibits a range of building types and architectural styles. In the Leith Walk sub-area the traditional tenement is acknowledged as the most prevalent building type. The character appraisal states:

"The development pattern, building types and uses on the west side [of Leith Walk] are more diverse. Tenements are still the predominant form, but they show much greater variety in their design, heights, building lines, roofscapes and ages which in many cases look much earlier than that to the east. In places tenements are interspersed with town houses or smaller tenements well set back with front gardens to the street."

It is noted that the character appraisal does not comment on the value of the existing building in townscape or architectural value terms, or as contributing positively to the essential character of the conservation area.

The proposed development along Leith Walk is tenemental in form, matching in with the height of the adjacent tenements. Whilst it is recognised that the area at this part of Leith Walk is more varied, this does not automatically mean that any replacement development should continue to be two storeys in height.

Parties have interpreted historical maps differently. The applicant states that the site once contained tenement buildings and that the proposal reinstates this form, whilst objectors believe that the site has always been characterised by more low level buildings. It is not entirely clear from the maps which is the case.

As set out in section 3.3b), the design of the Leith Walk frontage has taken its cues from the existing tenements in the area, which the character appraisal notes show a great variety in their design. The curved corner feature, the rectangular windows, and the horizontal banding and mansard roofs are all found elsewhere within the conservation area. The development is also broken up into separate blocks, with the use of setbacks and changes in materials.

The ground floor shop/business units and their change in materials provide a clear distinction from the levels above, similar to other tenemental forms within the conservation area. In the main, the proposals fit in with the appearance of the conservation area.

Existing features such as the old gate piers are to be renovated and re-used within the scheme. The incorporation of the red sandstone at the ground floor level also gives reference to the existing building and adjacent railway abutments.

The character appraisal states, "*Building types within the Conservation Area vary but are traditionally of stone, with slate roofs. Pockets of public housing development from the 1960s and 1970s, of a contemporary character, also fall within the Conservation Area. Part of the essential character is the unifying effect of traditional materials, stone and slate, within the Conservation Area.*"

The primary materials of buff sandstone and red sandstone are sympathetic to the conservation area designation. The development does not propose a traditional pitched slate roof which is noted in the character appraisal as a key characteristic, however there are a range of roof styles and materials throughout the wider conservation area and therefore this roofscape would not appear incongruous in the wider context.

The hotel element is a more modern design. It retains the inherent features of the tenement through the proposed fenestration. It also provides a differentiation between the ground floor uses and incorporates columns to break up the ground floor glazing. The use of the copper coloured cladding in the façade is different to the majority of the development within the conservation area. However, it does constitute a modern interpretation of a tenement form and respects the proportions of the adjacent buildings. Sample panels of materials will be required via a condition.

The rear of the site is outwith the conservation area and will largely be screened by the Leith Walk building.

Overall, the development will be a different prospect to the existing two-storey building. However, the design and use of the materials will make a positive contribution to the character and appearance of the Leith Conservation Area.

Pilrig Conservation Area:

The proposed development is not within the Pilrig Conservation Area, but it is to the west of the site where Pilrig Park is located.

The Pilrig Conservation Area Character Appraisal identifies the importance of Pilrig Park as a central area of open space and highlights the significance of mature trees. It refers to the predominance of residential use in this area and the contrast between activity on Pilrig Street and Leith Walk, and the general tranquility in the residential areas.

Between the application site and Pilrig Park is a modern residential development at Springfield Street that rises up to seven storeys. On the eastern boundary of the conservation area, closest to the application site, is the recently developed four storey brick flats.

Residential use is proposed on the area closest to the conservation area and reflects the predominant characteristics mentioned in the character appraisal, whilst the existing modern flatted developments adjacent to the conservation area and existing planting screen the site. The open space area at the west of the application site is supplemented with further planting.

The character appraisal contains vistas, but these are views towards Calton Hill and not impacted upon by the proposed development. Other local views will retain their local focus.

The proposed development will preserve the character and appearance of the Pilrig Conservation Area.

Listed buildings:

To the south of the site is the B listed 7 Stead's Place (reference LB27900, listed 17/01/1992). This is a former small country house dating from around 1750. The building is hemmed in by surrounding development, including an adjoining garage and terraced housing. The immediate setting of the principle elevation now consists of a retaining wall, car park and modern flatted development.

As such the setting of the building has already been significantly compromised by surrounding development. The proposed development, although higher than the existing buildings on the site will not have a detrimental impact and will preserve the setting of the listed building.

165 Leith Walk, Community Centre, opposite the site is C listed (reference LB26807, listed 13/03/1995) dates back to 1938. It is therefore contemporary with the 1930s existing building on Stead's Place.

The overall context of the site is the built up thoroughfare of Leith Walk, with the building position hard to the pavement. The listing states that the building is significant in its part in maintaining the streetline.

Although the proposed building is higher than the existing two storey building, the tenemental nature of Leith Walk will not result in the proposal having a detrimental impact on the setting of the building in this urban area.

169-177 (Odd Nos) Leith Walk and 1 Smith's Place (reference LB26819, listed 14/12/1970) are B listed. The application site is not directly opposite the Leith Walk elevation. Again, Leith Walk is a main thoroughfare in a built up urban area with a range of building forms including the tenemental. The proposal will not be detrimental to the setting of the listed building.

In summary, the development, although larger than the existing building on the site, will preserve the character and appearance of Leith Conservation Area and is suitably designed. The proposal will also preserve the character and appearance of Pilrig Conservation Area. The buildings will not be detrimental to the setting of the nearby listed buildings.

d) Amenity and Open Space

Noise and Odour:

A Noise Impact Assessment (NIA) has been provided. This considers traffic noise, noise between the proposed uses within the development and also noise from existing business uses in the area.

Traffic Noise:

The Noise Impact Assessment highlighted that traffic noise will impact on noise levels for the rooms in the block closest to Leith Walk. Mitigation is proposed in the form of acoustic glazing. Environmental Protection has recommended a condition to ensure that this is implemented.

Noise from adjacent uses:

Noise from an extract fan at the rear of one of the commercial premises located under the railway arches - K&E Coachworks - was dominant at the northern boundary of the site. Environmental Protection has indicated that mitigation will be required to safeguard the amenity of the future residents of the development. The NIA recommends that a silencer should be used in order to mitigate this to an acceptable level. A letter from the owner of the coachworks has been provided, indicating that any mitigation measures required could be resolved at the source. Accordingly, with a suitable condition the noise can be mitigated.

Internal Noise:

Consideration has been given to the noise from the proposed music venue in Unit 6 of the proposal. The basement is to be used for amplified music. A number of mitigation measures have been proposed by the applicant to ensure that residential amenity is protected. Environmental Protection has recommended a condition to ensure the mitigation measures are carried out.

Environmental Protection had also requested information in relation to any internal noise from plant and the potential impact on living areas. Mitigation from the boiler room is proposed with the use of an acoustic louvre and a condition is recommended to secure this.

Odour:

Plans have been provided to show the potential use of the units for class 3 use and the location of extract, air intakes and also mechanical plant service locations. A condition is recommended in relation to detail and implementation. Environmental Protection has also recommended an informative in relation to an advanced odour reducing extract and filtration system

Environmental Protection has noted that there is an extract from an adjacent garage and has raised concerns in relation to odour and the potential impacts on residential amenity. Further monitoring has taken place and Environmental Protection are now satisfied that this matter can be dealt with by the use of a condition to ensure that residential amenity is not adversely affected and to ensure that the proposed development does not prejudice the existing business use.

Other matters:

Environmental Protection has also recommended a condition in relation to controlling the timing of deliveries and collections from the site. As this is a town centre location with many other business and uses operating in the vicinity it would not be reasonable to impose such a condition.

Issues such as general street noise and disturbance, litter, petty vandalism and anti-social behaviour can be dealt with through more appropriate statutory legislation. Therefore, with the use of appropriate conditions and other statutory controls, any nuisance or disturbance from the proposed development can be adequately addressed.

Daylighting and Overshadowing:

A Daylight and Sunlight Assessment has been submitted.

Along Leith Walk, Vertical Sky Component (VSC) modelling has been used to demonstrate if there would be any impact on the existing buildings opposite the site from the proposed development. This shows that the windows on the first floor and above are more than 27% or 0.8 of its former value as indicated in the Edinburgh Design Guidance.

On the ground floor of the adjacent buildings, the VSC will be less than the recommended 27% value. However, as these are commercial properties, they are not afforded the same level of protection as residential use and this is acceptable.

For the adjacent existing flatted development at Stead's Place, VSC modelling has again be carried out to show any potential impacts on daylighting.

This shows that currently there are four windows that already fall below the 27% VSC value. Post development there would be 23 windows below the VSC value. However, when applying the allowable 0.8 value, all but one of the rooms are close to this level 0.74 - 0.79. As such it is considered that these are relatively minor infringements for an urban area location suitable for high density development.

Analysis has also been undertaken for the proposed development. The VSC model has been used and shows that the majority of rooms meet the required 27%.

For the rooms failing this further analysis using the Average Daylight Factor methodology has been undertaken. The minimum ADF values recommended are 2% for kitchens, 1.5% for living rooms and 1% for bedrooms. The report submitted indicates that the rooms within the flatted block and student block meet these requirements.

In relation to overshadowing a sun path analysis for 21st March has been provided. This demonstrates that the south facing courtyards of the proposed development will receive at least three hours of sunlight, as per the Edinburgh Design Guidance. The rear courtyards will be more over shadowed due to the proposed orientation of the blocks.

To maintain the building line along Leith Walk, and the increase in height from the current building means that there will be more overshadowing of Leith Walk in the late afternoon. Giving the desirability to maintain a building line such overshadowing of a street is not uncommon.

Privacy:

The proposed development will be 23 metres away from the development on the opposite side of Leith Walk. Distances to the flats on Stead's Place range from 22 to 33 metres. To the north on Jane Street the existing flats are approximately 27 metres away. These are acceptable separation distances to the neighbouring properties.

Internally within the development, there are generally good separation distances. There is a pinch point between the residential block and student accommodation, but this is still 11 metres wide and a reasonable distance in an urban environment. The gable end of the residential development contains the kitchen/living room that also has windows on alternative elevations.

The distances within the site are appropriate for the proposed layout.

Open space and landscaping:

Landscaping has been considered as part of the proposal and has been revised to enhance the proposed cycle/footpath through the site. Courtyard areas are proposed, where these are south facing grassed open space is proposed, on the northern sides more appropriate designed hard standing is proposed.

The tree survey identifies 28 individual trees within the site. These are located within three main areas, either on the undeveloped ground at the western part of the site, along the embankment area to the north or along the verge along the southern border.

A total of 11 trees have been identified for removal, one due to its condition and the other ten due to the redevelopment. There are five category C trees (low quality and value) and six category B trees (moderate quality and value) comprising in the main either sycamore or ash trees.

The trees are not covered by a Tree Protection Order and are not within the conservation area. The location of the trees would not allow for comprehensive redevelopment and detailed planting has been proposed throughout the development to provide trees (74) which are suitable to the proposed development.

An area of approximately 0.2 hectare at the western end of the site is shown as open space on the LDP proposals map. This area is mainly occupied by trees and provides a green link between the embankment to the north of the site and Pilrig Park. The application proposes car parking on around one third of this area, with the remainder to be enhanced as part of the development. The proposal accords with LDP policy Env18 as there will be no significant impact on the quality or character of the area, the open space is part of a larger area and of limited amenity or leisure value, the link between Pilrig Park and the embankment will be retained and the improvements to the remainder of the open space bring local benefits. The North East Locality Open Space Action Plan does not indicate a deficiency of open space or homes outwith the recommended walking distances to open space in this area. The site is close to Pilrig Park, with the farthest part of the site on Leith Walk being less than 300 metres away.

LDP Policy Hou 3 Private Green Space sets out that for flatted developments there should be 10 sqm of open space provision per flat except where private space is provided. A minimum of 20% of the site should be open space.

The open space associated with the residential flats equates to 884 sqm for the 53 flats, which exceeds the 10 sqm per flat requirement. The ground floor flats have direct access to small private outdoor areas. The majority of this is provided in a south facing courtyard, though some of this is broken up by paths and hard standing areas. Boundary treatments comprising fencing and hedges are proposed to separate the area from the public realm.

LDP Policy Env 20 Open Space in New Development relates to development proposals other than housing. It does not set out specific requirements, but does indicate that the Council will negotiate the provision of new publicly accessible and useable open space in new development when appropriate and justified by the scale of the development and the needs it will give rise to.

As the proposal is not in an area of deficiency, there are not direct open space actions applicable to the proposal. The proposal does contain a three metre wide cycle pedestrian route through the site, linking through to Pilrig Park.

There are no standards for open space for student accommodation in terms of open space, though 1,426 sqm of open space in the form of courtyards, alongside a further 275 sqm terrace area on the first floor of the building are proposed.

There are other elements of open space within the site including an area with existing trees and the larger area of existing open space at the western end of the site. This covers approximately 1,400 sqm of open space with the proposals including new features such as timber inserts to reference railway tracks and meadow grass planting.

Therefore at least 20% of the site contains open space.

Overall, the proposal is acceptable in terms of the level of amenity afforded to both existing and future residents is acceptable. The loss of a small area of open space accords with LDP policy Env18 and the infringement of the daylighting standards set out in the Edinburgh Design Guidance is minor. The matters raised by Environmental Protection in relation to noise and odour are acceptable subject to the use of conditions.

e) Transport Matters:

Access and Traffic Generation:

A Transport Assessment (TA) has been submitted in support of the application. This provides an assessment of the transport considerations associated with the proposal.

The vehicular access to the site remains as currently in place. In terms of traffic generation, when considered against the potential traffic generated if all the existing uses were full occupied, then the proposal would result in no net increase in traffic.

Swept path analysis has been provided to demonstrate that a refuse vehicle can access the site. Discussions have taken place with Waste Services and it is content with the detail provided, subject to some minor alterations. These can be adequately dealt with through the quality audit and Road Construction Consent process.

The LDP safeguards the route of the tram along Leith Walk. The proposal will not impact on this safeguard. The Roads Authority response contains a note for the applicant to have further contact with the Tram Team should permission be granted.

If the tram line is extended down Leith Walk, then the access point will need altering to a left in / left out junction. There is currently a loading bay on Leith Walk adjacent to the existing building. The tram works may change this. However, loading will be available elsewhere along Leith Walk.

The Roads Authority does not object to the planning application.

Parking

LDP Policy Tra 2 - Private Parking requires that developments make provision for car parking levels that comply with and do not exceed the parking levels set out in the non-statutory guidance.

The 2017 parking standards contain no minimum amounts for car parking. The standards allow for a maximum of 216 spaces for the proposed uses. A total of thirty-one spaces are proposed, 27 of which are for the residential element with the remaining four spaces (all accessible) for the other proposed uses.

Applications should include reasoned justification for the parking provision proposed.

The Transport Assessment contains information relating to 2011 census data for car ownership. This was then used to indicate what the residential element should be. It is also generally accepted that car ownership and trip generation is less for affordable housing. The census data showed that that car use is low in the area. The Leith Walk Electoral Ward has lower than average driver trips to work/study (19.41%) and high public transport trips (33.37%) and high walking trips (29.15%).

In relation to the proposed minimal car parking associated with the student accommodation, hotel, commercial and business uses, the applicant has highlighted that this development is located within an established mixed use neighbourhood and in an area of very good public transport accessibility and that by providing effectively zero parking this will minimise vehicle trip generation to and from this development.

Parking surveys were also carried out on the surrounding streets. These showed that there is some capacity on the surrounding streets and it is anticipated that the potential for overspill car parking is low and that some of the proposed uses will not attract peak time trips.

The parking standards require 8% of the spaces to be accessible, two are provided within the residential parking which meets the standards.

One of every six car parking spaces should be equipped for electric vehicle charging points. This equates to five spaces and five spaces are provided. The electric chargers should be at least 7Kw (type two outlet).

Due to the low level of car parking proposed, Environmental Protection indicated at the pre-application stage that an Air Quality Impact Assessment was not required. It is supportive of the level of car parking proposed.

Two motorcycle parking spaces are proposed for the residential element (one for 25 units). None are associated with the other uses to try and minimise vehicle trips.

The 2017 parking standards require one coach parking space for a hotel of this size. No coach parking is proposed due to nature of hotel's business and the locations public transport accessibility. This is acceptable.

The Transport Assessment indicates that the development will be supported by a Travel Plan and contains a travel plan framework. This includes details of travel plans for employment, residential and leisure to encourage sustainable travel choices, travel packs for residents (residential and students) and employee questionnaires to help plan sustainable travel. An informative should be added to encourage the applicant to undertake the measures set out in the TA.

Furthermore, the applicant has also indicated that discussions with the car club have taken place to contribute towards two car club spaces in the area. An informative should be added to advise the applicant to follow this through.

Based on the justification provided, the proposed level of car parking is considered acceptable at this location.

Cycle Parking

LDP Policy Tra 3 - Private Cycle Parking requires that cycle parking and storage within the development complies with Council guidance.

The residential element meets the requirement by providing 118 spaces for the 53 units. These are located within the ground floor of the flatted block and within external stores.

For the hotel, business units and restaurant/bar uses a combined total of 37 spaces are required by the standards. The proposal contains 34 spaces plus a further 30 spaces for visitors and therefore the standards are exceeded.

For the student accommodation 174 cycle spaces are proposed. The standards assume 522 spaces - only 33% of this is proposed.

The Transport Assessment has put forward justification for the amount of student cycle parking proposed. This covers a number of factors.

A 2013 Travel Survey carried out on University of Edinburgh's behalf indicates that the average mode share for Students to all university sites is 37% walking, 37% PT (bus/Rail/shuttle), 14% cycling and 11% by car. The applicant acknowledges that the majority of residences are within easy walking distances, but still highlights the prominence of public transport as a mode choice.

Surveys of the cycle storage at similar facilities at the Holyrood Campus, indicate that on average only 18% of the cycle parking is used. This is based on data collected for the 2017/18 academic year.

This has been supplemented by key fob entry data for the cycle stores at the postgraduate residence at Holyrood Halls from the 1st September 2018 to 1st November 2018. The results show that over this two month period an average of 15% of the cycle parking provision (356 spaces) was used.

Based on this and the accessibility of public transport to Stead's Place, which will have a major influence on how students will travel, the applicant proposes that the 174 spaces will meet the required demand.

Objections have been made to the level of cycle parking, including from Spokes. The objections note that the cycle parking is below the Council's standards. Spokes raises concerns that the proposed cycle parking will not be sufficient over the life time of the development and that the planned provisions will in the future suppress cycling demand. It recommends that measures should be put in place to monitor demand and if new cycle parking is required then this should be created.

In summary, the site is within an accessible location with good access to public transport. The access to the site is acceptable and the level of car parking proposed is within the standards. Whilst the cycle parking is below the recommended level, this issue on its own would not justify refusal of the application.

f) Other Material Considerations

Ecology:

A bat survey has been submitted as part of the application. This has demonstrated that no bats were in any of the buildings or trees. Roosting bats are therefore not an ecological constraint, for the proposed redevelopment of the site. The application will therefore not have an adverse impact on the protected species in accordance with LDP Policy Env 16 Species Protection.

An informative for the inclusion of swift bricks within the development is recommended.

Archaeology:

LDP Policy Env 8 - Protection of Important Remains seeks to protect archaeological remains from being adversely impacted from development.

In relation to buried remains, the Archaeology Officer notes that the site is in an area on or close to the 1559-60 English siege works/trenches enclosing Leith. The site has also been associated with industrial development from the mid-19th Century.

Accordingly, the Archaeology Officer has recommended that an archaeology condition is placed on any permission to agree a programme of works to fully excavate, record and analyse any significant remains affected.

Drainage and Flooding:

The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. The submitted information and has confirmed that the proposals meet the Council's requirements.

Scottish Water has not objected to the application.

Ground Contamination:

A Geo-environmental Desk Study has been provided. Environmental Protection are still considering its contents, but due to the previously developed nature of the site, a condition would be required to ensure the appropriate investigation and mitigation is undertaken.

Sustainability:

The applicant has submitted the sustainability form in support of the application. Part A of the standards is met through the provision of solar panels and gas-fired combined heat and power plant are proposed. The proposal is a major development and has been assessed against Part B of the standards. The points achieved against the essential criteria are set out in the table below:

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

LDP Policy Des 6 (Sustainable Buildings) requires that developments can demonstrate that the current carbon dioxide emission reduction targets are met (including at least half of the target being met through the use of low and zero carbon generating technologies) and that other sustainable features are included in the proposals. This can include measures to promote water conservation, SUDS, and sustainable transport measures.

The applicant submitted a Sustainability Statement in support of the application. This examined the suitable low and zero carbon technologies which would be most appropriate for the development. In this case, a 100 square metre photovoltaic array and gas-fired combined heat and power plant are proposed. The photovoltaic array is proposed to be located on the residential block, while the CHP plant will be located within the student housing block. The photovoltaic array would serve the apartment block, while the CHP plant would serve both the apartment block and student housing. In the event that that a CHP plant is not achievable, the applicant has confirmed that it may be possible to include photovoltaic panels on the student housing block.

With regards to carbon dioxide reduction, the proposed development is required to comply with Section 6 (Energy) of the Scottish Technical Handbooks. The applicant has completed a Section 6 model for the proposed development, to identify the fabric and energy performances required to comply with Section 6. This involves calculating the Building Emission Rate (BER) and Target Emission Rate (TER). Compliance is achieved where the BER is less than or equal to the TER (The BER and TER values are the kgCO₂/m² emissions for the actual building and a building regulation compliant building respectively).

For both the student housing and the apartment block, the buildings' emissions rates are less than the target emissions rates. Therefore, the proposed buildings are compliant with section 6 in terms of carbon dioxide emissions.

Therefore, the proposal is in accordance with LDP Policy Des 6.

District Heating:

The application was submitted before the Heat Opportunities Mapping Supplementary Guidance was adopted. However, the applicant has still considered its requirements.

Edinburgh's Sustainable Energy Action Plan (SEAP) sets out an approach to reduce carbon emissions through better use and generation of energy. A key objective of the SEAP is to decentralise energy. The programme aims to increase the use of district heating in the city, evaluating the potential for expanding existing schemes.

To comply with this requirement, new applications must submit to the planning authority, a district heating (DH)/ heat network (HN) evaluation that is specific to the development. This requires the applicant to investigate any existing or proposed DH/ HN that the development could utilise using the Scottish Government's Heat Map, and the Energy and Carbon Masterplan as a resource. Where there are no DH/ HN local to the development, an appraisal investigating the opportunity for the development to install its own DH/ HN is required, including an analysis of anticipated site heat, cooling and electricity loads.

The Heat Map illustrates that the development is in a medium heat density area, and that the closest district heating network is at Cables Wynd House, which is half a mile from Steads Place. Due to this sizable distance, connection to the Cables Wynd House district heating network is not considered sustainable as the heat loss from the pipework will significantly reduce the efficiency of this facility. As such, a connection to this has not been pursued by the applicant.

Waste:

Waste Services has provided advice on the application and requested that the applicant contact it to agree detail arrangements with it at a later stage. There are also the requirements for trade waste producers to comply with other legislation, in particular the Waste (Scotland) Regulations.

Equalities and Human Rights:

An Integrated Impact Assessment has been carried out and raises no overriding concerns. This is viewable on the Planning and Building Standards Online Services.

g) Infrastructure

LDP Policy Del 1 - Developer Contributions and Infrastructure Delivery requires that development proposals contribute towards infrastructure provision where relevant and necessary to mitigate any negative additional impact of development. The Council approved new draft Supplementary Guidance on Developer Contributions and Infrastructure Delivery in August 2018. While this has not yet been approved by the Scottish Government, the new draft guidance is a material consideration in the determination of planning applications.

Education:

Residential development is required to contribute towards the cost of education infrastructure to ensure that the cumulative impact of development can be mitigated. This site falls within Sub-Area LT-1 of the 'Leith Trinity Education Contribution Zone'.

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed. The following contribution is required:

£41,160 infrastructure contribution (Quarter 4 2017 valuation subject to indexation)

Healthcare:

The application site is not located within a Health Care Contribution Zone and there are no identified health care actions in this area. No contribution towards health care is required.

Transport:

The draft supplementary guidance does not contain a transport contribution zone (aside from the tram). However, the LDP Action Programme (January 2018) does identify two actions that the proposal should contribute towards. The actions and amounts are as below:

The Leith and City Centre (East) Cycle Route - £105,340
Jane Street/Tenant Street connections - £7,328

In relation to the tram, based on the proposed uses, a contribution of £696,999 is required.

These will need to be secured through a suitable legal agreement.

h) Public Comments

Scheme 1

Material Representations - Objection:

Principle

General

- Inappropriate mix of uses proposed (assessed in section 3.3(a).
- Excessive number of hotels and the need/requirement for a hotel at this location not demonstrated (assessed in section 3.3(a).
- Proposals will increase the number of transitory residents, which will have a negative impact on the community and local environment (assessed in section 3.3(a).
- Proposal does not support the individuality of Leith Walk and is not compatible with its uniqueness and vibe (assessed in section 3.3(a).
- The high value placed on the existing buildings by the community (assessed in section 3.3(c).
- Loss of live music venue (assessed in section 3.3(a).
- Detrimental to the character of Leith (assessed in section 3.3(b) and 3.3c).

Student Housing

- Too much student accommodation already in the area (assessed in section 3.3(a).
- No need for student accommodation (assessed in section 3.3(a).
- Proposal is contrary to Policy Hou 8 Student Accommodation as the Leith Walk area has seen a rapid increase in the number of students resident in the area since the 2011 census (assessed in section 3.3(a).
- Proposal is contrary to the Student Housing Guidance as it does not meet the recommended 50:50 balance of student residence to housing. The applicant states the proposal is a 60:40 split, but the plans show a 76:24 (assessed in section 3.3(a).

- Not an appropriate area for student housing as no university buildings or university resources in Leith. (assessed in section 3.3(a)).

