

# 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.

<b>Item number</b>	6.1(c)
<b>Report number</b>	
<b>Wards</b>	B12 - Leith Walk

### Summary

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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

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[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**

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

### **Background**

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#### **2.1 Site description**

The 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

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### 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](http://www.historicenvironment.scot/about-us/what-we-do/survey-and-recording/threatened-buildings-survey-programme).

## **Financial impact**

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

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

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**

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### **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**

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### **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

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



**Statutory Development  
Plan Provision**

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**

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**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**

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#### **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%
	<b>Total: 22.949</b>			<b>100%</b>

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*

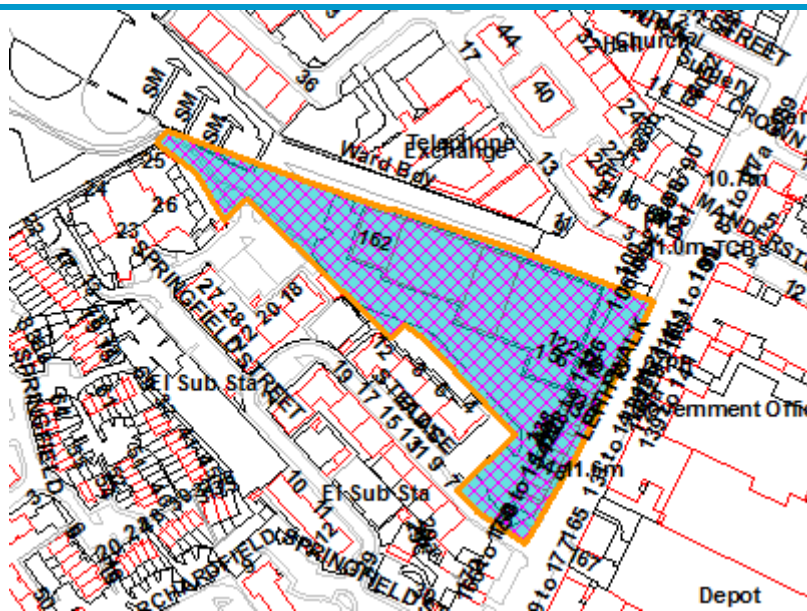
*Policy Hou 4 Housing Density - housing density is too high, even for a very densely populated area*

*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



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**END**