Housing

- More housing should be provided (assessed in section 3.3(a)).
- Proposal should contain more social housing/affordable housing (assessed in section 3.3(a)).
- Not clear what affordable housing tenure is to be provided (assessed in section 3.3(a)).
- The proposed development propose a single block of flats with no special needs provision contrary to Policy Hou 2 Housing Mix (assessed in section 3.3(b)).

Hotel

- Excessive number of hotels and the need/requirement for a hotel at this location not demonstrated (addressed in section 3.3(a):

Economy / Business/ Retail

- The proposal is contrary to LDP Policy EMP 9 as it does not include floorspace designed to provide for a range of business users (assessed in 3.3(a)).
- Stead's Place/Jane Street Development Brief - "Significant" business space is not being provided (assessed in 3.3(a)).
- Proposals should protect existing businesses / uses that contribute to Leith's community and creativity (assessed in 3.3(a)).
- Lack of replacement small business space (assessed in 3.3(a)).
- The original building could host as many as 44 shop and office units as well as three large industrial units behind. Proposed six mixed use units do not offset the loss of facilities and is a reduction in employment opportunities (assessed in 3.3(a)).
- Negative impact on the local economy (assessed in 3.3(a)).

Demolition

Heritage matters assessed in section 3.3c), the existing building on site will be demolished. This element is considered under a separate conservation area consent application 18/04349/CON. This building will be replaced with a modern development which will sit higher than the existing building. The proposed demolition of the building will be assessed as part of the determination of the conservation area consent application.

- Proposal does not accord with LDP Policy Env 5 and Env 3:
- The building is in good condition, but there has not been adequate investment in maintaining its condition.
- No effort made to retain the building or market it for potential restoring purchasers.
- The Save Leith Walk campaign has proposed that the sandstone building should be retained and an alternative use developed for the remainder of the site. Other local architects have drawn up plans for alternative uses.

- Existing building is unique, iconic and defines the character of Leith Walk (known locally as the "New Shops").
- The original buildings are some of the last Art Deco buildings in Leith;
- The red sandstone building, which is an important architectural and cultural remnant of Leith's railway heritage, its loss will damage the historic character of the area.
- The existing frontage has architectural and historical importance and should be preserved.
- No 'exceptional' circumstances as required for a demolition within a conservation area have been demonstrated. The building is in good condition and alternative proposals that would retain it exist.
- The developers have not made adequate efforts to retain the building.
- The public benefits from the demolition are far less than the retention of the building.

Design Matters

- assessed in section 3.3(b).

Height

- The proposed building is too tall and will dominate the area. This part of Leith Walk has always enjoyed more open aspects and this building will damage the character of the area contrary to Policy Des 1 Design Quality and Context (assessed in section 3.3(b)).
- The building is 2-3 storeys taller than those surrounding and this is inappropriate in the building context contrary to LDP Policy Des 11 - Tall Buildings (assessed in section 3.3(b)).
- The height and the form are out of proportion to the streetscape and will have an adverse effect on the local area. The proposals fail to understand that the lower end of Leith Walk has tenements with greater variety in their design, heights, building lines, roofscapes and ages and are interspersed with town houses or smaller tenements well set back with front gardens to the street. The huge monolithic/ homogeneous development will have a negative impact on the local setting (assessed in section 3.3(b)).
- The height and the form are out of proportion to the streetscape and will have an adverse effect on the local area contrary to LPD Policy Des 4 Development Design - Adverse Impact on Setting (assessed in section 3.3(b)). Contrary to Stead's Place / Jane Street Development Brief and Town Centre Guidance that sets out that redevelopment should seek to establish a building height that matches adjacent and opposite buildings (assessed in section 3.3(b)).

Design / Elevations

- Elevational treatment contains too many styles in a layered approach that is inappropriate for a conservation area and contrary to LDP Policy Env 6 - Conservation Areas - Development (assessed in section 3.3(b)).
- Design out of character for the area (assessed in section 3.3(b)).
- The design is not aesthetically coherent (assessed in section 3.3(b)).

- There is a loss of 46% of available retail frontage to a restaurant use which could have been placed on a different level to the building. The proposed development will negatively impact local retailers. It is contrary to Leith Town Centre Supplementary Guidance (assessed in section 3.3(a) and (b)).
- Homogenous, uninspiring design found elsewhere within the city (assessed in section 3.3(b)).
- Affordable housing block lacks features (assessed in section 3.3(b)).
- Development elsewhere in Edinburgh consists of low rise shop fronts with higher housing blocks behind. Proposal should echo this approach and retain existing sandstone building (assessed in section 3.3(b)).
- Proposed fascadism will not replace such an iconic building (assessed in section 3.3(b)).
- This area of Leith Walk is less dense than further up (townhouses and eclectic buildings abound). This monolithic building will ruin that (assessed in section 3.3(b)).
- The development is unable to demonstrate adherence to the six qualities of a successful place which is a core policy principle of the Scottish Planning System. (These principles are covered in the Council's design policies and design guidance and form part of the assessment).
- The development is unable to demonstrate compliance with the 13 principles of sustainable development which is a core policy principle of the Scottish Planning System. (These principles are covered in the Council's design policies and design guidance and form part of the assessment).
- Lack of flexibility in designs to futureproof development for other uses contrary to LDP Policy Des 5 Development Design (assessed in section 3.3(b)).

Built Heritage

- Detrimental impact on adjacent listed buildings (assessed in section 3.3(c)).
- Inappropriate design in a conservation area (assessed in section 3.3(c)).
- Proposal impacts on the character and appearance of the conservation area and Leith Walk (assessed in section 3.3(c)).
- Existing shops have colourful and bespoke shop fronts adding to vibrancy of the area (assessed in section 3.3(c)).

Density

- The proposed density is too high, in an area that is already densely populated, contrary to LDP Policy Hou 4 Housing Density (assessed in section 3.3(b)).
- Over development of the site (assessed in section 3.3(b)).

Amenity

- Overshadowing concerns (assessed in section 3.3(d)).
- Overlooking concerns (assessed in section 3.3(d)).
- Impact on daylighting for adjacent buildings contrary to Policy Des 5 Development Design (assessed in section 3.3(d)).
- Lack of green space provided is contrary to LDP Policy Hou 3 Private Green Space and further green space should be provided due to lack of car parking (assessed in section 3.3(d)).

Noise

- The proposals introduce noise sensitive housing and student accommodation next to existing business and industry uses. This will be damaging for the existing business premises and does not comply with LDP Policy Emp 9 Employment Sites and Premises (assessed in section 3.3(d)).
- Not clear that a new live music venue will be adequately sound proofed (assessed in section 3.3(d)).

Environment

- The developer has failed to address air quality issues and used inappropriate modelling techniques to claim reduced car use. Proposal is contrary to LDP Policy Env 22 - Air quality; (assessed in section 3.3(e)).
- The student residence does not make use of LZCGT (Low or Zero Carbon Generating Technology) and the developer has not proven that they will reduce carbon emissions below the target contrary to LDP Policy Des 6 - Sustainable Buildings (assessed in section 3.3(f)).
- The student residence does not have an adequate waste management plan contrary to LDP Policy Des 6 - Sustainable Buildings (Area for waste shown on ground floor plans and commercial waste covered by legislation).

Infrastructure

- Impact on public services and local amenities (assessed in section 3.3(g)).

Transport

- Detrimental increase in traffic (assessed in section 3.3(e)).
- Lack of car parking proposed which will decrease the amenity for neighbouring business and residents. The development would increase on street parking and to the detriment of road safety contrary to Policy Tra 2 Private Car Parking (assessed in section 3.3(e)).
- Insufficient cycle parking - less than 30% of the requirement and not adequately justified contrary to Policy Tra 3 Private Cycle Parking (assessed in section 3.3(e)).
- No details provided of the cycle storage areas and cycle parking facilities (assessed in section 3.3(e)).
- Inadequate Travel Plan (assessed in section 3.3(e)).

Community Consultation:

- No consideration of the local community (A number of community consultation events carried out by the applicant over and above the statutory minimum requirements).

Material Representations - Support:

- Deliver affordable homes.
- Student housing is much needed.

- Hotel use will provide added footfall to the area.
- Student accommodation will free up accommodation in the private rental sector.
- Job creation and economic benefits.
- Proposal will aid in the regeneration of Leith and improve the appearance of the area.
- Overall, the site is derelict and in bad need of investment.
- Proposed design is a good compromise between old and new.
- The development comprises a mix of tenures (student and affordable).
- Modern design that incorporates red sandstone.
- Deliver a modern high street frontage and with new retail, restaurant and a live music venue.
- Inclusion of the live music venue is supported.
- Create a new link from Pilrig Park through to Leith Walk.

Non-Material Representations:

- Intentions/motivations of the applicant.
- Anti-social behaviour.
- Issues during the construction stage.
- Loss of private views.
- Impact on house prices.
- Assumptions relating to future users / chains.
- Money should be spent elsewhere in Leith, such as Leith Theatre.
- Tax issues.
- Derogatory remarks about potential future users.
- Threats.

Scheme 2

Material Representations - Objection:

Principle

General

- Previous objections stand - nothing has fundamentally changed from scheme - noted.
- Contrary to the Steads Place / Jane Street Development Brief (assessed in section 3.3(b)).
- Inappropriate mix of accommodation - more affordable housing needed, not student accommodation (assessed in section 3.3(a)).
- Encourages a transitory element within a community which will have a negative impact on the area (assessed in section 3.3(a)).
- Overdevelopment (assessed in section 3.3(b)).

Student Housing

- Proportion of student accommodation to housing is greater than 50:50 (proposed 76:24) (assessed in 3.3(a)).

- Not a good location for student accommodation / too far from student campus (assessed in 3.3(a)).
- No need for further student accommodation (assessed in 3.3(a)).
- No minimum standard of room sizes for student accommodation so the building would be incapable of being adapted for future use (assessed in section 3.3(b)).

Housing

- Not enough social housing (assessed in 3.3(a)).

Hotel

- No need for hotel (assessed in 3.3(a)).

Economy / Business / Retail

- Existing businesses could be constrained by noise complaints for new occupants (assessed in 3.3(a)).
- Significant business space is not being provided (assessed in 3.3(a)).
- Loss of small music venue (assessed in 3.3(a)).
- Loss of retail frontage (assessed in 3.3(a)).
- Need more businesses (assessed in 3.3(a)).
- Displaces local businesses (assessed in 3.3(a)).

Demolition

Heritage matters assessed in section 3.3(c), the existing building on site will be demolished. This element is considered under a separate conservation area consent application 18/04349/CON. This building will be replaced with a modern development which will sit higher than the existing building. The proposed demolition of the building will be assessed as part of the determination of the conservation area consent application.

- Demolition of entire row in the conservation area is not acceptable - destroys an iconic and historic part of the environment.
- The original red sandstone frontage should be retained.
- No substantial justification for demolition - only economic reasons.
- Existing building structurally sound.
- Rare 1930's structure / unique design and former LMSR offices are an important link with Leith's formerly rich railway history.

Design Matters

Height

- Proposal is too high, crowds the area, inappropriate massing (assessed in section 3.3(b)).
- Existing higher buildings on Leith Walk are more often than not unsuccessful - should not be used as a precedent; (assessed in section 3.3(b)).

- Misleading to state that it is reintroducing the tenement form (assessed in section 3.3(b)).

Design / Elevations

- New building does not hold its own in terms of architectural worth nor manages to incorporate, enhance or even really understand the characteristics or features of the original building (assessed in section 3.3(b)).
- The low level sandstone building is worthy of retention, it is a rare 1930's structure in Leith Walk that adds to the character of the area and should be incorporated into the design. The proposal is contrary to LDP Policy Des 3 Development Design (assessed in section 3.3(b) and (c)).
- Design is muddled, out of character and inappropriate for conservation area; design fails to respond to the distinctive character of the site; the existing site has variety of architectural styles creating a varied and interesting cityscape which has a wide and open feel (assessed in section 3.3(b)).
- Inappropriate roof form (assessed in section 3.3(b)). Inappropriate materials for conservation area / poor quality and no use of real sandstone or other matching stone in the front façade (assessed in section 3.3(b)). Building is monolithic and devoid of character (assessed in section 3.3(b)).
- Proposed windows on Leith Walk much smaller than windows in surrounding buildings (assessed in section 3.3(b)). Redevelopment should be restricted to the rear of the site (assessed in section 3.3(b)).
- The development is unable to demonstrate adherence to the six qualities of a successful place which is a core policy principle of the Scottish Planning System (These principles are covered in the Council's design policies and design guidance and form part of the assessment).
- The development is unable to demonstrate compliance with the 13 principles of sustainable development which is a core policy principle of the Scottish Planning System. (These principles are covered in the Council's design policies and design guidance and form part of the assessment).

Built Heritage

- Land at Steads Place and surrounding area has always been characterised by low to medium buildings (assessed in section 3.3(c)).
- Existing low building contributed to the character of the area by providing a contrast to the other built up parts of Leith Walk (assessed in section 3.3(c)).
- Creates a sense of forced enclosure - assessed in section 3.3(c)..
- Proposal does not add character to the City or area - assessed in section 3.3(c).
- Open feel of existing building lost -- assessed in section 3.3(c).

Density

- Density is too high (assessed in section 3.3(b)).

Amenity

- Overshadowing of building opposite (assessed in section 3.3(d)).
- Unacceptable loss of daylight into windows opposite (assessed in section 3.3(d)).

- Privacy / overlooking (assessed in section 3.3(d)).
- Needs to be greener /lack of open space (assessed in section 3.3(d)).

Noise

- Noise from proposed live music venue - a new live music venue is not feasible beside new accommodation (assessed in section 3.3(d)).

Environment

- Creates a wind tunnel/ potential danger (assessed in section 3.3(b)).
- Student accommodation doesn't make use of Low or Zero Carbon Generating Technology (assessed in section 3.3(f)).
- Fails to address air quality issues and used inappropriate modelling techniques to claim reduced car use (assessed in section 3.3(f)).
- Potential serious flood risk to site and surrounding buildings- no enough evidence submitted (assessed in section 3.3(f)).
- Protected species have the potential to use the buildings, trees and wildlife corridor / Bat surveys have not been carried out (assessed in section 3.3(f)).
- 2m high chimney for gas boiler will be on top of the 7 storey section of student accommodation but not shown on plans (assessed in section 3.3(b)).

Infrastructure

- Impact on public services and local amenities (assessed in section 3.3(g)).

Transport

- Not enough parking / will result in an increase of on-street parking to the detriment of road safety (assessed in section 3.3(e)).
- Impact on public transport (assessed in section 3.3(e)).
- Not enough cycle parking (assessed in section 3.3(e)).

Material Representations - Support:

- Reduction in scale an improvement.
- Proposal is an improvement over the existing.
- Deliver affordable homes.
- Student accommodation will free up accommodation in the private rental sector.
- Hotel use will provide added footfall to the area.
- Job creation and economic benefits.
- Deliver a modern high street frontage and with new retail, restaurant and a live music venue.
- Improved street frontage and area.
- Create a new link to from Pilrig Park through to Leith Walk.

Non-Material Representations:

- Not listened to the community - more needs to be done to support the local community; changes made late in the process gave the public little time to object; uncompromising stance by developer towards changes.
- Lack of drawings to show entire massing in relation to the surrounding buildings on Leith Walk and adjacent to the rear of the site.
- Impacts on the social dynamics of the area; influx of post-grad students and hotel guests do not outweigh the loss to the community.
- 'affordable' housing isn't affordable.
- Significant number of those supporting the proposal are outwith EH6 area
- Leith has a tradition of championing music and the arts, family run local businesses and not high-street franchise stores.
- Damage through piling/ construction.
- Disruption to local community / already suffered from disturbance from the tram.
- CEC in pockets of developers / bribery.
- Rents will increase.
- Leith is being used as a dormitory for the University.
- Anti-social behaviour of existing students in the area.
- Canteen is only for students and will reduce the potential contribution students could make to the local community.
- Developer could address the Leith Walk Green Bridge project.
- Design based on ignorance of what Leith is.
- Different materials shown on revised plans.
- Gentrification / increasing property prices.
- Leith Walk should be a broad and varied boulevard that sweeps down to Leith.
- Business owners around the existing student accommodation around the Gateway Studios have not noticed a trickle down economic effect.
- Area won't benefit from Council tax income since students are exempt.
- Risk turning the area into a generic, soulless and bland area of the city.
- Keep City's uniqueness and integrity.
- Not addressing issues of homelessness and housing waiting lists.
- Over-allocation of short term lets will adversely affect local businesses and threaten the provision of vital services to long term residents.
- Will encourage retailers to move into the area.
- Buildings are not listed.
- Must not stop progress in Leith.

Conclusion

The proposal is for a mixed use development incorporating student housing, hotel use, affordable housing and ground floor units suitable for a variety of uses including a live music venue on a site located in and adjacent to Leith Town Centre. The mix and balance of uses are acceptable and will result in an intensification of development along Leith Walk which will support the vitality and viability of the town centre and bring wider regeneration benefits.

The principle of student housing accords with LDP policy Hou8 and the proportion of the site to be developed for student accommodation is a justified infringement of the student housing guidance. The relatively limited provision of class 4 business space as part of the overall mix accords with the Stead's Place/Jane Street Development Brief and is a justified exception to LDP Policy Emp9 as the proposals meets other LDP objectives.

On balance, the proposed design, height and layout, including the loss of a small area of open space, are acceptable and the proposal will preserve the character and appearance of the Leith and Pilrig Conservation Areas. Consideration of the impact of the loss of the existing building along 106-162 Leith Walk is assessed under application 18/04349/CON.

Potential impacts on the amenity of future residents in terms of noise and odour can be addressed through conditions without prejudicing nearby employment uses. With the exception of a minor infringement of the daylighting guidance, the proposal will not have a detrimental impacts on the amenity of neighbouring properties.

Subject to developer contributions towards the tram and relevant transport infrastructure, there are no objections on transport grounds. The number of cycle spaces does not meet the requirements of the Edinburgh Design Guidance. However, the applicant has submitted supporting information to explain the reasons for the number of cycle parking spaces provided and this on its own would not justify refusal of the application.

A significant number of representations have been received both objecting to and in support of the proposals. The wide range of matters raised in the representations have been considered in the assessment of this application.

Overall, the application accords with the development plan as the minor departures on some matters represent justifiable exceptions to LDP policy. In this instance, the regeneration benefits for the town centre and wider area outweigh concerns regarding student housing and employment space, impact on amenity and the level of cycle parking provided. There are no other material 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. Prior to the commencement of the construction of the superstructure or above ground works, sample panels, to be no less than 1.5m x 1.5m, shall be produced, demonstrating each proposed external material and accurately indicating the quality and consistency of future workmanship, and submitted for written approval by the Planning Authority.

2. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
3. i) 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.ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.
4. Notwithstanding the terms of the Town and Country Planning Use Class Order 1997, the use of unit 6 as shown on plan reference 10613-PL(00)10 RevA shall be restricted to use as a public house and ancillary live music venue.
5. The approved landscaping scheme shall be fully implemented within six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing by the Planning Authority.
6. Prior to the commencement of development, the tree protection measures as defined in Drawing 18007_L_102 Rev.H01 and in accordance with BS5837:2012 "Trees in relation to design, demolition and construction" must be implemented in full.
7. The tree protection measures in condition 6 must be maintained during the entire development process and not altered or removed unless with the written consent of the Planning Authority.
8. Prior to any class 3 uses being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, as show on drawing no. 6435-MS-SK-001 & 6435-MS-SK006 dated December 2018 shall be implemented.
9. The following noise protection measures to the proposed mixed-use development, as defined in the Sandy Brown Noise Survey and Assessment' report (Ref 18104-R01-B), dated 3 August 2018 and addition acoustic information submitted on 6 August 2018 shall be carried out in full and completed prior to the development being occupied;

- Glazing units with a minimum insulation value of 12.8mm/16mm/10mm double glazing shall be installed for the external windows in 'zone 1' as highlighted in drawing number 10613-PL (00)20 Rev A dated May 2018 with supporting ventilators with a minimum sound reduction level of 36Rw+Ctr(dB).
 - Glazing units with a minimum insulation value of 6mm/16mm/6mm double glazing shall be installed for the external windows in 'zone 2' as highlighted in drawing number 10613-PL (00)21 Rev A dated May 2018 with supporting ventilators with a minimum sound reduction level of 36Rw+Ctr(dB).
 - A louvre shall be located at the east end of the boiler room, at least 10 metres from the nearest bedroom window, and be specified to reduce noise to a limit of NR45 at 3m (on axis). This will require a single bank acoustic louvre 300mm deep based on a total louvre area of 9m².
 - Noise mitigation measures required to control music breakout from the proposed basement level music venue (unit 6) are shown in drawing 10613 PL(00)10 Rev A. Lobbied doors to all entrances and exits must have a minimum sound insulation rating of Rw 35 dB. The area shall be fully mechanically ventilated via inlet and outlet ducts, and ducts routed to avoid music noise breaking out directly to outside. In-duct attenuators must be installed in inlet and outlet ducts. No exposed structural columns in the space running directly to residential properties above. A minimum 200mm thick concrete ground floor slab above the venue space shall be required. Noise transfer through the full height glass facade of 200m² (onto Leith Walk), shall require a glazing unit with a minimum thickness 10.4mm laminate glass facade to Unit 6 at street level.
10. Prior to the use being taken up details of the secondary abatement technology to be installed to the energy centre shall be provided to the Planning Authority. This shall be capable of reducing nitrogen dioxide emission levels.
 11. Prior to commencement of development, details shall be submitted showing the final design of the artwork within the Leith Walk elevation. The artwork will then be installed and maintained, unless otherwise agreed in writing with the Planning Authority.
 12. No development shall take place until a scheme of mitigation measures in respect of fumes and noise from the existing coachworks at 7 Jane Street, Edinburgh EH6 5HE (currently K & E Coachworks) is submitted to and approved in writing by the planning authority, in consultation with Environmental Protection, and the agreed mitigation measures thereafter implemented to the satisfaction of the planning authority.

Reasons:-

1. In order to ensure the adequacy of external building materials.
2. In order to safeguard the interests of archaeological heritage.
3. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

4. To define the terms of the permission.
5. In order to ensure that the approved landscaping works are properly established on site.
6. In order to safeguard trees
7. In order to safeguard trees.
8. In order to protect the amenity of the occupiers of the development.
9. In order to safeguard the amenity of neighbouring residents and other occupiers.
10. To reduce emissions
11. In order to enable the planning authority to consider this/these matter/s in detail.
12. In order to protect the amenity of the occupiers of the development.

Informatives

It should be noted that:

1. Legal Agreement

Permission should not be issued until a suitable legal agreement has been entered into covering the following matters:

Education:

A sum of £41,160 for education infrastructure (to be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.) in line with the Leith Trinity Education Contribution Zone Action.

Affordable Housing:

Twenty-five percent of the residential units to be of an agreed affordable tenure.

Transport:

A contribution of £105,340 towards the Leith and City Centre (East) Cycle Route in line with the relevant transport actions from the Edinburgh LDP Action Programme 2018. The sum to be indexed as appropriate and the use period to be 10 years from date of payment,

A contribution of £7,328 towards Jane Street / Tenant Street connections in line with the relevant transport actions from the Edinburgh LDP Action Programme 2018. The sum to be indexed as appropriate and the use period to be 10 years from date of payment,

A contribution of £696,999 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. 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.
4. 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.
5. For the duration of development, between the commencement of development on the site until its completion, a notice shall be: displayed in a prominent place at or in the vicinity of the site of the development; readily visible to the public; and printed on durable material.
6. The Roads Authority response contains a number of matters that the applicant should be made aware of, including matters in relation to RCC, Quality Audit, Tram, Travel Plans, Street Naming and Numbering, allocation of parking spaces, signs and canopies, lighting, enforcement of disabled car parking spaces and electric vehicle charging points.
7. TRAMS - Important Note:
The proposed site is on or adjacent to the proposed Edinburgh Tram. An advisory note should be added to the decision notice, if permission is granted, noting that it would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:
 - o Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
 - o Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
 - o Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
 - o Any excavation within 3m of any pole supporting overhead lines;

- o Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
 - o The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.
See our full guidance on how to get permission to work near a tram way
<http://edinburghtrams.com/community/working-around-trams>
8. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;
 9. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area.
 10. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity
 11. The applicant has submitted details showing that an advanced odour reducing extract and filtration system will be installed to reduce the potential of cooking odour and effluvia being emitted. The applicant should install the proposed system as detailed in air handling report 'Halton AHU, Technical Specification Sheet' dated 25/01/2017.
 12. 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.
13. Prior to the use being taken up five electric vehicle charging outlets shall be installed and fully operational and be of the following minimum standard. Type 2 (EN62196-2), Mode 3 (EN61851-1) compliant and be twin outlet. With the ability to supply 7 kW (32 Amps) AC - Single Phase chargers that have the ability to deliver power of 7 kW capacity to each outlet simultaneously.

Financial impact

4.1 The financial impact has been assessed as follows:

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

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, a Proposal of Application Notice (application number 18/01015/PAN) was submitted on 6 March 2018.

Copies of the notice were also issued to the local and neighbouring ward councillors, MPs, MSPs and Leith Central, Leith Links and Leith Harbour and Newhaven Community Councils.

Public exhibitions were held at the Out of the Blue Drill Hall on 23 and 24 March 2018. An event was held on 1 May 2018 at the former Barnardos shop in the existing building with events also held on 4 and 5 May 2018 at the Out of the Blue Drill.

Discussions were also held with the relevant community councils within the area, the establishment of a community liaison group, participation at public meetings and the use of social media.

Full details can be found in the Pre-Application Consultation Report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards Online services.

A pre-application report on the proposal was presented to the Development Management Sub-Committee on 25 April 2018.

Edinburgh Urban Design Panel

The proposal was presented to the Edinburgh Urban Design Panel on 28 March 2018. The panel's recommendations were:

In developing the proposals, the Panel suggested the following matters be addressed:

- Student and residential mix;
- Development of a heritage/historical analysis;
- Development of a Leith Walk frontage informed by the context;
- Development of residential and active uses to Leith Walk frontage;
- Development of legible and safe connections through the site;
- Level of car parking; and
- Crime profile of the area.

8.2 Publicity summary of representations and Community Council comments

The application was originally advertised on 17 August 2018 and 2,695 letters of representation were received, 1,564 objecting 1,131 supporting.

A further period for comments attracted 1,320 letters of representation, 378 objecting and 942 supporting.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

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

- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The site is within the Urban Area of the Edinburgh Local Development Plan. There is a tram route safeguard along the frontage.

The building fronting Leith Walk is also within the Leith Town Centre and the Leith Conservation Area.

An area of open space is also included within the rear of the site.

Date registered

6 August 2018

Drawing numbers/Scheme

01-04,05B,06A,07A-14A,15B,16B,17,20A-23A,24B,25A-31A,31B,32B,33A,36,37B,38A,39B,40A,41,45,46,48-53,54A,55-59,

Scheme 2

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Kenneth Bowes, Senior Planning officer
E-mail:kenneth.bowes@edinburgh.gov.uk Tel:0131 529 6724

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

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

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

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

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

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

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

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

LDP Policy Env 2 (Listed Buildings - Demolition) identifies the circumstances in which the demolition of listed buildings will be permitted.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 5 (Conservation Areas - Demolition of Buildings) sets out criteria for assessing proposals involving the demolition of buildings within a conservation area.

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 18 (Open Space Protection) sets criteria for assessing the loss of open space.

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

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

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

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

LDP Policy Emp 10 (Hotel Development) sets criteria for assessing sites for hotel development.

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

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

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

LDP Policy Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

LDP Policy Ret 3 (Town Centres) sets criteria for assessing retail development in or on the edge of town centres.

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

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

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

LDP Policy Tra 7 (Public Transport Proposals and Safeguards) prevents development which would prejudice the implementation of the public transport proposals and safeguards listed.

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

LDP Policy Tra 9 (Cycle and Footpath Network) prevents development which would prevent implementation of, prejudice or obstruct the current or potential cycle and footpath network.

LDP Policy RS 6 (Water and Drainage) sets a presumption against development where the water supply and sewerage is inadequate.

The Leith Town Centre Supplementary Guidance sets out overarching aims for the town centre as a whole and sets criteria for change of use of shop units.

Draft Developer Contributions and Infrastructure Delivery SG sets out the approach to infrastructure provision and improvements associated with development.

Relevant Non-Statutory Guidelines

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.

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 - on affordable housing gives guidance on the situations where developers will be required to provide affordable housing.

Appendix 1

Application for Planning Permission 18/04332/FUL

At 106 - 162 Leith Walk, Edinburgh, EH6 5DX

Demolition of existing buildings and erection of a mixed use development including 53 affordable housing flats, student accommodation (471 bedrooms), hotel with 56 rooms (Class 7), restaurant(s) (Class 3) and space for potential community and live music venue (Class 10 & 11), retail (Class 1), public house (sui generis) or commercial uses (Class 2 & 4).

Includes associated infrastructure, landscaping and car parking.

Consultations

Archaeology Officer Response - dated 9 August 2018

Further to your consultation request I would like to make the following comments and recommendations concerning the above application for the demolition of existing buildings and erection of a mixed use development including 53 affordable housing flats, student accommodation (523 bedrooms), hotel with 56 rooms (Class 7), restaurant(s) (Class 3) and space for potential community and live music venue (Class 10 & 11), retail (Class 1), public house (sui generis) or commercial uses (Class 2 & 4), associated infrastructure, landscaping and car parking

The application site lies on the western side towards the foot of Leith Walk, the main road linking Edinburgh's Old Town with its Port at Leith from the medieval period. Prior to the 18th century the site probably remained open ground, probably farm land associated with the adjacent Pilrig Estate. However, the site occurs on or close to the project line of the 1559-60 English siege works/trenches enclosing Leith. These trenches emanated from Somerset's Battery located in Pilrig Park to the immediate west of the site and stretched eastwards linking it with Pelham's Mount located on the Links at the north-eastern side of Restalrig Road. As detailed in AOC's Desk-based Assessment (AOC report 24272) the site gradually developed from the mid-18th century with a mix of domestic and industrial buildings culminating c.1900 with the construction of Leith Walk Goods (Railway) Station. The commercial red-sandstone buildings occupying the front of the site being a later inter-war addition to the site.

Accordingly, this site has been identified as occurring within an area of archaeological significance. Therefore, this application must be considered under the terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and also CEC's Edinburgh Local Development Plan (2016) Policy ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Historic buildings

The current 1930's commercial buildings occupying the Leith Walk frontage although of local interest are however in archaeological terms not considered to be worthy retention. Normally an historic building record would be recommended to be undertaken as part of any consent archaeological programme of works. However, in this case the historic building assessment already undertaken by AOC and reported within their DBA report 24272, accompanying this application, is considered sufficient in this instance and as such no further historic building recorded is seen as necessary. That said an archive report should be issued to the councils archaeology service for incorporation within our HER.

Buried Remains

As stated the site has been associated with industrial development from the mid 19th century, forming part of a larger foundry. According ground-breaking activities associated with both demolition and development have the potential to significantly disturb unrecorded industrial archaeological remains dating back to the 18th century but may also disturb evidence for the 1559/60 siege of Leith.

Having assessed the potential archaeological implications of development however it is considered that these proposals would have a low-moderate archaeological impact. It is therefore considered essential that prior to development that a programme of archaeological work is undertaken to fully excavate record and analyse any significant remains affected. It is envisaged that this will be a phase programme, the initial phase being an archaeological evaluation up to a maximum of 10% of the site post demolition.

The results will allow for further detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains is undertaken prior to construction.

It is recommended that that the following condition is attached to this consent to ensure that a programme of archaeological works is undertaken prior to construction.

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

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

Communities and Families response - dated 12 September 2018

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2018).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the finalised Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (August 2018).

Assessment and Contribution Requirements:

Assessment based on:

42 Flats (11 one bedroom flats excluded)

This site falls within Sub-Area LT-1 of the 'Leith Trinity Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed. The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

If the appropriate infrastructure contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Total infrastructure contribution required:

£41,160

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

Economic Development response - dated 4 September 2018

The following are comments from the City of Edinburgh Council's Economic Development service relating to planning application 18/04332/FUL for the development of 53 residential units; 56 hotel bedrooms; 523 student bedrooms; 858 sqm of class 1/3/4/11 space; and 1,625 sqm of class 2/10/sui generis space.

Commentary on existing use:

The application relates to a 1.20-hectare roughly triangular brownfield site bounded by a disused former railway viaduct to the north; Leith Walk to the east; residential developments along Stead's Place and Springfield Street to the south; and open land to the west. There are two main elements to the site: a 1930s parade of shops and other commercial units with offices above fronting onto Leith Walk (106-154 Leith Walk) and a 1980s industrial estate to the rear (156-162 Leith Walk).

The 1930s parade forms part of the Leith and Leith Walk town centre. Policy RET 9 of the Local Development Plan therefore applies; this requires at least one unit in every four units within the primary frontage is in shop use.

As the site is over one hectare, policy EMP 9 of the LDP applies. This policy requires the development to incorporate "floorspace designed to provide for a range of business users ' some new small industrial/business units".

The site currently hosts a total of 6,185 sqm (net internal area) of business space comprising 4,087 sqm of warehouses; 890 sqm of offices; 781 sqm of shops; and 427 sqm of cafés / public houses / hot food takeaways. This comprises the following units:

- 106 Leith Walk: a 55 sqm café
- 108 Leith Walk: a 749 sqm office (subdivided into 15 units)
- 110-120 Leith Walk: a 355 sqm shop
- 122-124 Leith Walk: a 100 sqm café
- 126 Leith Walk: a 41 sqm hot food takeaway
- 128 Leith Walk: a 62 sqm café
- 132 Leith Walk: a 62 sqm shop
- 134-136 Leith Walk: a 102 sqm shop
- 138-140 Leith Walk: 110 sqm public house
- 142 Leith Walk: a 59 sqm shop
- 144-150 Leith Walk: a 203 sqm shop
- 152 Leith Walk: a 141 sqm office (subdivided into two units)
- 154 Leith Walk: a 59 sqm hot food takeaway
- 156 Leith Walk: a 1,615 sqm warehouse
- 158B Leith Walk: a 693 sqm warehouse
- 160 Leith Walk: a 1,045 sqm warehouse
- 162 Leith Walk: a 734 sqm warehouse

The economic impact of the existing units if fully occupied is estimated below:

- Warehouses: 65 full-time equivalent employees and £3.95 million of gross value added per annum (2016 prices) (based on a typical employee density of one FTE employee per 70 sqm (gross external area) for distribution centres (with an estimated gross external area for the warehouses of 4,529 sqm) and a mean GVA per employee for the transport and storage sectors of Edinburgh of £60,733 (2016 prices)).
- Offices: 77 FTE employees and £5.30 million of GVA per annum (2016 prices) (based on a typical employee density of one FTE employee per 11.5 sqm (net internal area) for technology / professional services offices and a mean GVA per employee for the administrative and support service activities; information and communication; and professional, scientific and technical activities sectors of Edinburgh of £68,845 (2016 prices)).
- Shops: 45 FTE employees and £1.28 million of GVA per annum (2016 prices) (based on a typical employee density of one FTE employee per 17.5 sqm (net internal area) for high street shops and a mean GVA per employee for the retail sector of Edinburgh of £29,484 (2016 prices)).
- Cafés / public houses / hot food takeaways: 24 FTE employees and £0.52 million of GVA per annum (2016 prices) [based on a typical employee density of one FTE employee per 17.5 sqm (net internal area) for restaurants and cafés and a mean GVA per employee for the food and beverage service sector of Edinburgh of £21,696 (2016 prices)].

This gives a total estimated economic impact for the current uses if fully occupied of 211 FTE jobs and £11.05 million of GVA per annum (2016 prices).

Commentary on proposed uses

The application proposes a comprehensive redevelopment of the site with the removal of all existing buildings and their replacement with two buildings: a five/six-storey building housing the flats; student accommodation; and commercial units and a five-storey building housing the residents units, along with ancillary structures such as cycle stores and bin stores.

- *Class 1/3/4/11 - Shops / food and drink / business / assembly and leisure*
- *The development as proposed would deliver 858 sqm of space (gross) on the ground and basement floors of the larger building for which the applicant is seeking a flexible consent allowing for the delivery class 1/3/4/11 space at the applicant's discretion. Due to the flexible consent being sought the projected economic impact is variable:*
 - *Class 1: 772 sqm net (858 × 0.9); 44 FTE jobs (772 ÷ 17.5); £1.30 million GVA per annum (2016 prices) (44 × £29,484).*
 - *Class 3: 772 sqm net (858 × 0.9); 44 FTE jobs (772 ÷ 17.5); £0.95 million GVA per annum (2016 prices) (44 × £21,696).*
 - *Class 4: 708 sqm net (858 × 0.825); 62 FTE jobs (708 ÷ 11.5); £4.27 million GVA per annum (2016 prices) (62 × £68,845).*
 - *Class 11: 772 sqm net (858 × 0.9); 11 FTE jobs (772 ÷ 70); £0.18 million GVA per annum (2016 prices) (11 × £16,610).*

This gives an overall range of 11 to 62 FTE jobs and £0.18 to £4.27 million of GVA per annum (2016 prices), with different mixes of uses classes returning intermediate economic impacts. The high variation is due to the significant differences in employment density and in GVA per employee across different uses classes and, in turn, sectors.

- *Class 3/10/sui generis - Food and drink / bar / "communal social area"*
The development as proposed would deliver 1,625 sqm of class 3 space (gross) on the ground and first floors of the larger building. Based on a typical ratio of gross-to-net internal area for units of this nature of 90%, it is estimated that this would represent a net internal area of approximately 1,463 sqm. Based on a median employment density for restaurants and café units of one employee per 17.5 sqm (net), this could be expected to directly support approximately 84 full-time equivalent (FTE) jobs ($1,463 \div 17.5$). Based on the average GVA per worker for employees in the food and beverage service sector in Edinburgh of £21,696 per annum, this could be expected to directly add approximately £1.82 million of GVA (2016 prices) to the economy of Edinburgh per annum ($84 \times £21,696$).

- *Class 7 - Hotels and hostels*
The development as proposed would deliver 56 hotel bedrooms over the first, second and third storeys of the larger building. Based on the modest room sizes, lack of a lobby, and limited amenities it is anticipated that the hotel would be a budget hotel. Based on an average employment density for budget hotels of one employee per five bedrooms, this could be expected to directly support approximately 11 FTE jobs ($56 \div 5$). Based on the average GVA per worker for employees in the accommodation sector in Edinburgh of £35,271 per annum, this could be estimated to directly add approximately £0.39 million of GVA (2016 prices) to the economy of Edinburgh per annum ($11 \times £35,271$).

These figures do not include an estimate of the impact of expenditure outwith the hotel by visitors due to a lack of the data required to model this impact robustly.

- *Sui generis - Flats*
The development as proposed would deliver 53 flats in the smaller building. These would not be expected to directly support any economic activity. However, the units could be expected to support economic activity via the expenditure of their residents. Based on average levels of household expenditure in Scotland, the residents of the 53 flats could be expected to collectively spend approximately £1.36 million per annum (2016 prices). Of this £1.36 million, it is estimated that approximately £0.70 million could reasonably be expected to primarily be made within Edinburgh. This £0.70 million could be expected to directly support approximately 9 jobs and £0.26 million of GVA per annum (2016 prices), primarily in the retail, transport and hospitality sectors.

- *Sui generis - student accommodation*
The development as proposed would deliver 523 student accommodation bedrooms on the ground to sixth floors of the larger building. Again, these could be expected to support economic activity via the expenditure of their residents. Based on average levels of student expenditure in the UK (adjusted to control for lower levels of household expenditure in Scotland) the residents of the 523 bedrooms could be expected to collectively spend approximately £10.18 million per annum (2016 prices). Of this £10.18 million, it is estimated that approximately £8.80 million could reasonably be expected to primarily be made within Edinburgh. This £8.80 million could be expected to directly support approximately 149 jobs and £4.76 million of GVA per annum (2016 prices), primarily in the education and real estate sectors (i.e. jobs in higher education supported by fees and jobs within the student accommodation provider supported by rents).

Overall impact

Due to the flexibility of the consent sought by the applicant, the overall projected direct economic impact of the development is variable. If the developer was to develop all the mixed units as class 4 space, this could be expected to support a total impact of 157 FTE jobs and £6.48 million of GVA per annum (2016 prices). If the developer was to develop all the mixed units as class 7 space, this could be expected to support a total direct economic impact of 106 FTE jobs and £2.29 million of GVA per annum (2016 prices). Different combinations of uses could be expected to support intermediate impacts.

The former scenario represents a projected decrease in direct economic impact relative to the estimated economic impact of the existing uses if fully occupied of 105 FTE jobs and £8.76 million of GVA per annum (2016 prices), while the latter represents a projected decrease of 54 FTE jobs and £4.57 million of GVA per annum (2016 prices).

In addition to the direct impacts, it is estimated the proposed development could support 158 jobs (headcount) and £5.02 million of GVA (2016 prices) via expenditure by residents and students living there. However, these figures must be interpreted with caution as the applicant has indicated that the commercial units are expected to derive a significant amount of custom from the students and residents meaning the impact of their expenditure is already captured within the figures above and treating these figures separately would result in double counting.

Floorspace for business users

As set out above, policy EMP 9 of the LDP applies to this development. The development therefore must incorporate "floorspace designed to provide for a range of business users ' some new small industrial/business units". The applicant is seeking a flexible consent that would enable them to deliver between 0 sqm (gross) and 858 sqm (gross) of class 4 floor-space at their discretion. This would represent an 86% to 100% reduction in the net class 4/5/6 space currently on the site. The application as proposed therefore carries a risk that the applicant will deliver zero or a negligible level of class 4 space which would not be in accordance with the policy.

The application states, "the proposal also includes for ground floor space fronting onto Leith Walk where space will be made available for a range of uses, all employment generating. These units will likely attract typical Town Centre uses but could also accommodate community enterprises as they will be designed for small independent traders." The positioning and design of the units mean they naturally lend themselves to class 1 uses, and policy RET 9 of the LDP will require some element of retail provision. While it is recognised why developers may wish to retain flexibility, from an economic development perspective this introduces an unacceptably high risk that zero (or a nominal quantum of) class 4 space will be delivered.

It is noted that there is an increasing tendency for applicants to conflate class 4/5/6 space with other non-residential uses classes. These use classes represent distinct markets and are not interchangeable from an economic development perspective. There are major pressures on the supply of both industrial space and office space in Edinburgh. Removing 4,977 sqm of this space without providing any replacement space would exacerbate these pressures. Other non-residential uses classes such as class 1 are not subject to the same pressures. The loss of the industrial estate can be regarded as part of the ongoing evolution of this area of the city away from heavy industry but the small business units within the 1930s parade are entirely consistent with the status of Leith as a business hub driven by start-ups, micro-businesses and creative enterprises and are compatible with residential development. The site in question is substantial and the applicants are proposing to greatly increase the development intensity. There is therefore not considered to be a case for not including a meaningful quantum of class 4 space as part of the redevelopment.

To mitigate these issues, and to ensure compliance with policy EMP 9, it is recommended that a minimal quantum of class 4 space be mandated across the development. Requiring a minimum of 890 sqm (net) of class 4 office space would recreate the existing quantum of class 4 space provided by the 1930s parade at 106-154 Leith Walk. There would still be a significant overall net reduction in class 4/5/6 space across the site but this would to some degree be mitigated by the replacement of the existing aged space with modern units. A condition to this effect would ensure compliance with policy EMP 9.

Other considerations

The existing buildings are two-storey, whereas buildings fronting onto Leith Walk are predominantly four-storey (albeit with considerable variety and a general tendency towards lower buildings towards the north end of Leith Walk). The development as proposed therefore represents a more intensive use of the land which is more efficient given the pressures on the supply development land in Edinburgh.

The development could be expected to improve permeability between Leith Walk and Pilrig Park by enhancing the existing footpath, which is poorly lit and isolated at night.

The development of additional purpose-built student accommodation could potentially result in large (four plus bedroom) residential units currently in use as houses in multiple occupation catering to students being released back onto the general residential market if students substituted to the new units, freeing-up additional family housing stock.

Summary Response to Consultation

It is estimated that the development as proposed could, if fully occupied, directly support between 106 and 157 FTE jobs and £2.29 million to £6.48 million of GVA (2016 prices). This represents a projected decrease on the hypothecated economic impact of the existing uses (again if fully occupied) of 54 to 105 FTE jobs and £4.57 million to £8.76 million of GVA (2016 prices). However, it is noted that virtually all redevelopments of non-residential space into residential space will result in decreased economic impact.

These are gross figures and do not account for multiplier effects or for displacement - the loss of economic activity elsewhere in Edinburgh due to competition from the development. They also do not account for the impact of expenditure by residents of the homes and student accommodation or guests in the hotel within the new development.

The applicant is seeking a flexible consent that would enable them to deliver zero class 4 space; this would not be compliant with policy EMP 9 of the LDP. There is a growing shortage of office and industrial space in Edinburgh and the removal of 4,977 sqm of existing space with zero replacement space will exacerbate this. To address the risk that a meaningful quantum of replacement space is not provided, it is recommended that a minimum of 890 sqm (net) of class 4 office space be mandated by condition.

This response is made on behalf of Economic Development.

Environmental Protection response - dated 12 October 2018

The application is for a proposed mixed-use development comprising, 523 student bedrooms, 56 hotel rooms, community/ commercial units, and 53 residential flats. To create generous multi-use space comprising restaurant, public house, study space and lounge open to the general public. To have a car free environment for the student flats.

The site, lies close to the foot of Leith Walk, where the street terminates and leads on to Duke Street to the East, Great Junction Street to the West and Constitution Street to the North. The buildings on Leith walk, even numbers 106-154 are comprised of buildings housing a small number of retail and food outlets on the ground floor with limited offices above. The rear buildings numbers 156'162 are single storey warehouse buildings used for a variety of purposes. The units on the site are mostly empty. The disused railway line runs along the NE boundary of the site. This is currently scrubland and fenced off.

The Stead's Place, Jane Street Development Brief was approved in 2008. It is a significant material consideration in the determination of the application. The site itself lies within an area of low lying light industrial units with previous historic uses including a sawmill and railway goods yard. The light industrial use stretches back to Bonnington Road and up Bonnington Road to Pilrig Street. The area directly to the south of the site comprises of modern residential blocks, there is also a number of commercial uses including a vehicle repair garage on Stead's Place. The site stretches along Leith which is a busy thoroughfare of mixed uses. To the north of the site is the disused railway line hard along the northern boundary. Beyond this lies an area of light industrial units including a garage which carries out vehicle re-spraying some of which occupy the arches of the old railway bridge and back onto the development site.

This is a detailed deplaning application therefore Environmental Protection require specific details on what is being proposed where. Supporting documents such as noise impact assessments will need to demonstrate that the proposed uses can be incorporated and not adversely impact each other or existing uses. If mitigation is required Environmental Protection require specific details on mitigation measures that can be conditioned in agreement with Planning. It is noted that the applicant has submitted a supporting noise impact assessment.

Noise

The applicants noise impact assessment found that the most dominant noise source at the site is road traffic on Leith Walk. At night, there was no industrial activity on the industrial estate or from any premises on Jane Street. At the time of the noise survey all the industrial premises did not operate during the night-time hours however Bob's Garage to offer a 24-hour recovery service and has no planning conditions limiting the hours of use. The survey highlighted a low-level plant noise was audible late at night to the north west of the development site. During the day, an extract fan from one of the garage premises below the railway arches was dominant. Other than this extract fan, no noise egress from these premises was readily noticeable according to the applicants supporting noise impacts assessment.

The extract serving Bob's Garage has been identified as generating a significant level of plant noise way beyond the required noise criteria set. The applicants noise impact assessment recognises that the extract needs to be acoustically attenuated. It is noted that the low-level extract is located outside the applicants red line boundary therefore it will not be with the applicant's powers to attenuate the extract for noise or fumes from the garage that carries out re-spraying operations. Environmental Protection cannot recommend any conditions on mitigation works that are outside the application boundary.

The noise impact assessment has highlighted that traffic noise will have a significant impact on noise levels for all the rooms in the proposed block closest to the Leith Walk. The applicant has provided details of the required acoustic glazing in the noise impact assessment. A higher specification of glazing will be required for the facades overlooking Leith Walk 'zone1' with the remaining building still requiring upgraded acoustic glazing 'zone 2'. The applicant will need to submit a detailed drawing showing the facades which requiring upgrading. This will enable Environmental Protection to recommend specific conditions referenced to submitted drawings.

The applicants noise impact assessment states that at this stage, no detailed information is available in relation to the proposed installation of building services plant. All plant items will need to be designed to achieve the plant noise limits set by Edinburgh City Council. The main plantrooms are to be located in the northwest corner of the development at ground level, and away from existing flats to the south. The main concern highlighted in the noise impact assessment will be controlling plant noise so that the criterion is met in rooms of the proposed new development itself. The nearest bedrooms of the development are very close to the plant rooms with bedrooms located through the wall in the block furthest from Leith Walk and the 'Wardens Flat' located across the corridor from the 'Gas boiler plant Room' in the block nearest Leith Walk.

This detailed planning application includes proposals for class 3 uses in the text, however it is not clear where it will be located on the drawings. Class 3 uses will require a significant level plant to support their use. This will include commercial cooking extraction, chillers, freezers and air conditioning. Environmental Protection need to know what units will accommodate the commercial kitchens. Plant noise would then need to be assessed to ensure that plant noise does not adversely impact proposed new users and existing neighbouring residential properties. It should be noted that the applicant would need to demonstrate that NR25 can be achieved inside any residential (including student residence) properties allowing for their windows to be open. Any of the other proposed use class that will require commercial cooking and air conditioning will also need to comply and provide details of plant. This would include Public Houses, Hotel and class 10 and 11 uses.

The application includes proposals for Public House and Class 11 which is a major concern for Environmental Protection. A class 11 use would need to be very carefully designed to ensure that it did not adversely impact on existing residential amenity and that of the proposed residents. The applicants' noise impact assessment has not provided any assessment of these proposed impacts. The noise impact assessment states that to achieve Edinburgh Councils required noise criteria's consideration will need to be given to 'cocooning' any venue for loud or amplified music inside the building, for example by buffering the space from outside by stores, corridors and other ancillary areas. High performance sound insulating walls and floors, and lobbied door arrangements would be necessary. The space would need to be fully mechanically ventilated with building services ducts routed so that they do not undermine the sound insulation of the building envelope. Environmental Protection require specific details on mitigation measures not just general comments. The plans do not clearly demonstrate where these uses will be located. It is noted that there is a large space in the block on Leith Walk that could accommodate a significant number of people. Noise issues from these types of premises may also include noise from deliveries, collection of waste, smoking areas, will there be outside seating, glazing, doors, ventilation strategies. The design of the building would need to demonstrate that noise and vibration would not travel through the fabric of the building and impact the newly proposed units.

Privately owned vehicle use by patrons is likely to be minimal with arrival and departure from the premises likely to mainly be by bus, taxi or on foot. The premises will require a significant level of servicing including delivery of food, drink, stage/music equipment and waste removal.

As previously mentioned any premises of this size will require a significant level of servicing of the premises. Therefore, deliveries of food, refreshments etc and waste removal (which can include bottle smashing noise) will occur on occasion. Environmental Protection is concerned with the night time removal of stage equipment. Such operations can be noisy and include bangs and crashes which may wake residents if they are sleeping. Environmental Protection believes these noisier operations could be appropriately time managed and carried out during the day when noise is least likely to disturb surrounding residents. Should the application be supported then a condition restricting the hours of deliveries and collections is recommended.

The area surrounding the application site already has a reasonably noisy evening and night time ambient noise climate which is commensurate with a city centre location. In this regard, the introduction of the application premises may increase external street noise to a certain degree which will mainly be within the vicinity of the actual premises. The local area is mixed use and includes public houses, restaurant and retail premises and commercial activities and therefore the introduction of class 11 use and Public House should not contribute significant noise, disturbance or antisocial behaviour much above that which already exists in the locality in this regard.

Fumes and Odours

The plans do not show what units will be used for class 3 uses or where the other commercial kitchens associated with the other use classes will be specifically located. The roof plans do not show any extracts for the proposed commercial cooking ventilation.

The application proposes that will require commercial kitchens which could impact upon residential amenity should the effluvia not terminate at an appropriately high enough position. Based on this omission, Environmental Protection is not able to support the application due to concerns that higher residential properties could be affected by odours from cooking effluvia.

The extract serving Bob's Garage will extract fumes from the garage affecting the proposed bedrooms on the block nearest Leith Walk. It has been noted that this extract is located outside the applicant's boundary and is not regulated by SEPA.

The proposal will have a high energy demand, it is welcomed that they are incorporating photovoltaic panels, but we will need to know what other fuels they will be using and the input/out of any centralised energy centre. A site this size will have a high energy demand and may require a tall chimney that would need to be considered in other planning terms. Environmental Protection need the applicant to conduct a chimney height calculation. There is a plant room and a gas boiler plant shown on ground floor plans. The small area allocated for the plant room is incorporated into the main buildings, it should be noted that if the proposed plant is larger than 1 megawatt then we will require the applicant to include secondary abatement technology to reduce nitrogen dioxide. The applicant would need to ensure that there is adequate space in the plant rooms to incorporate secondary abatement technology if plant is greater than 1MW.

The applicant has kept the level of car parking low which with emphasis put on pedestrians and cycling which is supported by Environmental Protection. The proposed car parking spaces will be supported with electric vehicle charging points. Due to the level of commercial and leisure use proposed the applicant will need to ensure all electric vehicle chargers are at least 7KW (type 2 outlet) chargers with a rapid (50Kw> triple head) electric vehicle charger included. Taxis must be able to gain access to the rapid charger.

The applicant has submitted a Ground Investigation Report 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.

Therefore, Environmental recommends the application is refused as there is insufficient information on noise, fumes and odours. If developed out the development and surround existing uses will be adversely affect in regards amenity.

Environmental Protection further response dated - 9 January 2019

Following on from the initial comments made by Environmental Protection the applicant has submit further information in support of the application and to address the concerns raised by Environmental Protection. The application is for a proposed mixed-use development comprising, 523 student bedrooms, 56 hotel rooms, community/commercial units, and 53 residential flats. To create multi-use space comprising restaurant, public house, study space and lounge open to the public. The proposal is to have a car free environment for the student flats.

The site, lies close to the foot of Leith Walk, where the street terminates and leads on to Duke Street to the East, Great Junction Street to the West and Constitution Street to the North. The buildings on Leith walk, even numbers 106-154 are comprised of buildings housing a small number of retail and food outlets on the ground floor with limited offices above. The rear buildings numbers 156'162 are single storey warehouse buildings used for a variety of purposes. The units on the site are mostly empty. The disused railway line runs along the NE boundary of the site. This is currently scrubland and fenced off.

The Stead's Place, Jane Street Development Brief was approved in 2008. It is a significant material consideration in the determination of the application. The site itself lies within an area of low lying light industrial units with previous historic uses including a sawmill and railway goods yard. The light industrial use stretches back to Bonnington Road and up Bonnington Road to Pilrig Street. The area directly to the south of the site comprises of modern residential blocks, there is also a number of commercial uses including a vehicle repair garage on Stead's Place. The site stretches along Leith which is a busy thoroughfare of mixed uses. To the north of the site is the disused railway line hard along the northern boundary. Beyond this lies an area of light industrial units including a garage which carries out vehicle re-spraying some of which occupy the arches of the old railway bridge and back onto the development site.

This is a detailed planning application therefore Environmental Protection require specific details on what is being proposed where. Supporting documents such as noise impact assessments will need to demonstrate that the proposed uses can be incorporated and not adversely impact each other or existing uses. If mitigation is required Environmental Protection require specific details on mitigation measures that can be conditioned in agreement with Planning. It is noted that the applicant has submitted a supporting noise impact assessment and has now submit additional supporting documents.

Noise

The applicants noise impact assessment found that the most dominant noise source at the site is road traffic on Leith Walk. At night, there was no industrial activity on the industrial estate or from any premises on Jane Street. At the time of the noise survey all the industrial premises did not operate during the night-time hours however Bob's Garage to offer a 24-hour recovery service and has no planning conditions limiting the hours of use. The survey highlighted a low-level plant noise was audible late at night to the north west of the development site. During the day, an extract fan from one of the garage premises below the railway arches was dominant. Other than this extract fan, no noise egress from these premises was readily noticeable according to the applicants supporting noise impacts assessment.

The extract serving Bob's Garage has been identified as generating a significant level of plant noise way beyond the required noise criteria set. The applicants noise impact assessment recognises that the extract needs to be acoustically attenuated. It is noted that the low-level extract is located outside the applicants red line boundary therefore it will not be with the applicant's powers to attenuate the extract for noise or fumes from the garage that carries out re-spraying operations. Environmental Protection may not be able to recommend any conditions on mitigation works that are outside the application boundary.

The applicant has reiterated that they propose to deal with the noise attenuation at source. In the event this is not possible mitigation to the building will be provided as shown on the attached marked up drawing indicating which facades require acoustic upgrading to mitigate noise. Noise from plant noise must achieve internal noise levels allowing for windows to be open. If the plans are to remain unchanged then the noise must be addressed at the source. If a condition can be attached to the consent to ensure that this is done prior to the commencement of any development then it may be possible to support this option. The applicant has highlighted that the noise was measured on the industrial estate between 2300 and midnight on 24 April 2018. However, Environmental Protection are concerned that there is no restriction on the hours of use on the garage and they could start vehicle recovery services operating 24/7 and this has not been considered in the noise impact assessment.

The noise impact assessment has highlighted that traffic noise will have a significant impact on noise levels for all the rooms in the proposed block closest to the Leith Walk. The applicant has provided details of the required acoustic glazing in the noise impact assessment. A higher specification of glazing will be required for the facades overlooking Leith Walk 'zone 1' with the remaining building still requiring upgraded acoustic glazing 'zone 2'. The applicant has now submitted a detailed drawing showing the facades which requiring upgrading. Drawings showing the windows requiring acoustic ventilators to achieve 36Rw+Ctr (dB) have been submitted. On the proposed South West Elevation upgraded glazing and ventilators are required (drawing number 10613-PL (00)20 Rev A dated May 2018). Details have also been provided for the proposed North East Elevation (drawing number 106-PL(00)21 Rev A dated May 2018). Details of the glazing was provided in the submitted noise impact assessment. Environmental Protection will recommend a condition is attached to any consent to ensure adequate mitigation is provided.

The main plantrooms are to be in the northwest corner of the development at ground level, and away from existing flats to the south. The main concern highlighted in the noise impact assessment was controlling plant noise so that the criterion is met in rooms of the proposed new development itself. The nearest bedrooms of the development are very close to the plant rooms with bedrooms located through the wall in the block furthest from Leith Walk and the 'Wardens Flat' located across the corridor from the 'Gas boiler plant Room' in the block nearest Leith Walk. The applicant has now submitted a frequency analysis for the proposed plant showing that the noise criterion could be achieved at the nearest residential properties, this includes the 'wardens flat'.

The applicant has advised that the boiler room will require an external acoustic louvre. The nearest bedroom window is across from the boiler room at approximately 7m from the boiler room facade. There are bedrooms above, however the directivity of the noise emanating from the louvres means the noise level to the window across from the boiler room is likely to be most affected. The boiler room noise may exceed the required noise criterion (NR25) inside this nearest bedroom unless an acoustically rated louvre is used on the boiler room facade. The applicant will be required to install an acoustic louvre be located at the east end of the boiler room, and be specified to reduce noise to a limit of NR45 at 3m (on axis). Noise will be mitigated using a single bank acoustic louvre 300mm deep based on a total louvre area of 9m². Boiler plantroom noise will not affect the warden's flat. The applicant has advised a typical boiler room construction such as a blockwork wall and Rw 35 dB plantroom door, the noise level in the hall outside the flat would be reduced by around 35 dB to around 40 dB(A). It would then be reduced by a similar amount into the warden's flat, to a very low (unmeasurable) noise level. Environmental Protection shall recommend a condition is attached to ensure amenity is protected.

This detailed planning application includes proposals for class 3 uses and the applicant has now advised where they will be located on the drawings. This information was not previously provided. Class 3 uses will require a significant level plant to support their use which has now been detailed by the applicant. This includes details of commercial cooking extraction, chillers, freezers and air conditioning.

The application includes proposals for Public House and Class 11 which was a major concern for Environmental Protection. A class 11 use would need to be very carefully designed to ensure that it did not adversely impact on existing residential amenity and that of the proposed residents. The applicants noise impact assessment had not provided any assessment of these proposed impacts. The noise impact assessment states that to achieve Edinburgh Councils required noise criteria's consideration will need to be given to 'cocooning' any venue for loud or amplified music inside the building, for example by buffering the space from outside by stores, corridors and other ancillary areas. High performance sound insulating walls and floors, and lobbied door arrangements would be necessary. The space would need to be fully mechanically ventilated with building services ducts routed so that they do not undermine the sound insulation of the building envelope. Environmental Protection require specific details on mitigation measures not just general comments. The applicant has now provided additional supporting information highlighting where the music venue will be located and further details on noise mitigation. Noise issues from these types of premises may also include noise from deliveries, collection of waste, smoking areas, will there be outside seating, glazing, doors, ventilation strategies. This issue is addressed later in the report.

The applicant has demonstrated how the design of the building will control noise and vibration to ensure it will not travel through the fabric of the building and impact the newly proposed units.

The applicant has advised that the music venue to be used for amplified music is proposed in the basement at Steads' Place. It has been proposed in this location to specifically address the concern over amplified music noise egress. There will be no openable windows to the extremal areas in this basement area. The applicant has advised that the following design will ensure residential amenity is protected as shown in drawing 10613 PL (00)10 Rev A. Lobbied doors to all entrances and exits (all of these doors should have a minimum sound insulation rating of R_w 35 dB). Fully mechanically ventilated via inlet and outlet ducts, and ducts routed to avoid music noise breaking out directly to outside. In-duct attenuators would be needed on inlet and outlet ducts (subject to detailed design development). No exposed structural columns in the space running directly to bedrooms or other sensitive spaces above. Environmental Protection shall recommend conditions are attached to any consent to ensure these mitigation measures are carried out.

Calculations to the nearest dwellings have been carried from the venue based on a 200mm thick ground floor slab above the venue space. The attached calculation shows the music noise spectrum of a typical pub band with significant low frequency (bass) noise and an overall sound level of 110 dB(A) in the venue. The calculation shows the sound reduction through a 200mm concrete slab to the space above, resulting in a noise level in the region of 55 dB(A) above. The calculation then simulates the subsequent noise transfer through a full height glass facade of 200m² (onto Leith Walk), and to nearby dwellings 20 metres away. The calculation estimates a sound level of NR 2 outside. This is conformably below the recommended criterion of NR 15 and the music noise would be expected to be inaudible in any nearby dwellings. This is based on a 200mm concrete floor slab between the venue and ground floor level, and a typical 10.4mm laminate glass facade to Unit 6 at street level. Environmental Protection shall recommend conditions are attached to any consent to ensure these mitigation measures are carried out.

Privately owned vehicle use by patrons is likely to be minimal with arrival and departure from the premises likely to mainly be by bus, taxi or on foot. The premises will require a significant level of servicing including delivery of food, drink, stage/music equipment and waste removal. Most of this activity will be carried out from the main street. Some servicing will be required within the site to remove waste. The servicing area will be under the control of the site operator and should be conditioned to ensure deliveries and collection are restricted. A large music venue will likely generate large volumes of glass waste and when this is uplifted can cause disturbance especially when carried out late or early in the morning. Environmental Protection shall recommend a condition is attached to restrict the hours of deliveries and collections.

It is acknowledged that the area surrounding the application site already has a reasonably noisy evening and night time ambient noise climate which is commensurate with a city centre location. In this regard, the introduction of the application premises may increase external street noise to a certain degree which will mainly be within the vicinity of the actual premises. The local area is mixed use and includes public houses, restaurant and retail premises and commercial activities and therefore the introduction of class 11 use and Public House should not contribute significant noise, disturbance or antisocial behaviour much above that which already exists in the locality in this regard.

Fumes and Odours

The plans now show what units will be used for class 3 uses and where the other commercial kitchens associated with the other use classes will be specifically located. Drawing number 6435-MS-SK-001 dated December 2018 showing the location of extract and air intakes. Mechanical plant service details are also provided for the fifth floor in Drawing number 6435-MS-SK006

The applicant has submitted details showing that an advanced odour reducing extract and filtration system will be installed to reduce the potential of cooking odour and effluvia being emitted.

The extract serving Bob's Garage will extract fumes from the garage affecting the proposed bedrooms on the block nearest Leith Walk. It has been noted that this extract is located outside the applicant's boundary and is not regulated by SEPA. As with the noise issues regarding this extract it may be only possible to resolve this issue at the source. If a condition can be attached to ensure the development does not commence until the extract has been relocated to an appropriate position either 30m from the nearest proposed residential property or above the highest proposed residential window within 30m of the extract.

The proposal will have a high energy demand (3.36MW gas fired boilers), it is welcomed that they are incorporating photovoltaic panels. The proposed total heat plant size is 3.36MW which will be provided by natural gas fired boilers and instantaneous gas fired water heaters. The applicant may incorporate a gas fired Combined Heat Power plant to meet some of the heat load.

The applicant has submitted a supporting chimney height calculation as required under the Clean Air Act 1993. There is a plant room and a gas boiler plant shown on ground floor plans. The small area allocated for the plant room is incorporated into the main buildings, it should be noted that as the proposed plant is larger than 1 megawatt then the applicant will be required to include secondary abatement technology to reduce nitrogen dioxide. The problem with natural gas energy centres is that the pollutants released once operational cannot be reduced and increase the background levels of NO2. It is therefore important to ensure that the secondary abatement technology is installed to ensure emissions are minimised on a site in such proximity to the city centre air quality management area. The applicant will need to ensure that there is adequate space in the plant rooms to incorporate secondary abatement technology. Plant with this output is considered a medium combustion plant under the Pollution Prevention and Control (Scotland) Regulations 2012 and will need to be registered or permitted by Scottish Environment Protection Agency (SEPA). Environmental Protection recommend a condition is attached to ensure secondary abatement technology installed to reduce emissions.

The applicant has kept the level of car parking low which with emphasis put on pedestrians and cycling which is supported by Environmental Protection. The proposed car parking spaces will be supported with electric vehicle charging points. Due to the level of commercial and leisure use proposed the applicant will need to ensure all electric vehicle chargers are at least 7KW (type 2 outlet).

As this is a large development site Environmental Protection will propose many recommendations as an informative to ensure emission during the construction phase of the development are controlled and minimised by developers.

The applicant has submitted a Ground Investigation Report 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.

Environmental Protection have assessed the addition information submitted by the applicant. Environmental Protection still have some concerns and would on balance recommend the application is refused due to the adverse impacts the neighbouring garage plant will have on future tenants with regards fumes and noise. If a condition can be considered to ensure that development cannot start until noise and fumes from this garage have been mitigated then Environmental Protection would not object subject to a suitable worded condition being attached as well as the following conditions also being attached to any consent;

Conditions;

i) 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.

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

1. Prior to the use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, as show on drawing no. 6435-MS-SK-001 & 6435-MS-SK006 dated December 2018 shall be implemented.

2. The following noise protection measures to the proposed mixed-use development, as defined in the 'Sandy Brown Noise Survey and Assessment' report (Ref 18104-R01-B), dated 3 August 2018 and addition acoustic information submitted on 6 August 2018;

- Glazing units with a minimum insulation value of 12.8mm/16mm/10mm double glazing shall be installed for the external windows in 'zone 1' as highlighted in drawing number 10613-PL (00)20 Rev A dated May 2018 with supporting ventilators with a minimum sound reduction level of 36Rw+Ctr(dB).

- Glazing units with a minimum insulation value of 6mm/16mm/6mm double glazing shall be installed for the external windows in 'zone 2' as highlighted in drawing number 10613-PL (00)21 Rev A dated May 2018 with supporting ventilators with a minimum sound reduction level of 36Rw+Ctr(dB).

- A louvre shall be located at the east end of the boiler room, at least 10 metres from the nearest bedroom window, and be specified to reduce noise to a limit of NR45 at 3m (on axis). This will require a single bank acoustic louvre 300mm deep based on a total louvre area of 9m².

- Noise mitigation measures required to control music breakout from the proposed basement level music venue are shown in drawing 10613 PL(00)10 Rev A. Lobbied doors to all entrances and exits must have a minimum sound insulation rating of Rw 35 dB. The area shall be fully mechanically ventilated via inlet and outlet ducts, and ducts routed to avoid music noise breaking out directly to outside. In-duct attenuators must be installed in inlet and outlet ducts. No exposed structural columns in the space running directly to residential properties above. A minimum 200mm thick concrete ground floor slab above the venue space shall be required. Noise transfer through the full height glass facade of 200m² (onto Leith Walk), shall require a glazing unit with a minimum thickness 10.4mm laminate glass facade to Unit 6 at street level.

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

3. Prior to the use being taken up, the energy centre shall have secondary abatement technology installed, capable of reducing nitrogen dioxide emission levels.

4. Deliveries and collections, including waste collections, to be restricted to 07:00 - 21:00 hours Monday to Saturday and 9:00-18:00 on Sundays

5. Prior to the use being taken up six electric vehicle Charging outlets shall be installed and fully operational and be of the following minimum standard. Type 2 (EN62196-2), Mode 3 (EN61851-1) compliant and be twin outlet. With the ability to supply 7 kW (32 Amps) AC - Single Phase chargers that have the ability to deliver power of 7 kW capacity to each outlet simultaneously.

Informative

The applicant has submitted details showing that an advanced odour reducing extract and filtration system will be installed to reduce the potential of cooking odour and effluvia being emitted. The applicant should install the proposed system as detailed in air handling report 'Halton AHU, Technical Specification Sheet' dated 25/01/2017.

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.*

Environmental Protection further response - dated 21 January 2019

Following on from the additional comments made by Environmental Protection in February 2019 the applicant has submitted further information in support of the application and to address the concerns raised by Environmental Protection. The application is for a proposed mixed-use development comprising, 523 student bedrooms, 56 hotel rooms, community/ commercial units, and 53 residential flats. To create multi-use space comprising restaurant, public house, study space and lounge open to the public. The proposal is to have a car free environment for the student flats.

The site, lies close to the foot of Leith Walk, where the street terminates and leads on to Duke Street to the East, Great Junction Street to the West and Constitution Street to the North. The buildings on Leith walk, even numbers 106-154 are comprised of buildings housing a small number of retail and food outlets on the ground floor with limited offices above. The rear buildings numbers 156; 162 are single storey warehouse buildings used for a variety of purposes. The units on the site are mostly empty. The disused railway line runs along the NE boundary of the site. This is currently scrubland and fenced off.

The Stead's Place, Jane Street Development Brief was approved in 2008. It is a significant material consideration in the determination of the application. The site itself lies within an area of low lying light industrial units with previous historic uses including a sawmill and railway goods yard. The light industrial use stretches back to Bonnington Road and up Bonnington Road to Pilrig Street. The area directly to the south of the site comprises of modern residential blocks, there is also a number of commercial uses including a vehicle repair garage on Stead's Place. The site stretches along Leith which is a busy thoroughfare of mixed uses. To the north of the site is the disused railway line hard along the northern boundary. Beyond this lies an area of light industrial units including a garage which carries out vehicle re-spraying some of which occupy the arches of the old railway bridge and back onto the development site.

This is a detailed planning application therefore Environmental Protection require specific details on what is being proposed where. Supporting documents such as noise impact assessments will need to demonstrate that the proposed uses can be incorporated and not adversely impact each other or existing uses. If mitigation is required Environmental Protection require specific details on mitigation measures that can be conditioned in agreement with Planning. It is noted that the applicant has submitted a supporting noise impact assessment and has now submit additional supporting documents including an assessment of fumes and odour and a letter from the neighbouring garage.

Noise

The applicants noise impact assessment found that the most dominant noise source at the site is road traffic on Leith Walk. At night, there was no industrial activity on the industrial estate or from any premises on Jane Street. At the time of the noise survey all the industrial premises did not operate during the night-time hours however the neighbouring Garage does offer a 24-hour recovery service and has no planning conditions limiting the hours of use. The survey highlighted a low-level plant noise was audible late at night to the north west of the development site. During the day, an extract fan from one of the garage premises below the railway arches was dominant. Other than this extract fan, no noise egress from these premises was readily noticeable according to the applicants supporting noise impacts assessment.

The extract serving the neighbouring garage has been identified as generating a significant level of plant noise way beyond the required noise criteria set. The applicants noise impact assessment recognises that the extract needs to be acoustically attenuated. It is noted that the low-level extract is located outside the applicants red line boundary however the applicant has provided written confirmation from the garage owner that they will allow the applicant to do works to attenuate the extract for noise and fumes from the garage that carries out re-spraying operations. With this written confirmation Environmental Protection have more comfort that a conditions on mitigation works outside the application boundary is possible.

The applicant has advised that they propose to deal with the noise attenuation at source and now have the support of the garage operator, this has been confirmed in writing.

The noise impact assessment has highlighted that traffic noise will have a significant impact on noise levels for all the rooms in the proposed block closest to the Leith Walk. The applicant has provided details of the required acoustic glazing in the noise impact assessment. A higher specification of glazing will be required for the facades overlooking Leith Walk 'zone1' with the remaining building still requiring upgraded acoustic glazing 'zone 2'. The applicant has now submitted a detailed drawing showing the facades which requiring upgrading. Drawings showing the windows requiring acoustic ventilators to achieve 36Rw+Ctr (dB) have been submitted. On the proposed South West Elevation upgraded glazing and ventilators are required (drawing number 10613-PL (00)20 Rev A dated May 2018). Details have also been provided for the proposed North East Elevation (drawing number 106-PL(00)21 Rev A dated May 2018). Details of the glazing was provided in the submitted noise impact assessment. Environmental Protection will recommend a condition is attached to any consent to ensure adequate mitigation is provided.

The main plantrooms are to be in the northwest corner of the development at ground level, and away from existing flats to the south. The main concern highlighted in the noise impact assessment was controlling plant noise so that the criterion is met in rooms of the proposed new development itself. The nearest bedrooms of the development are very close to the plant rooms with bedrooms located through the wall in the block furthest from Leith Walk and the 'Wardens Flat' located across the corridor from the 'Gas boiler plant Room' in the block nearest Leith Walk. The applicant has now submitted a frequency analysis for the proposed plant showing that the noise criterion could be achieved at the nearest residential properties, this includes the 'wardens flat'.

The applicant has advised that the boiler room will require an external acoustic louvre. The nearest bedroom window is across from the boiler room at approximately 7m from the boiler room facade. There are bedrooms above, however the directivity of the noise emanating from the louvres means the noise level to the window across from the boiler room is likely to be most affected. The boiler room noise may exceed the required noise criterion (NR25) inside this nearest bedroom unless an acoustically rated louvre is used on the boiler room facade. The applicant will be required to install an acoustic louvre be located at the east end of the boiler room, and be specified to reduce noise to a limit of NR45 at 3m (on axis). Noise will be mitigated using a single bank acoustic louvre 300mm deep based on a total louvre area of 9m². Boiler plantroom noise will not affect the warden's flat. The applicant has advised a typical boiler room construction such as a blockwork wall and Rw 35 dB plantroom door, the noise level in the hall outside the flat would be reduced by around 35 dB to around 40 dB(A). It would then be reduced by a similar amount into the warden's flat, to a very low (unmeasurable) noise level. Environmental Protection shall recommend a condition is attached to ensure amenity is protected.

This detailed planning application includes proposals for class 3 uses and the applicant has now advised where they will be located on the drawings. This information was not previously provided. Class 3 uses will require a significant level plant to support their use which has now been detailed by the applicant. This includes details of commercial cooking extraction, chillers, freezers and air conditioning.

The application includes proposals for Public House and Class 11 which was a major concern for Environmental Protection. A class 11 use would need to be very carefully designed to ensure that it did not adversely impact on existing residential amenity and that of the proposed residents. The applicants noise impact assessment had not provided any assessment of these proposed impacts. The noise impact assessment states that to achieve Edinburgh Councils required noise criteria's consideration will need to be given to 'cocooning' any venue for loud or amplified music inside the building, for example by buffering the space from outside by stores, corridors and other ancillary areas. High performance sound insulating walls and floors, and lobbied door arrangements would be necessary. The space would need to be fully mechanically ventilated with building services ducts routed so that they do not undermine the sound insulation of the building envelope. Environmental Protection require specific details on mitigation measures not just general comments. The applicant has now provided additional supporting information highlighting where the music venue will be located and further details on noise mitigation. Noise issues from these types of premises may also include noise from deliveries, collection of waste, smoking areas, will there be outside seating, glazing, doors, ventilation strategies. This issue is addressed later in the report. The applicant has demonstrated how the design of the building will control noise and vibration to ensure it will not travel through the fabric of the building and impact the newly proposed units.

The applicant has advised that the music venue to be used for amplified music is proposed in the basement at Steads' Place. It has been proposed in this location to specifically address the concern over amplified music noise egress. There will be no openable windows to the extremal areas in this basement area. The applicant has advised that the following design will ensure residential amenity is protected as shown in drawing 10613 PL (00)10 Rev A. Lobbied doors to all entrances and exits (all of these doors should have a minimum sound insulation rating of R_w 35 dB). Fully mechanically ventilated via inlet and outlet ducts, and ducts routed to avoid music noise breaking out directly to outside. In-duct attenuators would be needed on inlet and outlet ducts (subject to detailed design development). No exposed structural columns in the space running directly to bedrooms or other sensitive spaces above. Environmental Protection shall recommend conditions are attached to any consent to ensure these mitigation measures are carried out.

Calculations to the nearest dwellings have been carried from the venue based on a 200mm thick ground floor slab above the venue space. The attached calculation shows the music noise spectrum of a typical pub band with significant low frequency (bass) noise and an overall sound level of 110 dB(A) in the venue. The calculation shows the sound reduction through a 200mm concrete slab to the space above, resulting in a noise level in the region of 55 dB(A) above. The calculation then simulates the subsequent noise transfer through a full height glass facade of 200m² (onto Leith Walk), and to nearby dwellings 20 metres away. The calculation estimates a sound level of NR 2 outside. This is conformably below the recommended criterion of NR 15 and the music noise would be expected to be inaudible in any nearby dwellings. This is based on a 200mm concrete floor slab between the venue and ground floor level, and a typical 10.4mm laminate glass facade to Unit 6 at street level. Environmental Protection shall recommend conditions are attached to any consent to ensure these mitigation measures are carried out.

Privately owned vehicle use by patrons is likely to be minimal with arrival and departure from the premises likely to mainly be by bus, taxi or on foot. The premises will require a significant level of servicing including delivery of food, drink, stage/music equipment and waste removal. Most of this activity will be carried out from the main street. Some servicing will be required within the site to remove waste. The servicing area will be under the control of the site operator and should be conditioned to ensure deliveries and collection are restricted. A large music venue will likely generate large volumes of glass waste and when this is uplifted can cause disturbance especially when carried out late or early in the morning. Environmental Protection shall recommend a condition is attached to restrict the hours of deliveries and collections.

It is acknowledged that the area surrounding the application site already has a reasonably noisy evening and night time ambient noise climate which is commensurate with a city centre location. In this regard, the introduction of the application premises may increase external street noise to a certain degree which will mainly be within the vicinity of the actual premises. The local area is mixed use and includes public houses, restaurant and retail premises and commercial activities and therefore the introduction of class 11 use and Public House should not contribute significant noise, disturbance or antisocial behaviour much above that which already exists in the locality in this regard.

Fumes and Odours

The plans now show what units will be used for class 3 uses and where the other commercial kitchens associated with the other use classes will be specifically located. Drawing number 6435-MS-SK-001 dated December 2018 showing the location of extract and air intakes. Mechanical plant service details are also provided for the fifth floor in Drawing number 6435-MS-SK006

The applicant has submitted details showing that an advanced odour reducing extract and filtration system will be installed to reduce the potential of cooking odour and effluvia being emitted.

The extract serving the neighbouring garage will extract fumes from the garage affecting the proposed bedrooms on the block nearest Leith Walk. The applicant has conducted a fumes survey which has confirmed this. It has been noted that this extract is located outside the applicant's boundary and is not regulated by SEPA. As with the noise issues regarding this extract it may be only possible to resolve this issue at the source. The applicant has now confirmed that the neighbouring garage will allow both noise and fume mitigation works to be carried out on their plant. If a condition can be attached to ensure the development does not commence until the extract has been relocated to an appropriate position.

The proposal will have a high energy demand (3.36MW gas fired boilers), it is welcomed that they are incorporating photovoltaic panels. The proposed total heat plant size is 3.36MW which will be provided by natural gas fired boilers and instantaneous gas fired water heaters. The applicant may incorporate a gas fired Combined Heat Power plant to meet some of the heat load.

The applicant has submitted a supporting chimney height calculation as required under the Clean Air Act 1993. There is a plant room and a gas boiler plant shown on ground floor plans. The small area allocated for the plant room is incorporated into the main buildings, it should be noted that as the proposed plant is larger than 1 megawatt then the applicant will be required to include secondary abatement technology to reduce nitrogen dioxide. The problem with natural gas energy centres is that the pollutants released once operational cannot be reduced and increase the background levels of NO₂. It is therefore important to ensure that the secondary abatement technology is installed to ensure emissions are minimised on a site in such proximity to the city centre air quality management area. The applicant will need to ensure that there is adequate space in the plant rooms to incorporate secondary abatement technology. Plant with this output is considered a medium combustion plant under the Pollution Prevention and Control (Scotland) Regulations 2012 and will need to be registered or permitted by Scottish Environment Protection Agency (SEPA). Environmental Protection recommend a condition is attached to ensure secondary abatement technology installed to reduce emissions.

The applicant has kept the level of car parking low which with emphasis put on pedestrians and cycling which is supported by Environmental Protection. The proposed car parking spaces will be supported with electric vehicle charging points. Due to the level of commercial and leisure use proposed the applicant will need to ensure all electric vehicle chargers are at least 7KW (type 2 outlet).

As this is a large development site Environmental Protection will propose many recommendations as an informative to ensure emission during the construction phase of the development are controlled and minimised by developers.

The applicant has submitted a Ground Investigation Report 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.

Environmental Protection have assessed the additional information submitted by the applicant. Environmental Protection are confident that the noise and fume issues raised can now be mitigated now the applicant has the agreement from the neighbouring garage. The possible adverse impacts the neighbouring garage plant will have on future tenants with regards fumes and noise need to be mitigated at the source this is now made possible due to the cooperation with the neighbouring garage. Again, if a condition can be considered to ensure that development cannot start until noise and fumes from this garage have been mitigated then Environmental Protection would not object subject to a suitable worded condition being attached as well as the following conditions also being attached to any consent;

Conditions;

i) 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.

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

1. Prior to the use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, as shown on drawing no. 6435-MS-SK-001 & 6435-MS-SK006 dated December 2018 shall be implemented.

2. The following noise protection measures to the proposed mixed-use development, as defined in the 'Sandy Brown Noise Survey and Assessment' report (Ref 18104-R01-B), dated 3 August 2018 and additional acoustic information submitted on 6 August 2018;

- Glazing units with a minimum insulation value of 12.8mm/16mm/10mm double glazing shall be installed for the external windows in 'zone 1' as highlighted in drawing number 10613-PL (00)20 Rev A dated May 2018 with supporting ventilators with a minimum sound reduction level of 36Rw+Ctr(dB).

- *Glazing units with a minimum insulation value of 6mm/16mm/6mm double glazing shall be installed for the external windows in 'zone 2' as highlighted in drawing number 10613-PL (00)21 Rev A dated May 2018 with supporting ventilators with a minimum sound reduction level of 36Rw+Ctr(dB).*
- *A louvre shall be located at the east end of the boiler room, at least 10 metres from the nearest bedroom window, and be specified to reduce noise to a limit of NR45 at 3m (on axis). This will require a single bank acoustic louvre 300mm deep based on a total louvre area of 9m².*
- *Noise mitigation measures required to control music breakout from the proposed basement level music venue are shown in drawing 10613 PL(00)10 Rev A. Lobbied doors to all entrances and exits must have a minimum sound insulation rating of Rw 35 dB. The area shall be fully mechanically ventilated via inlet and outlet ducts, and ducts routed to avoid music noise breaking out directly to outside. In-duct attenuators must be installed in inlet and outlet ducts. No exposed structural columns in the space running directly to residential properties above. A minimum 200mm thick concrete ground floor slab above the venue space shall be required. Noise transfer through the full height glass facade of 200m² (onto Leith Walk), shall require a glazing unit with a minimum thickness 10.4mm laminate glass facade to Unit 6 at street level.*

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

3. *Prior to the use being taken up, the energy centre shall have secondary abatement technology installed, capable of reducing nitrogen dioxide emission levels.*
4. *Deliveries and collections, including waste collections, to be restricted to 07:00 - 21:00 hours Monday to Saturday and 9:00-18:00 on Sundays*
5. *Prior to the use being taken up six electric vehicle Charging outlets shall be installed and fully operational and be of the following minimum standard. Type 2 (EN62196-2), Mode 3 (EN61851-1) compliant and be twin outlet. With the ability to supply 7 kW (32 Amps) AC - Single Phase chargers that have the ability to deliver power of 7 kW capacity to each outlet simultaneously.*

Informative

The applicant has submitted details showing that an advanced odour reducing extract and filtration system will be installed to reduce the potential of cooking odour and effluvia being emitted. The applicant should install the proposed system as detailed in air handling report 'Halton AHU, Technical Specification Sheet' dated 25/01/2017.

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.*

Should you wish to discuss the above, please do not hesitate to contact me on 0131 469 5160.

Edinburgh Urban Design Panel - dated 28 March 2018

1 Recommendations

The Panel recognised that the redevelopment of the site was a great opportunity but would require to 'knit back' to the existing context. The Panel recognised that the proposal was at an early stage in the design process and welcomed the opportunity to review the proposals at this stage.

In developing the proposals, the Panel suggested the following matters be addressed:

- Student and residential mix;*
- Development of a heritage/historical analysis;*
- Development of a Leith Walk frontage informed by the context*
- Development of residential and active uses to Leith Walk frontage*
- Development of legible and safe connections through the site;*
- Level of car parking;*
- Crime profile of the area;*

2 Introduction

The site covers approximately 1.3 hectares. It consists of a two-storey red sandstone building on Leith Walk which contains a number of shop units in various uses. At the rear of the site there are a number of larger industrial style units that are in a variety of uses. To the west are some existing trees.

An application will be submitted for the demolition of existing buildings and the erection of a mixed use development including student housing, affordable housing, hotel and commercial uses. The commercial uses are for a potential mix of shops (Class 1), restaurant (Class 3), public house, business (Class 2 and 4) and community use (Class 10 and 11).

No declarations of interest were made by the Panel.

This report should be read in conjunction with the pre-meeting papers.

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

3 Planning Context

The site is located within the urban area and any development proposal should comply with the relevant Local Development Plan (LDP) policies. The building fronting Leith Walk is in the Leith Conservation Area. LDP Policy Emp 9 Employment Sites and Premises applies. Redevelopment proposals on sites over one hectare, that are currently or last in employment use, should include floorspace designed for a range of business users. The non-statutory Student Housing Guidance sets out the locational criteria for assessing the acceptability of such proposals. For this site, student housing proposals must comprise a proportion of housing (50% of the total gross floor area).

The Leith Town Centre Supplementary Guidance applies to the Leith Walk frontage. Class 1, Class 2, Class 3 or an appropriate commercial or community uses are generally acceptable at this location.

The Stead's Place/Jane Street Development Brief covers the site. This sets out general principles for the redevelopment of the wider area.

Planning History:

The shop units along the Leith Walk frontage have been subject to a number of applications for alterations and changes of use over the years

4 Comments

Land Use and Design Concept/Approach:

The Panel recognised that the proposal was at an early stage in the design process and welcomed the opportunity to review the proposals at this stage.

The Panel consider this to be a good site for residential led development and encouraged the design team to reconsider the proportion/mix of residential and student accommodation proposed for the site.

The Panel encouraged the development of the heritage/historical analysis for the site. Particularly, in respect of the existing two storey red sandstone buildings on Leith Walk and the contribution they make to the character of the conservation area. The Panel noted that these buildings provide 'impressive' animation to Leith Walk and contribute to the Leith community. The Panel noted that this heritage/historical work could inform the starting point for a design for the site, particularly the Leith Walk frontage.

The Panel noted the comprehensive site analysis. However, were of the view that the emerging design concept for the site was not reflective of this analysis or context.

The Panel noted the importance of an appropriate roofscape in this context.

Connections:

The Panel encouraged the development of the proposed enhanced pedestrian movement through the site, particularly to Pilrig Park.

In developing the design of this route the Panel advocated a legible and secure route with a long term maintenance plan. The Panel noted that direct overlooking and good lighting would assist in making a secure route.

The Panel encouraged further discussion with the Green Bridge Project Team.

Leith Walk Frontage:

It was acknowledged by the Panel that the sketches shown are not developed and early in the design process. However, the Panel expressed concern at the proposed demolition of the existing buildings on this frontage and replaced with a linear block which appeared to be a very dominant insertion into the street and surrounding context. The Panel noted that this frontage should take reference and be in keeping with the context of this part of the street.

It was suggested that development on this street frontage could be retail at ground with 3 residential storeys above maximum. It was also suggested that the proposed linear block frontage may benefit from being split.

With respect to the uses on this frontage the Panel suggested that it is important for residential accommodation to be on Leith Walk with a retail use to provide activity at ground level.

The Panel noted that this is a big site and perhaps higher development could be placed to the rear away from Leith Walk.

Affordable Housing:

The Panel supported the proposal for affordable housing to be provided in the site. The proposed location of the residential accommodation was questioned by the Panel. In developing the design the Panel advocated a tenure blind approach and for the residential accommodation to be located on Leith Walk.

Landscape and Public Realm:

The Panel encouraged the engagement of a Landscape Architect at this stage of the design process to assist with the design of both the public realm and connections.

Security:

It was noted that given the crime profile for the area, care will be required with respect to the design of the open spaces and any areas of car parking. Secure by Design accreditation is advised. Secure car, cycle and motorcycle parking should also be considered.

Car parking:

The Panel noted that this site is very well connected to public transport and on a proposed tram line. Therefore they encouraged a review of the proposed car parking levels on the site.

Site Contamination:

The Panel noted that given the previous use of the site it may contain some contaminated land.

Wider Context

The Panel noted that similar industrial sites built as part of the Leith regeneration plans in the 70's and 80's are likely to come forward as development sites. Therefore, urged The City of Edinburgh Council to prepare development briefs/masterplans for these areas within Leith.

Housing response - dated 26 September 2018

1. Introduction

I refer to the consultation request from the Planning Department about this planning application.

Housing and Regulatory Services have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

- The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.

- This is consistent with Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan.

- *Policy Hou 8 Student Accommodation has also been considered.*

2. Affordable Housing Provision

This application is for a development comprising student accommodation, residential, hotel, restaurant, retail and community space, public house etc.

The applicant has stated that the residential housing as required under policy Hou 8 student accommodation will be entirely affordable and delivered by Places for People. The proposed homes will offer an integrated mix of one, two and three bedroom flatted units. The tenure proposal is Social Rent and Mid-Market Rent. Without commenting on the number of affordable homes required to be provided under policy Hou 8 student accommodation as a standalone affordable housing development, the housing and tenure mix proposed is welcomed by the department.

The affordable homes are required to be fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides. It is noted that flat type C does not meet minimum space standards.

3. Summary

The applicant has made a commitment to provide 100% on site affordable housing and this is welcomed by the department. These will be secured by a Section 75 Legal Agreement. This department welcomes this approach which will assist in the delivery of a mixed sustainable community.

- *All the affordable homes must meet the Edinburgh Design Guidance and also meet the relevant Housing Association Design Guidance size and space standards*
- *The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

We would be happy to assist with any queries on the affordable housing requirement for this application.

Leith Central Community Council response - dated 27 September 2018

The total site area is 1.20 hectares (2.9 acres).

The proposal is provide 523 student places, 56 hotel rooms, 53 affordable flats and retail frontage of 858 sq m and restaurant of 1625 sq m.

1. Student accommodation

The concentration of student accommodation appears to conflict with Edinburgh Housing Policy 8 which states:

"The proposal will not result in an excessive concentration of student accommodation to the extent that would be detrimental to the maintenance of balanced communities or to the established character and residential amenity of the locality."

Comment:

This is predominantly a residential and commercial area serving the residents. To impose a large population of students on the area, and at the same time build a modest number of affordable family flats would be unbalanced and detrimental to the area and a severe loss of potential. There are already a proliferation of student residences in the Leith Walk ward (approx 1543 bed-places) and this would increase the number to approx 2016 which would be 7% of the total ward population but concentrated in and near Leith Walk.

This is considered to be disproportionate for the Leith ward compared to other areas of Edinburgh.

2. Hotel development

Introducing a hotel without suitable parking arrangements will no doubt cause traffic congestion on Leith Walk. The present number of parking places are being reduced from 40 to 31 and there is no drop-off point for the student residence and hotel.

3. Traffic pollution

There is already a severe problem of pollution from vehicles at this end of Leith Walk. Building such a large edifice on Leith Walk will undoubtedly funnel more pollution into this area. The proposal is contrary to Edinburgh Local Development Plan policy ENV 22 (Pollution and Air, Water and Soil Quality) as no pollution study has been provided for the development although an equivalent document this was supplied for the Leith Walk Shrubhill development.

4 Over-shadowing

This is the narrowest part of Leith Walk and the impact on properties on the opposite side of Leith Walk would be severe overshadowed by this development of 5 and 6 stories

5. Scale of building

The mass of the front development and the 7-storey extension into the site is totally at odds with the local low-rise buildings and will result in an architectural imbalance which would be detrimental to the outstanding examples of classical design in this conservation area.

It will also form a hard edge to the site which will be detrimental to the natural lighting and air circulation for the properties to the north.

The Edinburgh Standards for Urban Design (2003) also updated in Edinburgh Design Guidance (2017) states "Where new development is to be located within a neighbourhood of distinctive spacial structure, townscape and landscape, the proposal should reinforce the existing character" and "new build should not be higher or greater mass than the adjacent existing development unless there are special townscape reasons".

6. Residential housing

The site development is proposing a poor development of residential housing for this location with its high amenity value with direct access to Pilrig Park.

The ELDP Housing Land Study suggests a housing density of at least 100 units per hectare. "With regard to the density of new development...this should be determined in relation to the character of the place and its relative accessibility, with higher densities appropriate at central and accessible locations". The provision of only 53 flats is about 50% of what should be expected on this extensive site.

Leith Central Community Council further response - dated 27 December 2018

Leith Central Community Council remain opposed to this albeit slightly modified development on the grounds that it is a misuse of a site highly valuable for permanent residential housing.

The proposed predominant use for itinerant students and a hotel is in our view a severe loss to the community in helping to alleviate a severe shortage of affordable housing in the area which has the highest residential population in Scotland.

The locality is eminently suitable to a permanent population as it has good access to public open space (Pilrig Park), at least two primary schools, a variety of shops and vital social services.

A study of the site carried out by a pressure group suggests that apart from a preserved the shop frontage, at least 200 housing units could be accommodated in 5 four-storey blocks in the interior of the site.

Regarding the nature of the proposed development we have the following additional concerns.

1. Scale of the development on Leith Walk

The 5 storeys are over-powering in what is a narrowing down of Leith Walk. 4 storeys, in our view, should be the maximum.

2. Over-shadowing of adjoining properties

The 7 storey student accommodation building is over-development as it will be detrimental to the surrounding properties as the sunlight analysis has demonstrated.

3. Inappropriate facade on Leith Walk

The use of copper-coloured cladding on the upper floors on Leith Walk is totally out of character with the surrounding townscape. The original concept of reflecting the pink sandstone facade of the existing shops will be totally lost with this discordant cladding.

4. Congestion on Leith Walk

The lack of an off-street dropping-off point for the hotel is likely to cause traffic disruption and could impede future tram movements.

Leith Harbour and Newhaven Community Council response - dated 11 September 2018

Objection: Grounds for comment

A section of this development lies within Leith Harbour and Newhaven Community Council (LHNCC) boundary and it was, therefore, decided to Consult with Committee members and draw up a response and submit on behalf of LHNCC. There were particular concerns relating to design quality and context, housing and community facilities, conservation and daylighting

The proposal is contrary to the following: (Edinburgh City Local Plan (2010); Student Housing, final version (2016); Edinburgh Design Guidelines (2017))

Local Development Plan (2016), 5 Housing and Community Facilities

Policy Hou 2 Housing Mix:

The Council will seek the provision of a mix of house types and sizes where practical, to meet a range of housing needs, including those of families, older people and people with special needs, and having regard to the character of the surrounding area and its accessibility.

223 It is important to achieve a good mix of dwelling types and sizes to avoid the creation of large areas of housing with similar characteristics. This approach supports more socially diverse and inclusive communities by offering a choice of housing and a range of house types to meet the needs of different population groups, from single- person households to larger and growing families.

Policy Hou 8 Student Accommodation

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

a) 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.

235 It is preferable in principle that student needs are met as far as possible in purpose-built and managed schemes rather than the widespread conversion of family

Student Housing Guidance, Finalised Version (February 2016)

The criteria in ECLP Policy Hou 10 and LDP Policy Hou 8 will be applied to proposals for student housing using the locational and design guidance set out below:

b) Outwith criteria a) student housing will generally be supported on sites with less than 0.25ha developable area. Consideration should be given to the cumulative impact of student housing, and other land uses which contribute to a transient population, where these uses will have a detrimental impact on character.

c) Outwith criteria a) and b) sites identified as a high probability of delivering housing within Map 5 taken from the LDP Housing Land Study (June 2014) and sites with greater than 0.25ha developable area must comprise a proportion of housing as part of the proposed development, to balance the mix of land uses and to contribute to housing land need. On these sites the new build residential gross floor area shall represent a minimum of 50% of the total new build housing and student accommodation gross floor area.

Policy Hou 4 Housing Density

The Council will seek an appropriate density of development on each site having regard to:

a) its characteristics and those of the surrounding area

- b) *the need to create an attractive residential environment and safeguard living conditions within the development*
- d) *the need to encourage and support the provision of local facilities necessary to high quality urban living.*

*Local Development Plan (2016), 2 Design Principles for New Development
Policy Des 1 Design Quality and Context*

Planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.

151. This policy applies to all new development, including alterations and extensions. The Council expects new development to be of a high standard of design. The Council's policies and guidelines are not to be used as a template for minimum standards.

Policy Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features

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

Planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to:

- a) *height and form*
- b) *scale and proportions, including the spaces between buildings*
- c) *position of buildings and other features on the site*
- d) *materials and detailing*

Edinburgh Design Guidelines - October 2017

2.10 Daylight, sunlight, privacy and outlook

Design the building form and windows of new development to ensure that the amenity of neighbouring developments is not adversely affected and that future occupiers have reasonable levels of amenity in relation to:

- o daylight;*
- o sunlight; and*
- o privacy and immediate outlook.*

Local Development Plan policies o Des 5 a) - Development Design

Local Development Plan (2016), 3 Caring for the Environment

Policy Env 5 Conservation Areas - Demolition of Buildings

Proposals for the demolition of any building within a conservation area, whether listed or not, will not normally be permitted unless a detailed planning application is approved for a replacement building which enhances or preserves the character of the area or, if acceptable, for the landscaping of the site.

Policy Env 6 Conservation Areas-Development

Development within a conservation area or affecting its setting will be permitted which:

- a. preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal*
- c) demonstrates high standards of design and utilises materials appropriate to the historic environment.*

Policy Tra 2 Private Car Parking

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. Lower provision will be pursued subject to consideration of the following factors:

- d) the availability of existing off-street parking spaces that could adequately cater for the proposed development.*

- f) whether complementary measures can be put in place to make it more convenient for residents not to own a car, for example car sharing or pooling arrangements, including access to the city's car club scheme.*

Scottish Human Rights Commission: Article 14 Protection from Discrimination and requires that all of the rights and freedoms set out in the Act must be protected and applied without discrimination

Discrimination: The Human Rights Act makes it illegal to discriminate on a wide range of grounds including 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

Leith Harbour and Newhaven Community Council further response - dated 18 December 2018

: Grounds for comment

A section of this development lies within Leith Harbour and Newhaven Community Council (LHNCC) boundary and it was, therefore, decided to Consult with Committee members and draw up a response Revised Scheme, Design statement addendum , Planning statement addendum and Drawings (Aug/Nov 2018) proposals on behalf of LHNCC. There were particular concerns relating to design quality and context, housing and community facilities and proposed Complete demolition in a conservation area.

The proposal is contrary to the following: (Edinburgh City Local Plan (2010); Student Housing, final version (2016); Edinburgh Design Guidelines (2017))

Local Development Plan (2016), 5 Housing and Community Facilities
Policy Hou 2 Housing Mix:

The Council will seek the provision of a mix of house types and sizes where practical, to meet a range of housing needs, including those of families, older people and people with special needs, and having regard to the character of the surrounding area and its accessibility.

223 It is important to achieve a good mix of dwelling types and sizes to avoid the creation of large areas of housing with similar characteristics. This approach supports more socially diverse and inclusive communities by offering a choice of housing and a range of house types to meet the needs of different population groups, from single- person households to larger and growing families.

Policy Hou 8 Student Accommodation

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

a) 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.

235 It is preferable in principle that student needs are met as far as possible in purpose-built and managed schemes rather than the widespread conversion of family

Planning Information Bullitin (1/2018)

Edinburgh's purpose-built student accommodation market

March 2018

Guidance on student housing

The Council adopted new guidance for student housing in February 2016 whereby any development over 0.25 ha. in size would need to include 50% housing provision on site. There has been one application meeting this criteria to date, at Dundee Street. However, this was granted without a requirement for housing on appeal to the DPEA.

Accommodation Use of site (1.23 Hectares – 12,300 Sqm)	Floor Space (sqm) for various Units	Accommodation	Percentage in relation to other accomm.	Percentage of entire site
Affordable Housing	5,128	53 Units	11.5% (Student)	22.4%
Student	13,228	461 Bedrooms		57.6%
Hotel	1,585	56 Bedrooms		6.9%
Communal	2,150			9.4%
Business/ Town Centre	858			3.7%
	<u>Total: 22.949</u>			<u>100%</u>

Student Housing Guidance, Finalised Version (February 2016)

The criteria in ECLP Policy Hou 10 and LDP Policy Hou 8 will be applied to proposals for student housing using the locational and design guidance set out below:

b) Outwith criteria a) student housing will generally be supported on sites with less than 0.25ha developable area. Consideration should be given to the cumulative impact of student housing, and other land uses which contribute to a transient population, where these uses will have a detrimental impact on character.

c) Outwith criteria a) and b) sites identified as a high probability of delivering housing within Map 5 taken from the LDP Housing Land Study (June 2014) and sites with greater than 0.25ha developable area must comprise a proportion of housing as part of the proposed development, to balance the mix of land uses and to contribute to housing land need. On these sites the new build residential gross floor area shall represent a minimum of 50% of the total new build housing and student accommodation gross floor area.

Policy Hou 4 Housing Density

The Council will seek an appropriate density of development on each site having regard to:

- a) its characteristics and those of the surrounding area
- b) the need to create an attractive residential environment and safeguard living conditions within the development
- d) the need to encourage and support the provision of local facilities necessary to high quality urban living.

Local Development Plan (2016), 2 Design Principles for New Development

Policy Des 1 Design Quality and Context

Planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.

151. This policy applies to all new development, including alterations and extensions. The Council expects new development to be of a high standard of design. The Council's policies and guidelines are not to be used as a template for minimum standards.

Policy Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features

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

Planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to:

- a) height and form
- b) scale and proportions, including the spaces between buildings
- c) position of buildings and other features on the site
- d) materials and detailing

Edinburgh Design Guidelines - October 2017

2.10 Daylight, sunlight, privacy and outlook

Design the building form and windows of new development to ensure that the amenity of neighbouring developments is not adversely affected and that future occupiers have reasonable levels of amenity in relation to:

- o daylight;
- o sunlight; and
- o privacy and immediate outlook.

Local Development Plan policies o Des 5 a) - Development Design

Local Development Plan (2016), 3 Caring for the Environment

Policy Env 5 Conservation Areas - Demolition of Buildings

Proposals for the demolition of any building within a conservation area, whether listed or not, will not normally be permitted unless a detailed planning application is approved for a replacement building which enhances or preserves the character of the area or, if acceptable, for the landscaping of the site.

Policy Env 6 Conservation Areas-Development

Development within a conservation area or affecting its setting will be permitted which:

- a) preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal
- c) demonstrates high standards of design and utilises materials appropriate to the historic environment.

Policy Tra 2 Private Car Parking

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. Lower provision will be pursued subject to consideration of the following factors:

- d) the availability of existing off-street parking spaces that could adequately cater for the proposed development.
- f) whether complementary measures can be put in place to make it more convenient for residents not to own a car, for example car sharing or pooling arrangements, including access to the city's car club scheme.

Scottish Human Rights Commission: Article 14 Protection from Discrimination and requires that all of the rights and freedoms set out in the Act must be protected and applied without discrimination

Discrimination: The Human Rights Act makes it illegal to discriminate on a wide range of grounds including 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

Leith Links Community Council response - dated 28 September 2018

As a neighbouring Community Council, Leith Links Community Council is hereby submitting a comment objecting to the proposal to demolish 106 - 162 Leith Walk and to erect a mixed use development on the site. We believe that the application should be refused because of failure to comply with planning polices, see below.

Furthermore, we believe that this application should be rejected because it clearly is not acceptable to the local community (ref the grass roots #SaveLeithWalk campaign). Community Councils exist to represent the local community and to help them have their voices heard (or in this case, to support their voices).

Policy Env 5 Conservation Areas - Demolition of Buildings -

The current building should be protected by its status in a conservation area. Historic Environment Scotland's guidance note states that "to demolish an unlisted building within a conservation area, conservation area consent will normally be required. An application for consent will need to include reasons for the demolition". However, in this case, the developers have put forward no real argument for the demolition other than that they consider "the existing buildings at Stead's Place are no longer an economically viable investment for us". This is not a conservation argument and should therefore be rejected.

We think the current building should be retained and renovated, not demolished. The building is structurally sound and in relatively good condition, and could easily be renovated. It was making a positive contribution to the local area with all retail units fully let until the developers began to stop renewing leases in order to gain vacant possession. It has a continuing value to small independent local businesses and could continue to contribute to the sustainability of enterprises in the local area. In the past there have been up to 44 businesses operating in the block. Recently there were 12 retail, food and pub units plus 8 - 10 offices compared to only 6 mixed use units proposed in the new development, which proves that the new proposals will not be able to replicate this value.

The existing building has architectural and historical merit. Furthermore it is particularly attractive because it is low and therefore lets lots of light and sunshine into Leith Walk, rather than blocking and shadowing, as taller buildings do (and as the proposed new development would certainly do, given its proposed 6 storey height). The uniqueness of the current building contributes to the interesting streetscape of Leith Walk, characterized by great variations of building heights - and helps to make Leith as a whole what it is today - a historic, distinctive, culturally diverse, lively, and attractively quirky area.

Council policy guidance says that demolition within a conservation area "will only be permitted in exceptional circumstances and after taking into account

a. the adequacy of efforts to retain the building in, or adapt it to, a use that will safeguard its future, including its marketing at a price reflecting its location and condition to potential restoring purchasers for a reasonable period."

We note that there has been no effort by the developer to retain the building by marketing it to "potential restoring purchasers" for any period never mind a "reasonable period".

Council policy also requires weighing up "the merits of alternative proposals for the site and whether the public benefits to be derived from allowing demolition outweigh the loss".

What are the public benefits of demolition and new development, if any? The local community would lose a unique and popular building and all the much loved local businesses that currently inhabit it. It would (re)gain (fewer) retail spaces that will no doubt be more expensive to rent and therefore out of reach of the small local businesses and likely to be taken up by faceless (and even, perhaps, non UK tax paying) corporate chains such as Starbucks. It would gain in return a huge block of (at best) questionable architectural value, and a large population of students and/or tourists and hotel guests who may bring benefit to the local economy in some ways but overall will be transient and therefore uncommitted and uninvested in the local community, but who nonetheless may displace locals. The small amount of so called 'affordable' housing made available is unlikely to be 'truly' affordable for the many people in Leith who would like to get on to the property ladder, and will be out of reach of the many who currently live in poverty and require social housing. No new community facilities are being provided.

Policy Env 6 Conservation Areas - Development - The design of the proposed building is completely out of character with neighbouring buildings and the area as a whole and will damage not "preserve or enhance" the conservation area within which it sits.

The new proposed buildings are incongruously massive and entirely the wrong scale for this context. The buildings are too high, with 6 (or in places 7?) floors packed into the height of about 4 floors, creating an oppressive overlooking of Leith Walk and other housing. This north end of Leith Walk is mainly made up of lower buildings, and with a streetscape of very varied heights. The only other buildings anything like the high tenemental style that the developer wants are at the top of Leith Walk, not near here. Because it is such a large block it would create a sense of forced enclosure and would damage the character of the area; instead of Leith Walk being the broad and varied boulevard sweeping down to Leith it would become a darker and more enclosed street.

Policy Des 1 Design Quality and Context - The proposed building is 6 storeys tall and will crowd the area and feel overbearing. This part of Leith Walk has always enjoyed more open aspects and helps to provide a contrast to other more built up parts of Leith Walk. The design is not based on an understanding of the character of the area. The design is basically rather nondescript and 'Euro-common denominator' - it could be in any city and would look equally uninspiring in any city. It looks 'imposed' on this site, not naturally in context.

Policy Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features - The low level 1930s sandstone Art Deco style building is worthy of retention as it would add to the character of the design yet it has not been incorporated into the design. The designers have instead chosen to add sandstone into their new design, but this does not really 'work', it is just a kind of caricature or 'pastiche'. The use of all sorts of other different materials, including glass, steel, copper, brick, cladding etc. - none of which are used in any other buildings in this area - presumably meant to act to break up the dominating, 'monolithic' nature of the block, in practice just seem to make the design look cluttered and confusing. The final design overall seems like an odd mish-mash of different features and styles - are the developers trying to put in 'something for everyone', but ultimately failing to meet the needs of anyone, with an incoherent design?

Internally, the student rooms seem very small, so much so that the required possibility of repurposing the building at a later date is called into question.

Policy Des 4 Development Design - Impact on Setting - The height and the form are out of proportion to the streetscape and will have an adverse effect on the local area. It looks like a perfect example of 'overdevelopment' - too big, too high, too dense. It will impact very negatively on an area that currently has a light, airy and spacious feel.

Policy Des 5 Development Design - Amenity - The proposed development is very high and will overlook and affect the daylight of 36 windows on the other side of Leith Walk, which exceeds allowed levels. It has been estimated that the 8 worst affected windows would have reductions of 71% to 74% of current daylight. Up to 20 residential windows on the existing Stead's Place properties would also be adversely affected by more than the permitted amount.

Policy Hou 3 Private Green Space in Housing Development - The proposed usable open & green space within the new development is well below (less than a third) of what should be provided (especially in the light of the lack of car parking). Instead of 3400 m² they are only providing 1,400 m². What they do provide is very poor quality space - fragmented, broken up by paths, next to bin stores and car parking and overlooked by housing.

Policy Hou 4 Housing Density - The housing density of the site is 5 times that of the rest of Leith Walk which is already the most densely populated part of Scotland. In order to do this, the new building is too high for the surrounding area. No new infrastructure or community facilities are being provided other than lighting on an existing short pathway.

Policy Hou 8 Student Accommodation and Student Housing Guidance - The total size of the Stead's Place site is 1.2 hectare so the mix of student accommodation to ordinary housing should be 50:50. But this development contains too much student accommodation and the proportion is 76:24. If it were to be balanced properly then instead of 523 student rooms, there would be only 159.

Policy Tra 2 Private Car Parking - The development will provide no car parking spaces for the student accommodation, the university hotel and canteen. This is unrealistic. Students may be 'supposed' not to have cars, but many do. Tourists, visitors, and hotel staff and guests certainly do. This will decrease the amenity for neighbouring business and residents by putting considerable added stress on already stressed local parking facilities. Despite saving space by under provision of car parking, the developers are adding no additional usable green space for the benefit of residents or community.

Policy Tra 3 Private Cycle Parking - Given that no car parking will be provided, we might expect 'top of the range' facilities for bike users. But not a bit of it! The development will provide less than 30% of the expected/needed safe space for bicycle parking and storage (in an area where cycle theft is rife). This will lead to more bicycles being attached to lampposts and other street furniture to the detriment of neighbours and residents, and may deter people from taking up the healthy and environmentally beneficial habit of cycling.

Social Considerations

Leith Links Community Council (LLCC) seriously questions whether this area needs more student accommodation. There is no university anywhere near. There is already a large concentration of purpose built student accommodation further up Leith Walk, which, added to the students living in privately rented accommodation in the area, adds up to a concentration of students that seems higher than elsewhere in the city. A number of different unofficial analyses have been made that indicate that students may already form over 25% of the local population in Leith - in one analysis, over 35%.

Local residents are not 'student phobic' on a personal basis and understand the possible economic benefits locally, but there are other effects of living with such a high student ratio, locally, that are already clearly discernible, and that would be exacerbated by the addition of 581 new students on this proposed site. For example, the local infrastructure of GPS is already full to capacity and arguably 'at cracking point'.

LLCC would therefore ask the Planning Dept. to commission an official analysis, with up to date figures, on what the exact ration of students to local residents is, in the EH6 / 7 areas.

LLCC would also suggest that Edinburgh City Council should effect a Moratorium on Planning decisions on proposed new student accommodation at least until such figures become available.

LLCC would also respectfully point out that what is actually urgently needed in this area is especially, social housing and truly affordable housing for local families and people on lower incomes. Also, commercial space at reasonable rent for small independent local businesses and/or social enterprises.

We do not feel that the proposed development meets these needs of our community.

Please reject this application.

Leith Links Community Council further response - dated 21 December 2018

Leith Links Community Council still firmly opposes the demolition and objects to the proposed new development, for the all the reasons explained in our previous objection to the original application. The developers have reduced the height of the proposed new building, but that does not outweigh our earlier objection which was based on the following, and still stands with regard to this revised application

LLCC's main objection is that the proposed building is unacceptable (see below for more details) and too high (even with the frontage height reduced) that the density of occupation is too great, and that the ratio of student accommodation to housing is completely wrong - far far too high.

More details of objection to development -

Policy Env 5 - object to demolition in a Conservation Area

Policy Env 6 - proposed development is not in character with Conservation area and does not enhance the setting, and will have an adverse effect on the local area) nor does it demonstrate high quality of design or materials.

Policy Des 1- poor quality design that does not recognise the needs of the unique setting/ context.

Policy Des 3 - no effort made to incorporate the existing building. Indeed the new proposed design makes even less effort to retain even a hint of the red sandstone originals than the previous design.

Policy Des 4 - adverse effect of the local setting, which is of smaller, and lower buildings, varied in height and design.

Sustainability - non compliant with Scottish Planning Policy

Policy Des 6 - not a sustainable building, no indication of how carbon emissions would be controlled / reduced.

Policy Des 11- even reduced by one storey, this development is too tall for the setting.

Policy Env 6 Conservation Areas - proposed development is out of character for the Conservation area.

Policy Hou 3 - not enough green space, non-compliant with policy

Policy Hou 4 Housing Density - housing density is too high, even for a very densely populated area

Policy Hou 8 Student Accommodation - proportion of student accommodation to housing is unacceptably high - it is greater than 50:50

Policy Tra 2 Private Car Parking - inadequate, and will reduce amenity of other residents and businesses nearby.

The development scheme as a whole fails to achieve the six qualities of a successful 'place' - i.e. fails to comply with Scottish Planning Policy on Place Making.

Police Scotland response - dated 15 August 2018

We would welcome the opportunity for one of our Police Architectural Liaison Officers to meet with the architect to discuss Secured by Design principles and crime prevention through environmental design in relation to this development.

Roads Authority Issues - dated 20 December 2018

Further to the memorandum dated the 7th of September 2018 there is no objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. The applicant will be required to contribute the sum of £696,999 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment. (See note 5 for further information);*
- 2. The applicant will be required to contribute the sum of £112,668 to the relevant transport actions from the Edinburgh LDP Action Programme 2018. The sum to be indexed as appropriate and the use period to be 10 years from date of payment, (see note 6 for further information);*
- 3. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development;*
- 4. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;*

5. *All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;*
6. *A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;*
7. *The applicant should be aware of the potential impact of the proposed development on the Edinburgh Tram and the Building Fixing Agreement. Further discussions with the Tram Team will be required;*
8. *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;*
9. *The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity;*
10. *Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;*
11. *Any sign, canopy or similar structure mounted perpendicular to the building (i.e. overhanging the footway) must be mounted a minimum of 2.25m above the footway and 0.5m in from the carriageway edge to comply with Section 129(8) of the Roads (Scotland) Act 1984;*
12. *The City of Edinburgh Council acting as Roads Authority reserves the right under Section 93 of The Roads (Scotland) Act 1984 to adjust the intensity of any non-adopted lighting applicable to the application address.*
13. *All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;*
14. *Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;*

Note:

1. The application has been assessed under the 2017 parking standards. These permit the following:

a. A maximum of 216 car parking spaces, 31 car parking spaces are proposed;

b. Where there are 10+ dwellings a minimum of 8% of the car parking is required to be designated as accessible, this would result in 3 spaces, 6 accessible spaces are proposed;

c. Where 10+ car parking spaces are proposed 1 of every 6 car parking spaces should be equipped for electric vehicle charging, this would result in 5 spaces, 5 EV spaces are proposed.

d. A minimum of 677 cycle parking spaces, 356 cycle parking spaces are proposed;

e. A minimum of 27 Motorcycle parking spaces, 2 motorcycle parking spaces are proposed

f. A minimum of one coach parking space in relation to the hotel use, no coach parking is proposed;

2. Justification for car parking is centred around 2011 census data for the Leith Walk Electoral ward. The data extracted summarises car/van ownership in this area and was applied to the number of proposed residential units. The results of this calculation indicate that a residential development of this nature would require 29 car parking spaces. With associated car ownership and trip generation generally accepted to be lower in relation to affordable housing the proposal is to provide slightly less than this number. Further 2011 census data extracted that shows the Leith Walk Electoral Ward has lower than average driver trips to work/study (19.41%) and high public transport trips (33.37%) and high walking trips (29.15%). This further demonstrates that car use in this area is low. In relation to the proposed minimal car parking associated with the Student Accommodation, Hotel, Commercial and Business uses, the applicant has highlighted that this development is located within an established mixed use neighbourhood and in an area of very good public transport accessibility and that by providing effectively zero parking this will minimise vehicle trip generation to and from this development.

Parking surveys of the surrounding streets have been carried out to give an indication on the availability of on-street car parking, this was done in regards to any potential overspill car parking from the development. These "beat" type surveys where parking occupancy recorded every 30 mins were carried out at the following locations:

- Gordon St / Manderston St
- Smith's Place
- Lorne St
- Jane St
- Stead's Pl - Springfield St

Surveys were carried out on the following dates and times:

- Saturday 23rd of June 1100 - 1400
- Tuesday 26th of June 1200 - 1400 & 1800 - 2000
- Wednesday 27th of June 1200 - 1400 & 1800 - 2000

The parking surveys found that there is some parking capacity on the surrounding streets and that there is an increased amount of parking availability during weekday evenings. It is anticipated that the potential for overspill car parking is low and that some of the proposed uses will not attract peak time trips. Based on the justification provided the proposed level of car parking is considered acceptable;

3. Application meets the minimum requirement for cycle parking for the residential element and exceeds the minimum standard for the hotel, commercial and business uses. It should also be noted that the applicant propose providing a mixture of both high density two-tier cycle racks and more conventional "Sheffield" stands which will provide spaces for non-standard bikes such as cargo bikes, tandems and trailers.

Considering the proposed Student Accommodation under the 2017 Parking Standards, a minimum of 522 cycle parking spaces are required (1 per bed). The application proposes 174 cycle parking spaces, which is 33% of the minimum standard. The application indicates that there is potential to increase this allocation if demand increases. The applicant provided a detailed justification that relates to data gathered to inform this proposed level of cycle parking, mainly focussing on key fob entry data for the cycle stores at the Hollyrood Halls of residence that was collected for the 2017/18 academic year with further data being collected September and October 2018. Once analysed this data shows that of the 356 cycle parking spaces that is provided at these Halls, on average only 15-18% of the cycle parking is utilised. A site comparison of Holyrood Halls and the development site was also provided, this mainly related to a comparison of the level of bus provision, and availability of bus stops to either site. The applicant does acknowledge that there is a difference in distance between the sites and the University campus.

The applicant also provided data relating to a 2013 Travel Survey carried out on behalf of the University of Edinburgh that indicates that the average mode share for Students to all university sites is 37% walking, 37% PT (bus/rail/shuttle), 14% cycling and 11% by car. The applicant acknowledges that the majority of residences are within easy walking distances but still highlights the prominence of public transport as a mode choice. This is again related to the easy accessibility of public transport from this development and is the expected mode that the majority of the students are expected to travel, from this information the applicant anticipates demand for cycle parking within the student accommodation will not exceed the 174 spaces proposed

Cycle parking across the development is a mixture of secure internal and external stores across different locations throughout the site, some external cycle parking is provided mainly at strategic locations, this is mainly for visitor and short stay parking;

4. There is still some concern regarding the coherence, safety and comfort for pedestrians and cyclists relating to the proposed 3m wide cycle-pedestrian shared use route and connection to the wider active travel network on Leith Walk, as well as parked cars encroaching onto the route and the appropriate method of stopping this. However it is expected that the interventions required will be fairly minor and will not require a major layout change and can be dealt with through the Quality Audit process.

5. The Tram Contribution is calculated as a net use where the existing use of the site is taken into consideration. The proposed use is based on 53 Residential units, 56 room Hotel, 13,228m² Student Accommodation, 2,150m² Restaurant/Pub and 858m² Commercial/Office in zone one of the Tram Contribution Zone. The existing use is based on 3871m² Industry, 965m² Office and 1665m² Retail in zone 1 of the Tram Contribution Zone. Net use = Proposed use - Existing use: £1,115,047 - £418,048 = £696,999;

6. The transport contributions have been calculated by the following:

(Total cost of identified action / Estimated total housing capacity of Central Leith Waterfront as per LDP and surrounding development areas as per Housing Land Audit Schedule) x number of proposed units.

The identified transport actions and total cost are as follows:

- The Leith and City Centre (East) Cycle Route Total action cost - £918,750
- Jane Street - Tennant Street Connections: Total action cost - £61,250

The estimated total housing capacity of Central Leith Waterfront as per LDP and surrounding development areas as per Housing Land Audit Schedule is = 3988 residential units.

To find a proposed unit number the Student accommodation was taken at a factor of 0.86, this factor was found through comparison of the tram contribution between Residential and Student accommodation, this results in $53 + (471 \times 0.86) = 458$ proposed units.

Application of these figures to the above calculation resulted in:

- $(£918,750 / 3988) \times 458 = £105,340$
- $(£61,250 / 3988) \times 458 = £7,328$
- Total Transport Contribution of $£105,340 + £7,328 = £112,668$

TRAMS - Important Note:

The proposed site is on or adjacent to the proposed Edinburgh Tram. An advisory note should be added to the decision notice, if permission is granted, noting that it would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:

- Any work where part of the site such as tools, materials, machines, suspended loads or where people could enter the Edinburgh Tram Hazard Zone. For example, window cleaning or other work involving the use of ladders;
- Any work which could force pedestrians or road traffic to be diverted into the Edinburgh Trams Hazard Zone;
- Piling, using a crane, excavating more than 2m or erecting and dismantling scaffolding within 4m of the Edinburgh Trams Hazard Zone;
- Any excavation within 3m of any pole supporting overhead lines;
- Any work on sites near the tramway where vehicles fitted with cranes, tippers or skip loaders could come within the Edinburgh Trams Hazard Zone when the equipment is in use;
- The Council has issued guidance to residents and businesses along the tram route and to other key organisations who may require access along the line.

See our full guidance on how to get permission to work near a tram way

<http://edinburghtrams.com/community/working-around-trams>

Scottish Water Response - dated 14 August 2018

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

- There is currently sufficient capacity in the Glencorse Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

- There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Infrastructure within boundary

According to our records, the development proposals impact on existing Scottish Water assets.

- 690mm Combined Sewer within the site boundary

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team directly at service.relocation@scottishwater.co.uk.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction.

Scottish Water Disclaimer

"It is important to note that the information on any such plan provided on Scottish Water's infrastructure, is for indicative purposes only and its accuracy cannot be relied upon. When the exact location and the nature of the infrastructure on the plan is a material requirement then you should undertake an appropriate site investigation to confirm its actual position in the ground and to determine if it is suitable for its intended purpose. By using the plan you agree that Scottish Water will not be liable for any loss, damage or costs caused by relying upon it or from carrying out any such site investigation."

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

*- Scottish Water asset plans can be obtained from our appointed asset plan providers:
Site Investigation Services (UK) Ltd
Tel: 0333 123 1223
Email: sw@sisplan.co.uk
www.sisplan.co.uk*

- Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

- If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

- Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

- The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

*- Please find all of our application forms on our website at the following link
<https://www.scottishwater.co.uk/business/connections/connecting-yourproperty/new-development-process-and-applications-forms>*

Next Steps:

- Single Property/Less than 10 dwellings

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre- Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

- 10 or more domestic dwellings:

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

- Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

- Trade Effluent Discharge from Non Dom Property:

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/ourservices/compliance/trade-effluent/trade-effluent-documents/trade-effluent-noticeform-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains.

The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at: www.resourceefficientscotland.com

If the applicant requires any further assistance or information, please contact our Development Operations Central Support Team on 0800 389 0379 or at planningconsultations@scottishwater.co.uk.

Waste Services response - dated 15 August 2018

On looking at this development I would stress that the architects or developers should liaise directly with me at the earliest point via email at Trevor.kelly@edinburgh.gov.uk to set up a meeting.

Waste Management Responsibilities

The Waste and Cleansing Services will be responsible for managing the waste from households and any Council premises only.

This development appears to be a mixture of residential and commercial premises. The planning application refers to bin stores being used for storage of waste and recycling. However, we need to quantify appropriate capacity for waste and recycling streams as the allocation of capacity has recently changed. We would require to confirm this to ensure waste and recycling requirements have been fully considered. It would be the responsibility of any third party commercial organisations using the site to source their own trade waste uplifts.

Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be storage space off street for segregated waste streams arising from commercial activities. Any appointed waste collection contractors, appointed to manage commercial waste, could be expected to have similar requirements to the Council in terms of their need to be able to safely access waste for collection.

Compliance with Waste Strategy (Domestic Waste Only)

The provision of a full recycling service is mandatory in Scotland, so that developers must make provision for the full range of bins (either individual Containers for each property, or communal bins for multiple properties). These must be stored off street at all times, except on the day of collection (in the case of individual bins).

The waste collection teams will require safe and efficient access to these from the earliest occupation, and therefore cognisance must be taken of my comments below in relation to operational viability.

For low density properties, we would recommend individual kerbside collections. This provides each property with landfill (140 litres); mixed recycling (240 litres), glass (box), food box and internal caddy. All of these must be presented on the day of collection before a specified time and removed thereafter. They must otherwise be stored off street at all times.

For high density properties, we would recommend communal waste containers, for: landfill waste, mixed recycling for paper and packaging, glass, and food.

Key points are:

- each bin store must accept the full range of materials in bins, segregated as outlined above. It is not acceptable to have some types of bin in one bin storage area, and others in a different collection point, as recycling is a fully integrated part of the service;*
- the maximum size of a food bin is 500 litres; and that of a glass bin is 660 litres, which are both smaller than other types of waste due to weight issues;*

- provision must be made for the storage and disposal of bulky wastes such as furniture produced by the residents, and indeed access to those by our collection teams.

Developers can either source their own bins in line with our requirements, or can arrange for us to do so and recharge the cost- this will probably be the most convenient for them.

Operational Viability

Developers need to ensure that services are accessible so that our collection crews can provide the service in a safe and efficient manner, taking account of turning circles, length and width of vehicles, distance bins must be pulled, surfaces, slopes and so on. Obviously sufficient capacity must also be provided to allow successful collection of each segregated waste stream.

Open Spaces

We would like information on who will be responsible for maintaining the open spaces within the development as full access to the site would be required.

Location Plan



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

Development Management Sub Committee

Wednesday 30 January 2019

Application for Conservation Area Consent 18/04349/CON At 106 - 162 Leith Walk, Edinburgh, EH6 5DX Complete Demolition in a Conservation Area.

Item number	6.1(c)
Report number	
Wards	B12 - Leith Walk

Summary

This is a finely balanced assessment.

Taking account of the views of HES and those submitted in representations, it is concluded that the building does make a positive contribution to Conservation Area. However, this is not a significant contribution. Where a building makes a positive contribution to a Conservation Area, the presumption should be to retain it and demolition will only be permitted in exceptional circumstances.

The proposal has been assessed taking account of the considerations set out in LDP policy Env2. In terms of considerations a) and b), the outcome of the assessment is in the balance. However, linked to the assessment of planning application 18/04332/FUL, the alternative proposals are supported and will bring wider regeneration benefits as envisaged in the Stead's Place and Jane Street Development Brief. These considerations together with the nature of the site and the proposal, its town centre location and the diverse character of Leith Conservation Area cumulatively provide the exceptional circumstances in which the demolition of this building are supported.

The demolition of the existing building and redevelopment of the site as proposed in application 18/04332/FUL will preserve the character and appearance of the Conservation Area and, on balance, the proposal is acceptable in terms of Historic Environment Scotland Policy Statement and LDP Policy Env 5.

Links

[Policies and guidance for this application](#)

LDPP, LEN02, LEN05,

Report

Application for Conservation Area Consent 18/04349/CON At 106 - 162 Leith Walk, Edinburgh, EH6 5DX Complete Demolition in a Conservation Area.

Recommendations

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

Background

2.1 Site description

The site covers approximately 1.2 hectares and consists of a 1930s two-storey red sandstone building fronting Leith Walk and land to the rear comprising industrial units and some open space. The building contains a number of commercial units on the ground floor with office space above.

The building was designed for the London Midland & Scottish Railway Company, who operated the goods yard behind. Due to the industrial nature of the goods yard behind, the red sandstone ashlar frontage elevation has a far higher standard of architectural treatment when compared to the building's utilitarian brick rear.

To the immediate rear of this building (and outwith the conservation area), there are a series of larger industrial style units that are also in a variety of uses covering 4,087 sqm. This includes a timber yard and indoor paintball. To the west of the industrial units is an area of open space and some existing trees.

The northern boundary is created by the former railway abutment, arches and embankment. There are a number of small businesses operating within the arches and further business and industrial uses to the north. To the south is a modern flatted development rising up to six/seven storeys. To the west is a recently completed housing development and Pilrig Park. There is an informal link through the site to the park.

To the east, on the adjacent side of Leith Walk, are a number of buildings with various commercial uses on the ground floor and residential use mostly on the upper floors. Stone is the predominant material on the frontages, with slate roofs. Heights range from one storey to four and a half storey.

Vehicular access is from the entrance to Steads Place from Leith Walk at the south of the site.

There is a B Listed Building to the south of the site at 7 Stead's Place and other listed buildings in the vicinity of the site.

This application site is located within the Leith Conservation Area.

2.2 Site History

6 August 2018 - Planning application submitted for the demolition of existing buildings and erection of a mixed use development including 53 affordable housing flats, student accommodation (471 bedrooms), hotel with 56 rooms (Class 7), restaurant(s) (Class 3) and space for potential community and live music venue (Class 10 & 11), retail (Class 1), public house (sui generis) or commercial uses (Class 2 & 4). Includes associated infrastructure, landscaping and car parking (application number: 18/04332/FUL).

The units along the Leith Walk frontage have been subject to a number of applications for alterations and changes of use over the years.

Adjacent Sites:

6 February 2018 - planning permission and associated listed building consent granted for the refurbishment of existing building to facilitate flexible work space and gates/ external alterations and the placement of shipping containers to rear of building for Class 4 uses (as amended) at 165 Leith Walk opposite the site (application numbers 17/04380/FUL and 17/04381/LBC).

Site Brief:

August 2008 - The Stead's Place / Jane Street Development Brief was approved. This contains a number of objectives for the area. These include:

- Achieve attractive and safe pedestrian connections to Pilrig Park.
- Establish an appropriate mix of uses within the area that ensures the introduction of residential uses will not compromise the operation of existing businesses with regards to environmental health issues, such as noise.
- Provide modern flexible small business space to meet needs in north-east Edinburgh.
- Provide a frontage to Leith Walk that complements the character of the Leith Conservation Area.

Main report

3.1 Description Of The Proposal

The application proposes the demolition of the existing buildings on the site. The site boundary covers the whole of the redevelopment site, but only the building fronting onto Leith Walk is within the conservation area and conservation area consent is required for its demolition.

The merits of the redevelopment proposals are considered separately under the application for planning permission (application number: 18/04332/FUL).

Supporting Statements

The following statements were submitted in support of the application:

- Heritage Statement;

- Design and Access Statement;
- Planning Statement Addendum; and
- Submission to Historic Environment Scotland.

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

3.2 Determining Issues

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of consent.

In determining applications for conservation area consent, the Development Plan is not a statutory test. However the policies of the Local Development Plan (LDP) inform the assessment of the proposals and are a material consideration.

3.3 Assessment

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

- a) the loss of the building will adversely affect the character or appearance of the conservation area;
- b) the proposed replacement buildings are acceptable;
- c) the proposal will have any detrimental impact on equalities and human rights; and
- d) comments raised have been addressed.

a) Impact of the Loss of the Building

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 requires that special attention is paid to the desirability of preserving or enhancing the character or appearance of conservation areas. With that in mind, the determining issue in this application is the effect on the character and appearance of the Leith Conservation Area, were the building to be demolished.

In order to assess this, the Historic Environment Policy Statement 2016 (HESP), Scottish Planning Policy (SPP) 2014, Historic Environment Circular 1, and Historic Environment Scotland's Managing Change in the Historic Environment guidance note on Demolition are all relevant documents.

SPP states that where the demolition of an unlisted building is proposed through Conservation Area Consent, consideration should be given to the contribution the building makes to the character and appearance of the conservation area. Where a building makes a positive contribution, the presumption should be to retain it.

Similarly, HESP states that in deciding whether conservation area consent should be granted, planning authorities should therefore take account of the importance of the building to the character or appearance of any part of the conservation area, and of proposals for the future of the cleared site. If the building is considered to be of any value, either in itself or as part of a group, a positive attempt should always be made to achieve its retention, restoration and sympathetic conversion to some other compatible use before proposals to demolish are investigated.

In some cases, demolition may be appropriate, for example, if the building is of little townscape value, if its structural condition rules out its retention at reasonable cost, or if its form or location makes its re-use extremely difficult.

This is reinforced in Managing Change's guidance note on Demolition, which refers to tests that require to be applied when considering the demolition of a listed building. The document also sets out that similar considerations apply for conservation area consent to demolish an unlisted building in a conservation area. Such considerations can include the significance of the building and its setting, its condition, repair, alternative sources of finance and the marketing of the property.

The proposal will also be assessed in terms of the relevant Local Development Plan policies (LDP).

LDP Policy Env 5 Conservation Areas - Demolition of Buildings states that proposals for the demolition on an unlisted building within a conservation area but which is considered to make a positive contribution to the character of the area will only be permitted in exceptional circumstances and taking into account the considerations set out in Policy Env 2 Listed Buildings - Demolition.

LDP Policy Env 2 covers matters such as the condition, cost of repairing and maintaining, the adequacy of attempts to retain/adapt the building including its marketing and the merits of an alternative proposal.

Contribution to the character of the Conservation Area

In assessing the proposal against this policy framework, it is important to understand the character of this area and the contribution this building currently makes to the character and appearance of the conservation area. The first stage in assessing the application in terms of LDP policy Env5 is to determine whether the building makes a positive contribution to the character of the conservation area.

Leith is of considerable historical and architectural interest, and this site is within the Leith Walk sub-area of the Leith Conservation Area Character Appraisal.

The Conservation Area Character Appraisal identifies Leith Walk as, *"one of the most important routes in the city. Its continuity as it stretches gradually downhill from the city centre is so prominent that it is clearly visible from many high vantage points around the city. It links the old fortified town of Edinburgh and its sea port."*

The Conservation Area at this location exhibits a range of building types and architectural styles. In the Leith Walk sub-area, the traditional tenement is acknowledged as the most prevalent building type.

"The development pattern, building types and uses on the west side are more diverse. Tenements are still the predominant form, but they show much greater variety in their design, heights, building lines, roofscapes and ages which in many cases look much earlier than that to the east. In places tenements are interspersed with town houses or smaller tenements well set back with front gardens to the street."

However, the character of this sub-area is not solely defined by tenemental form, especially at the northern end of Leith Walk where land uses have been historically more varied. This is reflected in how the street has developed and influenced the appearance of many of the historic buildings. It is 'characterised by a mix of buildings of widely varied designs, uses, quality and relationship to the street'.

The building is a speculative commercial development of the 1930s and linked to the former railway bridge by the use of materials, but independent of the goods yard to the rear. Representations to the proposed demolition consider that the existing building has been influenced by the Art Deco Style with the use of clean lines and minimal decoration, with some neo-classical touches.

A request was made to Historic Environment Scotland (HES) to have the building listed. The building did not meet the listed building criteria, with HES summarising that the building has some architectural features on its street elevation but these are typical for this period and noted that the building is very plain and has been significantly altered. HES in responding to the listed building request did note that the low and long scale of the building makes it a distinctive building along Leith Walk and it is of some interest in the streetscape. The listing of a building is separate to the contribution the building may make to a conservation area.

The conservation area character appraisal makes no specific mention of the building or the contribution it may make to the character and appearance of the conservation area. A quote from *The Buildings of Scotland: Edinburgh* book by Gifford, McWilliam and Walker is quoted as saying, "The 20th century contribution [to the area] has been small. In Leith Walk, Nos. 106-154 by H Gillard White, 1933, two storeys of red sandstone with pilasters stuck on the front. Hardly architecture"

The applicant's view is that the building does not make a positive contribution to the conservation area and therefore no further considerations in terms of LDP policy Env5 should be required. A Heritage Statement has been submitted by the applicant. Representations in support of the application state that the development will be an improvement over the existing building.

Historic Environment Scotland considers that the building makes a positive contribution to the conservation area, but not a significant one. It considers that the building adds interest to the streetscape and contributes to the character of the conservation area, despite its long two-storey frontage which is something of an anomaly in this varied portion of Leith Walk. HES does not object to the conservation area consent to demolish the building but indicates that there should be a presumption for its retention.

A significant number of representations, including from three Community Councils, have been submitted objecting to the demolition of the building - these are summarised in section 3.3d). Objections to the demolition stress the local importance of the building to this part of the conservation area, its railway heritage, distinctiveness and architectural style. The building adds to character of this part of the conservation area.

The form of the building is in keeping with the range of building heights along this stretch of Leith Walk where buildings are generally lower in height and more mixed, before taking a more tenemental form. It adds interest to the streetscape and the use of the red sandstone contributes to the character of the conservation area. The building also reflects the influence of transportation infrastructure on the vicinity. However, the building has been visibly altered with unsympathetic shop fronts and signage and therefore at street level, it contributes less to the appearance of the conservation area. The diverse character of Leith Conservation Area means that there is potential for a replacement building of a different form and style to also make a positive contribution to the Conservation Area.

On balance, it is concluded that the building does make a positive but not significant contribution to the Leith Conservation Area. On this basis, Policy Env 5 states that demolition will only be permitted in exceptional circumstances and after taking account the considerations set out in policy Env2.

Considerations within LDP Policy Env 2

- the condition of the building and the cost of repairing and maintaining it in relation to its importance and to the value to be derived from its continued use;

A structural survey of the existing building has been provided. This concludes that the structure of the building appears to generally be in good condition where visible.

Consideration of the importance and value of its continued use varies. Many of the representations received are supportive of the existing/previous uses within the building and the ability for the units to be available for smaller start-ups and cultural value. Other representations support the demolition of the building in favour of the proposed development and the perceived benefits it would bring. A number of the units are now vacant as a result of leases having been terminated.

The building has lost many of the original features. The applicant states that the building fabric is in need of substantial repair and maintenance, more so if any quality is to be returned to its original state.

HES notes in its response that over the years, the original appearance of the building has been visibly altered. The first floor windows have been replaced, albeit all to a similar design, and there have been significant alterations to the shop units on the ground floor. While two of the units appear to retain most of their original appearance and features survive in others, i.e. polished granite dressing and recessed doorways, the amalgamation and alterations of the shop fronts have generally resulted in the removal of original features. This is most evident with the shopfront signage, which has not maintained the general streamlined and horizontal emphasis, and new signage has largely replaced or covered the original clerestory panes and fascias. The polished granite stallrisers have been removed in many places and where doors have been replaced they have been fitted flush with the window, rather than recessed.

The applicant states that the cost of repair and maintenance is disproportionate to the commercial value of the property. The commercial letting agent has set out that there has been a general failure to secure rents, summarising that for the office space tenants often signed up for short commitments and turnover was relatively high. The offices were rarely fully occupied, whilst highlighting that the area is not a recognised office location. Turnover of retail tenants had also been particularly high, with a number of retailers being liquidated following the expiry of initial rent free periods that were originally offered to secure occupiers.

In conclusion, the building is structurally sound but will require repair and maintenance. Information provided by the applicant and taking account of current and recent uses in the buildings, suggest a mismatch between the likely costs of repairs and maintenance and the economic value to be accrued from its continued use. However, comments submitted in representations indicate a social/community value in retaining the building

- the adequacy of efforts to retain the building in, or adapt it to, a use that will safeguard its future, including its marketing at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

The applicant has explored options for the retention of the building, comprising:

- Option 1 - New development above the existing building;
- Option 2 - A retention of the existing facade with new development above;
- Option 3 - Retention of the existing building with a new development located behind.

In each of the options, the applicant has advised that there are significant impediments to the retention of the building. These include structural reasons, such as the future flexibility to form open plan areas due to all walls between the units being load-bearing, requirements for piling alongside townscape and also visual reasons which included high rise development to the rear of the site.

Historic Environment Scotland note that the options concentrate on achieving a pre-agreed quantum of development on the site based on a strong signal from the Council's development brief that the building along on Leith Walk was intended to be lost.

HES does not consider that the information provided entirely justifies the demolition, as there is no structural or actual impediment to reusing the building besides financial considerations. HES does not consider façade retention to be an acceptable option as the building would not be retained in a meaningful way. Accordingly, the options should either retain the building without substantial addition or see it removed as part of a well-considered redevelopment of the site.

The planning statement amendment sets out that the property has been on the market through DTZ (now Cushman and Wakefield) from 2009 to 2017 at market rates reflecting its location and condition. To its knowledge, there have been no forthcoming schemes that incorporate the building in whole or in part.

In summary, the information provided by the applicant considers retention options within the context of a wider mixed use redevelopment proposal which is supported in principle by the LDP and Stead's Place/Jane Street Development brief. Within this context, a case has been made to demonstrate that retention of the building is challenging. However, in a different context there would be potential to further explore options for retention of the building.

- the merits of alternative proposals for the site and whether the public benefits to be derived from allowing demolition outweigh the loss.

The assessment of this consideration is set out in section 3.3b) below.

b) the proposed replacement buildings are acceptable;

In considering the merits of alternative proposals, the assessment of policy Env2c) is closely linked to determination of planning application 18/04332/FUL. HESP and LDP Policy Env 5 also state that in instances where demolition is to be followed by re-development of the site, consent to demolish should be given only where there are acceptable proposals for the new building. HES' response states that "if the decision is that that the new development fails to preserve the conservation area, the presumption would be to retain the building".

The Stead's Place and Jane Street Development Brief was approved by the Council in 2008. This relates to the re-development of the site and the regeneration of the wider area. It states that proposals for the redevelopment of the Leith Walk frontage should seek to establish a building height that matches adjacent and opposite buildings. The demolition of the existing unlisted two-storey building may therefore be acceptable, provided the replacement building enhances or preserves the character of the area.

The Development Brief supports the replacement of the building and redevelopment of the site as part of the wider regeneration of the area.

The merits of the proposals covered by detailed planning application are set out in detail in a separate report. It concludes that the proposed development does preserve the character and appearance of the conservation area and that the alternative proposals for the site will contribute to the comprehensive regeneration and improvement of the wider area.

The proposal will bring public benefits in terms of providing modern, replacement ground floor premises and an appropriate mix of uses to help sustain the vitality and viability of the town centre. The proposed demolition of the building is linked to an opportunity to redevelop a wider site located in and adjacent to a town centre on a main public transport route. The existing low rise building and adjacent industrial buildings are a relatively low density, inefficient use of a site in such an accessible location within the built up area. There are regeneration benefits in the introduction of higher density mixed use development to provide jobs, homes and services in accessible locations.

c) Equalities and Human Rights

An Integrated Impact Assessment has been carried out and raises no overriding concerns. This is viewable on the Planning and Building Standards Online Services.

d) Public Comments

A 12,347 signature petition was submitted in objection to the conservation area consent. The petition was commenced prior to the formal applications being submitted and therefore the replacement scheme was not fully developed and the description within the petition was incorrect.

However, it was created with the specific aim of gaining support to stop the proposed demolition of the building and is a considerable number of signatures. The reasons cited within the petition are:

- The style of the block helps keep Leith Walk a mixed and vibrant area, with a range of building types, housing and businesses.
- The existing building provides options for small independent businesses.
- The architecture of the threatened building is of historic consideration.

Objections

- Maps demonstrate that this was mainly industrial and commercial use land. The local frontage did not follow the same evolutionary pattern of residential and predominantly tenemental development that was ongoing further south of Leith Walk for this reason
- Character and appearance of this part of Leith Walk is largely defined by the railway heritage, which this building is part of along with other local features.
- Leith Walk has a varied and diverse character and appearance. The west side is a more varied streetscape and the local area does significantly contribute to the essential character and appearance of the Leith Walk Sub Area.
- Application to HES for listing unsuccessful, but HES did note that, "the low and long scale makes it a distinctive building along Leith Walk and it is of some interest in the streetscape".
- The proposal will not preserve or enhance the conservation area; rather it will diminish it.
- Building is an important feature of the area, of significant architectural value and has actively helped maintain the diverse and varied nature of the west side of Leith Walk at this location.
- It is a row buildings not just one.

- It has significant local interest because of its distinctive local presence. It has great townscape value in terms of the acknowledged character and appearance of the Leith Walk conservation sub area.
- Building is built in the Art Deco style, incorporating many features. The building should be preserved as it is an important work and twentieth century building heritage is vanishing fast.
- Demolition is contrary to LDP Policy Env 5 Conservation - Demolition of Buildings.
- Does not accord with LDP Policy Env 2 Listed Buildings - Demolition as:
- The building is in good condition, but there has not been adequate investment in maintaining its condition.
- No effort made to retain the building or market it for potential restoring purchasers.
- The public benefits from the demolition are far less than the retention of the building, economic benefits not demonstrated.

Many of the views submitted to the conservation area consent are expressed as objections to the development proposals submitted under planning reference 18/04332/FUL.

Support:

- Building not listed and the site is in desperate need of redevelopment and improvement.
- Economic benefits from redevelopment.

Many of the views submitted in support of the application are expressed as points of support to the development proposals submitted under planning reference 18/04332/FUL.

Re-notification:

Objections:

- Most objections remain as per original notification.
- Contrary to LDP and national policy on conservation areas.
- The building makes a positive contribution to the conservation area
- The building should be preserved.
- The building is an important part of Leith's structural heritage and is historically important.
- The style of these buildings reflects that of the nearby Leith tram depot building and creates a unique, varied and quite distinctive character in this conservation area.
- The building is an exemplar of its era.
- The proposals would remove an architecturally distinctive building from the area.
- Once these buildings have gone they can never be replaced and will erase part of the history and heritage of the area not to mention the appearance and ambience of Leith Walk.
- Impact on listed buildings

- There has been no effort by the developers to market the site to potential restoring purchasers.
- Economic benefits not demonstrated.

Many of the views submitted to the conservation area consent are expressed as objections to the development proposals submitted under planning reference 18/04332/FUL.

Support:

- The site is in desperate need of redevelopment and improvement.
- Economic benefits from redevelopment

Many of the views submitted in support of the application are expressed as points of support to the development proposals submitted under planning reference 18/04332/FUL.

Non-material:

- Alternative uses/proposals.
- No reasons given
- Intentions of the developer

Community Council Comments

Leith Central Community Council has objected on the following grounds

- Loss of heritage building.
- Architectural imbalance.
- Massing of street frontage.
- Infilling of urban form.
- Structural integrity of existing facade.

Leith Harbour and Newhaven Community Council has objected on the following grounds

- issues relating to LDP Policy Env 5.

Leith Links Community Council has objected on the following grounds

- contrary to LDP Policy Env 5.
- contrary to considerations in LDP Policy Env2
- heritage and character.
- proposed new development not acceptable.
- continued to object for the same grounds to the re-notification.

Conclusion

This is a finely balanced assessment.

Taking account of the views of HES and those submitted in representations, it is concluded that the building does make a positive contribution to Conservation Area. However, this is not a significant contribution. Where a building makes a positive contribution to a Conservation Area, the presumption should be to retain it and demolition will only be permitted in exceptional circumstances.

The proposal has been assessed taking account of the considerations set out in LDP policy Env2. In terms of considerations a) and b), the outcome of the assessment is in the balance. However, linked to the assessment of planning application 18/04332/FUL, the alternative proposals are supported and will bring wider regeneration benefits as envisaged in the Stead's Place and Jane Street Development Brief. These considerations together with the nature of the site and the proposal, its town centre location and the diverse character of Leith Conservation Area cumulatively provide the exceptional circumstances in which the demolition of this building are supported.

The demolition of the existing building and redevelopment of the site as proposed in application 18/04332/FUL will preserve the character and appearance of the Conservation Area and, on balance, the proposal is acceptable in terms of Historic Environment Scotland Policy Statement and LDP Policy Env 5.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No demolition shall start until the applicant has confirmed in writing the start date for the new development by the submission of a Notice of Initiation.
2. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.

Reasons:-

1. In order to safeguard the character of the conservation area.
2. In order to safeguard the interests of archaeological heritage.

Informatives

It should be noted that:

1. The works hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.

2. As this application involves the demolition of an unlisted building in a conservation area, if consent is granted there is a separate requirement through section 7 of the Planning (Listed Buildings and Conservation Areas)(Scotland) Act 1997 (as amended) to allow Historic Environment Scotland the opportunity to carry out recording of the building. To avoid any unnecessary delay in the case of consent being granted, applicants are strongly encouraged to complete and return the Consent Application Referral Form found at www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The original period for comments attracted 2,916 letters of representation, 1,963 objecting and 953 supporting.

A further period for comments attracted 1,353 letters of representation, 426 objecting and 927 supporting.

A full assessment of the representations can be found in the main report in the Assessment Section.

Background reading/external references

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

**Statutory Development
Plan Provision**

The site is within the Urban Area in the Edinburgh Local Development Plan. It is also within Leith Town Centre and Leith Conservation Area.

Date registered

6 August 2018

Drawing numbers/Scheme

01-05,

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Kenneth Bowes, Senior Planning Officer

E-mail:kenneth.bowes@edinburgh.gov.uk Tel:0131 529 6724

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Env 2 (Listed Buildings - Demolition) identifies the circumstances in which the demolition of listed buildings will be permitted.

LDP Policy Env 5 (Conservation Areas - Demolition of Buildings) sets out criteria for assessing proposals involving the demolition of buildings within a conservation area.

Appendix 1

Application for Conservation Area Consent 18/04349/CON At 106 - 162 Leith Walk, Edinburgh, EH6 5DX Complete Demolition in a Conservation Area.

Consultations

Historic Environment Scotland response dated 1 November 2018

Planning (Listed Building Consent and Conservation Area Consent Procedure) (Scotland) Regulations 2015 106-154 Leith Walk Edinburgh EH6 5DX - Complete Demolition in a Conservation Area.

Thank you for your consultation which we received on 13 August 2018. The proposals affect the following:

Our Advice

106-154 Leith Walk is a long two-storey inter-war building within Leith Conservation Area. In considering its proposed demolition we have assessed the importance of the building and its contribution to the conservation area. As part of this assessment we have also had regard to your Council's Leith Conservation Area Character Appraisal and the Stead's Place / Jane Street Planning Brief (2008).

We believe that the building makes a positive contribution to the conservation area, but not a significant one, therefore our assessment suggests attempts should be made to retain the building. After careful consideration we do not object to this application.

In more detail;

The building; 106-154 Leith Walk

106-154 Leith Walk was designed in 1932-4 by Horace Gildard White, for the London Midland & Scottish Railway Company, who operated the goods yard behind. White spent the majority of his career working for the H.M. Office of Works in Edinburgh, but was able to undertake private commissions, including work for the Railway Company's properties in Edinburgh. The construction of the goods yard involved the demolition of a mix of existing buildings on the site and the subsequent construction of the existing building appears to have been a speculative development, with the shops and offices independent from the goods yard, and accessed only from Leith Walk. Due to the industrial nature of the goods yard behind, the red sandstone ashlar frontage elevation has a far higher standard of architectural treatment when compared to the building's utilitarian brick rear.

The inter-war period saw a general move towards more simple, streamlined and austere schemes, often driven by economic necessity. 106-154 Leith Walk conforms to this, having a strong horizontal emphasis, extending to the stone's coursing, with a general repetition of features along a symmetrical façade. The parapet's stepped central and end sections, a not uncommon detail of the period, was added as a revision to the original design.

Elsewhere, decorative features are used sparingly, a notable exception being the polished granite Doric pilasters dividing the individual bays at first floor, and corresponding to the individual shop units.

The original appearance of the building has clearly been changed. The first floor windows have been replaced, albeit all to a similar design, and there has been significant alterations to the shop units, confined to the ground floor. These have had a negative impact on the original design. While two of the units (out of the original twenty two) appear to retain most of their original appearance and features survive in others, i.e. polished granite dressing and recessed doorways, the amalgamation and alterations of the shop fronts have generally resulted in the removal of original features. This is most evident with new signage as this has not maintained the general streamlined and horizontal emphasis illustrated in the original drawing - new signage has largely replaced or covered the original clerestory panes and fascias. The polished granite stallrisers have been removed in many places and where doors have been replaced they have been fitted flush with the window, rather than recessed.

We were asked (not by the applicant) to assess the building against the criteria for listing and, with our current knowledge, concluded it does not meet the necessarily rigorous standards to be a building of special architectural or historic interest. However, the assessment of demolition of an unlisted building must be made against different criteria from listed buildings, namely, against policies and guidance for conservation areas, with the presumption of retention of buildings that make a positive contribution to Leith Conservation Area.

106-154 Leith Walk is a speculative commercial development of the 1930s, designed slightly later than the goods yard behind and linked to the former railway bridge by its materials. It is an interesting inter-war development enhanced by its materials (red sandstone and granite). However, its intactness has been reduced, largely due to later alterations to the shopfronts and fenestration. In our view, the highly visible and distinctive long-frontage of the architectural composition on Leith Walk adds interest to the streetscape and conservation area.

Contribution to Leith Conservation Area

As is well known, Leith is of considerable historical and architectural interest. This is reflected in Leith Conservation Area, which exhibits a range of building types and architectural styles. In the Leith Walk sub-area, as defined by the Leith Conservation Area Character Appraisal, the traditional tenement is acknowledged as the most prevalent building type. However, we do not consider the character of this sub-area to be solely defined by the tenement, especially at the northern end of Leith Walk where land uses have been historically more varied. This is reflected in how the street has developed, and influenced the appearance of many of the historic buildings. The Character Appraisal recognises Victorian tenements 'predominate', but also that the

street is 'characterised by a mix of buildings of widely varied designs, uses, quality and relationship to the street' (page 33).

We agree with this statement and would also draw attention to the different periods of buildings remaining, from Georgian townhouses, nineteenth century commercial and residential development, (exemplified by the tenement), and infrastructure relating to twentieth century and inter-war industry and transportation (railways and tram expansion) co-existing. We therefore do not accept a conclusion, as put forward in the Heritage Statement, which says this stretch of Leith Walk is 'unresolved' as this does not, in our view, give sufficient consideration to the merits of the existing building, and applies an overemphasis on a single building type (the Victorian tenement), which, as we have explained does not in our view characterise the architecture here.

In assessing the contribution of the building we consider it adds interest to the streetscape and contributes to the character of the conservation area, despite its long two-storey frontage which is something of an anomaly in this varied portion of Leith Walk. Within this specific sub-area of the conservation area, it reflects the influence transportation infrastructure has had on the vicinity. This is evidenced, for example, the adjacent railway embankment (and former girder bridge whose red sandstone piers remain), 165 Leith Walk (also from the 1930s and associated with the tram depot behind) and the Category B listed Leith Central Station Offices (also of two storeys).

In conclusion, we consider that the building makes a positive contribution to the conservation area, but not a significant one. Thus, there should be a presumption for its retention.

Stead's Place / Jane Street Planning Brief (2008)

We understand this will be a material consideration in your Council's assessment of the application. Our predecessor body Historic Scotland does not appear to have been consulted prior to the brief's adoption. We note from the brief that;

'Proposals for the redevelopment of the Leith Walk frontage should seek to establish a building height that matches adjacent and opposite buildings. The demolition of the existing unlisted two storey building may therefore be acceptable, provided the replacement building enhances or preserves the character of the area', [and that], 'The predominant building form should be 4-5 storey tenemental-scale buildings'

The brief clearly, at that time, envisages the loss of the existing building and its replacement with a taller 'tenemental' scale provided this

Leith Central Community Council response - dated 27 September 2018

1.Loss of heritage building

The red-stone building fronting Leith Walk represents an outstanding example of art-deco design from the rail development era. (Another example is the Victoria Swimming Centre.) There are few of these buildings left in Leith and it would be tragic if the planned demolition takes place.

2.Architectural imbalance

The developer states:

"Notwithstanding its proximity to the railway yard there is little to indicate that the building was anything more than a speculative commercial development"

"The proposed development specifically redresses the architectural imbalance between the unresolved present nature of the local area...and the essential character and appearance that defines Leith Walk"

LCCC comment:

In our view the developer's statement is a mis-reading of the Leith Conservation Area Character Appraisal (2002) which emphasises the need to preserve the diversity of this section of Leith Walk.

Secondly, this particular locality does not have tenemental buildings and the proposed red sandstone cladding on the new facade, in our view represent a poor pastiche of the original.

3. Massing of street frontage

The developer states:

"Proposal for the redevelopment of the Leith Walk frontage should seek to establish a building height that matches adjacent and opposite buildings."

LCCC Comment:

The proposed development is contrary to this statement as it proposed a 5 and 6 storey facade which is totally out of character for the area. The adjoining and opposite street frontages are mostly 2 or at the most 4 storey.

4. Infilling of urban form

The developer has stated:

"The strong 4-storey tenemental form breaks down somewhat towards the bottom of Leith Walk and a re-instatement of a higher building here would go some way to restoring the urban form."

LCCC comment:

This is not a justification for imposing a 5 and 6-storey frontage on an area which is predominantly low-rise, in keeping with the narrowing down of the street towards the Foot of the Walk.

5. Structural integrity of existing facade.

One of our residents in the area has pointed out that a structural report by McCall Associates in 2018 stated that the present frontage building are sound.

This is contrary to the developer's contention that the frontage buildings are beyond repair.

Leith Harbour and Newhaven Community Council further response - dated 18 December 2018

: Grounds for comment

A section of this development lies within Leith Harbour and Newhaven Community Council (LHNCC) boundary and it was, therefore, decided to Consult with Committee members and draw up a response Revised Scheme, Design statement addendum , Planning statement addendum and Drawings (Aug/Nov 2018) proposals on behalf of

LHNCC. There were particular concerns relating to design quality and context, housing and community facilities and proposed Complete demolition in a conservation area.

The proposal is contrary to the following: (Edinburgh City Local Plan (2010); Student Housing, final version (2016); Edinburgh Design Guidelines (2017))

Local Development Plan (2016), 5 Housing and Community Facilities

Policy Hou 2 Housing Mix:

The Council will seek the provision of a mix of house types and sizes where practical, to meet a range of housing needs, including those of families, older people and people with special needs, and having regard to the character of the surrounding area and its accessibility.

223 It is important to achieve a good mix of dwelling types and sizes to avoid the creation of large areas of housing with similar characteristics. This approach supports more socially diverse and inclusive communities by offering a choice of housing and a range of house types to meet the needs of different population groups, from single- person households to larger and growing families.

Policy Hou 8 Student Accommodation

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

a) 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.

235 It is preferable in principle that student needs are met as far as possible in purpose-built and managed schemes rather than the widespread conversion of family

Planning Information Bullitin (1/2018)

Edinburgh's purpose-built student accommodation market

March 2018

Guidance on student housing

The Council adopted new guidance for student housing in February 2016 whereby any development over 0.25 ha. in size would need to include 50% housing provision on site. There has been one application meeting this criteria to date, at Dundee Street. However, this was granted without a requirement for housing on appeal to the DPEA.

Accommodation Use of site (1.23 Hectares – 12,300 Sqm)	Floor Space (sqm) for various Units	Accommodation	Percentage in relation to other accomm.	Percentage of entire site
Affordable Housing	5,128	53 Units	11.5% (Student)	22.4%
Student	13,228	461 Bedrooms		57.6%
Hotel	1,585	56 Bedrooms		6.9%
Communal	2,150			9.4%
Business/ Town Centre	858			3.7%
	Total: 22.949			100%

Student Housing Guidance, Finalised Version (February 2016)

The criteria in ECLP Policy Hou 10 and LDP Policy Hou 8 will be applied to proposals for student housing using the locational and design guidance set out below:

b) Outwith criteria a) student housing will generally be supported on sites with less than 0.25ha devel-opable area. Consideration should be given to the cumulative impact of student housing, and other land uses which contribute to a transient population, where these uses will have a detrimental impact on character.

c) Outwith criteria a) and b) sites identified as a high probability of delivering housing within Map 5 taken from the LDP Housing Land Study (June 2014) and sites with greater than 0.25ha developable ar-ea must comprise a proportion of housing as part of the proposed development, to balance the mix of land uses and to contribute to housing land need. On these sites the new build residential gross floor area shall represent a minimum of 50% of the total new build housing and student accommodation gross floor area.

Policy Hou 4 Housing Density

The Council will seek an appropriate density of development on each site having regard to:

- a) its characteristics and those of the surrounding area
- b) the need to create an attractive residential environment and safeguard living conditions within the development
- d) the need to encourage and support the provision of local facilities necessary to high quality urban living.

Local Development Plan (2016), 2 Design Principles for New Development

Policy Des 1 Design Quality and Context

Planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance.

151. This policy applies to all new development, including alterations and extensions. The Council expects new development to be of a high standard of design. The Council's policies and guidelines are not to be used as a template for minimum standards.

Policy Des 3 Development Design - Incorporating and Enhancing Existing and Potential Features

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

Planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to:

- a) height and form
- b) scale and proportions, including the spaces between buildings
- c) position of buildings and other features on the site
- d) materials and detailing

Edinburgh Design Guidelines - October 2017

2.10 Daylight, sunlight, privacy and outlook

Design the building form and windows of new development to ensure that the amenity of neighbouring developments is not adversely affected and that future occupiers have reasonable levels of amenity in relation to:

- o daylight;
- o sunlight; and
- o privacy and immediate outlook.

Local Development Plan policies o Des 5 a) - Development Design

Local Development Plan (2016), 3 Caring for the Environment

Policy Env 5 Conservation Areas - Demolition of Buildings

Proposals for the demolition of any building within a conservation area, whether listed or not, will not normally be permitted unless a detailed planning application is approved for a replacement building which enhances or preserves the character of the area or, if acceptable, for the landscaping of the site.

Policy Env 6 Conservation Areas-Development

Development within a conservation area or affecting its setting will be permitted which:

- a) preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal
- c) demonstrates high standards of design and utilises materials appropriate to the historic environment.

Policy Tra 2 Private Car Parking

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. Lower provision will be pursued subject to consideration of the following factors:

- d) the availability of existing off-street parking spaces that could adequately cater for the proposed development.

- f) whether complementary measures can be put in place to make it more convenient for residents not to own a car, for example car sharing or pooling arrangements, including access to the city's car club scheme.

Scottish Human Rights Commission: Article 14 Protection from Discrimination and requires that all of the rights and freedoms set out in the Act must be protected and applied without discrimination

Discrimination: The Human Rights Act makes it illegal to discriminate on a wide range of grounds including 'sex, race, colour, language, religion, political or other opinion, national or social origin, association with a national minority, property, birth or other status'.

Leith Links Community Council - dated 27 September 2018

Introduction

As a neighbouring Community Council to the site, Leith Links Community Council is hereby submitting a comment objecting to the proposal to demolish 106 -154 Leith Walk. We believe that the application should be refused, for the following reasons:

Policy Env 5 & 6 - Conservation Area

The proposed complete demolition (and associated proposed new development) fails to comply with Policy Env 5 & 6 and will permanently damage the appearance of the Conservation Area. (Leith Walk Sub Area of Leith Conservation Area). Also, as the proposed development is so large, it is almost contiguous with, and certainly may be seen from, the Pilrig Conservation area.

Policy Env 5 Conservation Areas - Demolition of Buildings

The current building is protected by its status in a conservation area. Historic Environment Scotland's guidance note states that "to demolish an unlisted building within a conservation area, conservation area consent will normally be required. An application for consent will need to include reasons for the demolition". However, in this case, the developers have put forward no real argument for the demolition other than that they consider "the existing buildings at Stead's Place are no longer an economically viable investment for us". This is not a conservation argument and should therefore be rejected.

This proposal is to demolish not one but an entire row / block of buildings, lying within the Leith Conservation Area. Thus Leith would not only lose the current buildings, that have historical and architectural merit, and that contribute to the interesting and varied local streetscape, but would also, at the same time, see a very large scale impact on the entire surrounding area.

Council policy guidance states proposals which fail to preserve or enhance character or appearance of a conservation area will normally be refused.

We would argue that completely erasing a whole block of Leith Walk has to be a failure on these terms - such large scale destruction could not be said to preserve or enhance anything.

"Proposals for the demolition of an unlisted building within a conservation area but which is considered to make a positive contribution to the character of the area will only be permitted in exceptional circumstances and after taking into account

- a. the condition of the building and the cost of repairing and maintaining it in relation to its importance and to the value to be derived from its continued use*
- b. the adequacy of efforts to retain the building in, or adapt it to, a use that will safeguard its future, including its marketing at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.*
- c. The merits of alternative proposals for the site and whether the public benefits to be derived from allowing demolition outweigh the loss".*

Our Comment -

The proposed demolition fails to meet all of these three key conditions:

a) Although the developers describe the existing building as "dilapidated", objectively, although the landlords have certainly not adequately invested in maintaining its condition, the building is structurally sound and in relatively good condition. The buildings could easily be renovated. There is great value to be derived from its continued use as shops, studios, offices etc. at a reasonable rent to independent local businesses as at present. The current building makes a positive contribution to the local area with all retail units fully let (until Drum terminated / stopped renewing their leases in order to gain vacant possession). There were 12 retail, food and pub units plus 8 - 10 offices on the first floor. (This compares favourably with the 6 'mixed use' units in Drum's new proposed development, that may, furthermore, be too expensive for small local businesses). Until recently there were enquiries from potential new occupiers about leasing a unit. Many/most of the now evicted retail premises would have chosen to continue onsite if their leases had been renewed.

b) Never mind 'adequate' and 'reasonable period'- there has been no effort by Drum to retain the building. It has not been marketed to "potential restoring purchasers" for any period at all.

c) Believing that there would be public benefits to retaining the building, the Save Leith Walk campaign is working on developing alternative proposals for the site. A Community Planning Workshop is in preparation to develop community involvement in what type of provision should be made and to establish a design brief. Local architects are drawing up plans (for the whole site, not just the building proposed for demolition) with the specific aim of public benefit (in the form of e.g. reasonable rents for local businesses and social enterprises, and for social housing) as the priority.

Merits of the current buildings

This iconic block, built in distinctive red sandstone, has unique architectural merit, being of Art Deco style which is rare in Edinburgh. The buildings give distinctive character to the whole area.

It is particularly attractive because it is low and therefore gives the area a 'feel' of space, and lets light and sunshine into Leith Walk, rather than blocking and shadowing, as taller buildings do (and as the proposed new development would certainly do, given its proposed 6 storey height). Retaining this low frontage could help to counterbalance the effect of the much higher buildings to be built behind it. If these were allowed to come right to the edge of the street there would undoubtedly be an oppressive overshadowing 'canyon effect' on to Leith Walk.

The proposed demolition and new development specifically ignores the architectural richness of the area and ignores its mixed nature and the diversity of uses within it. The essential character and appearance of the Leith Walk Sub Area of Leith Conservation Area "is characterised by a mix of buildings of widely varied design, use, quality and relationship to the street." The uniqueness of the current building at 106-154 Leith Walk contributes to the interesting streetscape of Leith Walk, characterized by great variations of building heights, and helps to make Leith as a whole what it is today - a historic, distinctive, culturally diverse, lively, and attractively quirky area.

By contrast, the proposed demolition, and the uses of the new buildings along Leith Walk and behind, at towards the rear of the site, will stifle diversity and create a monoculture that benefits (socially and economically) the University of Edinburgh, rather than the local community.

In all of the above respects it is considered that the proposed development will negatively effect and damage the character and appearance of the Conservation Area, and will not bring benefit to the local community

Precedent?

If policy (see above Policy Env 5 above) is flouted, then in addition to the immediate damage done by one demolition, there is a danger that a precedent is created. There are buildings across the road from 106-154 Leith Walk that date from a similar era and are reminiscent, stylistically. Permitting demolition of one block could perhaps create make permission to demolish the other more likely. Demolition of both would be a horrendous breach of policy and would cause damage on such a massive scale to the whole area of the lower part of Leith Walk that all character would be lost.

Associated with this, demolition would also permanently damage the heritage and character of the area.

Heritage and Character

Once heritage and character are lost, they are very hard - if not impossible - to replace. The whole community is damaged, perhaps irrevocably. Therefore it is not in the public interest for buildings that embody these vitally important 'intangibles' to be lost through demolition.

A significant part of Leith's character and its social and industrial history would be destroyed by demolition of this building which represents the part played Leith New Line and railway goods yard at the beginning of the 20th century.

The 'character' of Leith is not imaginary or visible only to loyal locals. Leith has recently been voted in at No 24 of the '50 Coolest Neighbourhoods in the world' <https://www.timeout.com/coolest-neighbourhoods-in-the-world>

Edinburgh city planners need to be aware that by allowing demolition of historical and characterful neighbourhoods, and development of bland and architecturally mediocre new buildings, they risk ruining exactly that which makes the city valuable and desirable to both residents and tourists.

The proposed new development would change the character of Leith irrevocably by over-provision of student accommodation, creating an imbalance between students and the population of local residents. There are different ways to (roughly) calculate the figures. One approach shows that the Electoral Register of 2018 includes about 5,310 people living in the immediate area. Known completed student accommodation buildings house 681 students, and the number proposed by Drum properties is 581, making 1,262, plus 674 representing the average student density for the area living in private rented accommodation (used by the developers themselves). That represents a total of about 1,936 students, which is over 36% of the overall local population. We feel that is an inappropriately high percentage (1) nowhere near any of Edinburgh's Universities (for example, Heriot Watt at Riccarton is a full hour away by no. 25 bus), and (2) in an area where there is a desperate need for safe and affordable housing for local families .

Local residents are sturdily not 'student phobic' as such (on any personal basis) but are experiencing the effects of these numbers in daily life. Substantial change to the social character of the area, due to ever-increasing student numbers, has already been observed. While there may be positives for local businesses, the effect on the local Leith infrastructure is less acceptable: for example public transport being overcrowded at times, and local dentists and doctors becoming inaccessible due to being 'full'. There is huge pressure on parking - students are not 'supposed' to have cars (and no parking provision is made for them) - but some/many do! Local residents feel they are being pushed out of their own area by students, are resistant to further changes in the local social structure, and are not happy about further student increases without corresponding increases in investment and infrastructure.

Proposed New Development

If the demolition were allowed and carried out, the effect of the loss of the currently existing building would be greatly compounded by its replacement with a new building that is completely inconsistent with the character and appearance of the wider conservation area, in scale, in design, and in function.

This objection to the demolition therefore needs to be taken in conjunction with an objection (submitted separately) to the proposed new development that is proposed to replace the current building

Policy Env 6 Conservation Areas - Development - "Development within a conservation area or affecting its setting will be permitted which:

a) preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal."

Policy Env 6 also requires that a new development within a conservation area "demonstrates high standards of design and utilises materials appropriate to the historic environment."

This is not the case for this proposed development. The design appears nondescript and unappealing. It could be anywhere. It does not fit with the historic and existing character of Leith or indeed Edinburgh in general. It is not consistent with the character of the area as a whole and especially not with neighbouring buildings.

In particular, the proposed frontage (which falls within the conservation area) is completely out of character. 'Goldfish bowl' plate glass frontage has not been and is not a feature of Leith Walk, and does not enhance the existing character of Leith Walk. Therefore we object strongly to the proposed design of the new building, as an inappropriate design that does not harmonise with nearby buildings nor contribute to any sense of place. As such, the proposal does not comply with Policy Des 1.

Policy Des 1 Design Quality and Context - "Planning permission will be granted for development where it is demonstrated that the proposal will create or contribute towards a sense of place. Design should be based on an overall design concept that draws upon positive characteristics of the surrounding area. Planning permission will not be granted for poor quality or inappropriate design or for proposals that would be damaging to the character or appearance of the area around it, particularly where this has a special importance."

Policy Des 3 Development Design - "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."

Incorporating and Enhancing Existing and Potential Features -

The unique 1930s low level sandstone building is worthy of retention and adds to the character of the area yet it has not been incorporated into the design. By contrast, the developers have created a 'pastiche' or caricature of the current block, 106-154 Leith Walk, by incorporating a new red sandstone feature into their new design. This is presumably supposed to recall the lost building but actually overall just adds to the impression of a really bad architectural job, mixing up a number of different styles and ending up with no style at all. The overall suite of buildings is not only completely at odds with the local area but is also blandly ugly. Leith Walk includes a number of different styles of buildings - some more elegant than others - but at least each individual building has its own distinct design style that is continued throughout the design. But in this proposed development, the architect seems to have thrown together a range of different aesthetic 'parts' that ends up failing to create any kind of 'whole' for the block.

Policy Des 4 Development Design

Impact on Setting -The height and the form of the proposed new development are out of proportion to the streetscape and will have an adverse effect on the local area.

The proposed development is too high and would crowd the area. There will be 6 floors packed into the height of 4 floors in neighbouring building creating an oppressive 'canyon effect' overlooking Leith Walk and other housing.

The density of the blocks behind the proposed demolition is too great, with inadequate cycle parking, no car parking, too little open space and green space, and too little affordable housing (per square metre of floorspace).

The proposed demolition + development specifically ignores the architectural richness of the area, and also ignores its mixed nature and that the fact that this mix in itself is an architectural characteristic. The proposed design demonstrates the developers' lack of understanding of the characteristics of the lower end of Leith Walk (and the west side in particular) that has tenements that vary greatly in their design, heights, building lines, roofscapes and ages and that are interspersed with town houses or smaller tenements well set back with front gardens to the street. This part of Leith Walk has always enjoyed more open aspects and provided a welcome contrast to other, more built-up parts of Leith Walk. Creating an unbroken run of tall tenemental properties here would create a sense of forced enclosure and damage the character of the area. Instead of Leith Walk being the broad and varied boulevard that sweeps down to Leith it would become an enclosed street.

On the basis of the above, Leith Links Community Council requests that this application to demolish 106-154 Leith Walk be refused.

Leith Links Community Council further response - dated 21 December 2018

Leith Links Community Council still firmly opposes the demolition and objects to the proposed new development, for all the reasons explained in our previous objection to the original application. The developers have reduced the height of the proposed new building, but that does not outweigh our earlier objection which was based on the following points, and still stands with regard to this revised application.

LLCC's main objection is that because they are within the Leith Conservation area, these buildings should not be demolished unless the proposed new development is fully in keeping with its context, and will enhance the local setting. These proposed new buildings patently are not, and will not. The proposed development appears to fall far short on a number of counts (see below for more details)- briefly it is too high (even with the frontage height reduced) and it will change a spacious, light place on lower Leith Walk, characterised currently by small, low, buildings of varied design, into a long 'block' forming a narrow gully and reducing light both for surrounding buildings and for local pedestrians / community members, and threatening to impact negatively on air quality from traffic fumes. Additionally the density of proposed occupation is too great, and that the ratio of student accommodation to housing is completely wrong - far far too high.

More details of objection to demolition and new development -

Policy Env 5 - object to demolition in a Conservation Area

Policy Env 6 - proposed development is not in character with Conservation area and does not enhance the setting, and will have an adverse effect on the local area) nor does it demonstrate high quality of design or materials.

Policy Des 1- poor quality design that does not recognise the needs of the unique setting/ context.

Policy Des 3 - no effort made to incorporate the existing building. Indeed the new proposed design makes even less effort to retain even a hint of the red sandstone originals than the previous design.

Policy Des 4 - adverse effect of the local setting, which is of smaller, and lower buildings, varied in height and design.

Sustainability - non compliant with Scottish Planning Policy

Policy Des 6 - not a sustainable building, no indication of how carbon emissions would be controlled / reduced.

Policy Des 11- even reduced by one storey, this development is too tall for the setting.

Policy Env 6 Conservation Areas - proposed development is out of character for the Conservation area.

Policy Hou 3 - not enough green space, non compliant with policy

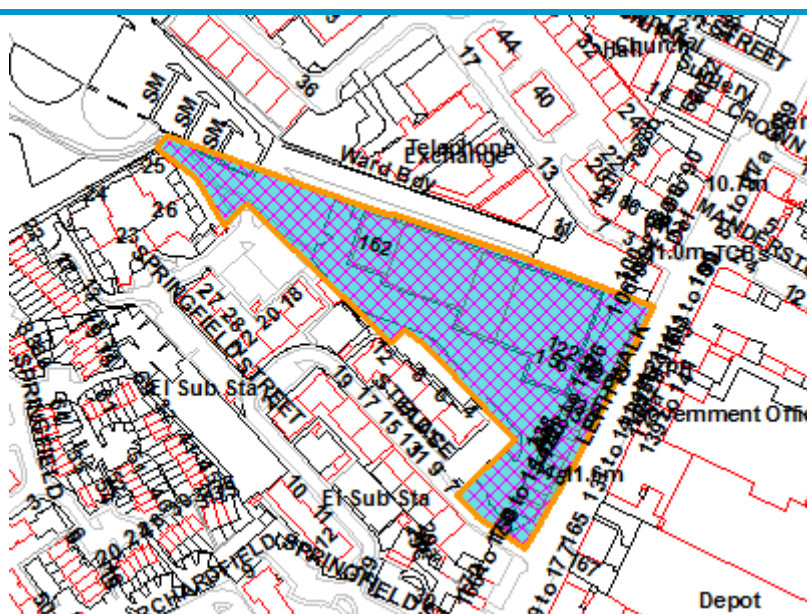
Policy Hou 4 Housing Density - housing density is too high, even for a very densely populated area

Policy Hou 8 Student Accommodation - proportion of student accommodation to housing is unacceptably high - it is greater than 50:50

Policy Tra 2 Private Car Parking - inadequate, and will reduce amenity of other residents and businesses nearby.

The development scheme as a whole fails to achieve the six qualities of a successful 'place' - i.e. fails to comply with Scottish Planning Policy on Place Making.

Location Plan



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

END