

Notice of meeting and agenda

Development Management Sub-Committee

10.00 am Wednesday, 28th October, 2020

Virtual Meeting - via Microsoft Teams

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

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1. Order of business

1.1 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.

- 1.2 Any member of the Council can request a Hearing if an item raises a local issue affecting their ward. Members of the Sub-Committee can request a presentation on any items in part 4 or 5 of the agenda. Members must advise Committee Services of their request by no later than **1.00pm on Monday 26 October 2020** (see contact details in the further information section at the end of this agenda).

- 1.3 If a member of the Council has submitted a written request for a hearing to be held on an application that raises a local issue affecting their ward, the Development Management Sub-Committee will decide after receiving a presentation on the application whether or not to hold a hearing based on the information submitted. All requests for hearings will be notified to members prior to the meeting.

2. Declaration of interests

2.1 Declaration of interests

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 | Minutes | 9 - 16 |
| | Minutes of Previous Meeting of Development Management Sub-Committee of 7 October 2020 – submitted for approval as a correct record | |

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 | Report for forthcoming application by Smart and Co. (Cont.) Plc and Pitt Street Properties Ltd. for Proposal of Application Notice at 117 - 145 Pitt Street and 9 Trafalgar Lane, Edinburgh - For a residential development with associated landscaping, car parking, and infrastructure - application no - 20/03430/PAN – Report by the Chief Planning Officer | 17 - 24 |
| 4.2 | Flat 3 4 Dewar Place Lane, Edinburgh - Change of use from residential flat to holiday let - application no 20/03037/FUL - Report by the Chief Planning Officer

It is recommended that this application be REFUSED . | 25 - 36 |
| 4.3 | 23 - 24 Greenside Place, Edinburgh - Change of use from offices to serviced apartments with associated upgrading and refurbishment works with replacement dormers and rooflights (as | 37 - 52 |

amended) - application no 20/02211/FUL - Report by the Chief Planning Officer

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

- 4.4** 23 - 24 Greenside Place, Edinburgh - Internal reconfiguration of existing floorspace to create serviced apartments with new, refurbished and replacement dormer windows (as amended) - application no 20/02212/LBC - Report by the Chief Planning Officer 53 - 64

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

- 4.5** 1 Waverley Bridge, Edinburgh - Pop-up event on mall roof, consisting of canvas tipi bar and food truck. Decorated with festoon lighting (as amended) - application no - 20/03336/FUL – Report by the Chief Planning Officer 65 - 80

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

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** Bangholm Outdoor Centre, Craighall Gardens, Edinburgh - Erection of new build Sports and Outdoor Centre to replace existing facilities on site (to be demolished) and provide sports facilities to be used by both Trinity Academy (located on Craighall Avenue) and the wider community - application no 19/05832/FUL -- Report by the Chief Planning Officer 81 - 86

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

- 5.2** Corstorphine Hospital, 136 Corstorphine Road, Edinburgh - Re-development of the former Corstorphine Hospital to form 76 residential apartments (including 44 new build apartments) and associated community hub, vehicular access, car parking and landscape works (as amended) - application no 17/04137/FUL – Report by the Chief Planning Officer 87 - 90

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

- 5.3** West Bonnington Farm, Bonnington, Kirknewton - Erection of farmhouse in connection with agricultural use (as amended) - application no 18/10372/FUL – Report by the Chief Planning Officer 91 - 92

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

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** None.

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** 1 - 5 Baltic Street, and 7-27 Constitution Street, Edinburgh - 93 - 162
Proposed mixed use development comprising partial demolition of existing buildings, purpose-built student accommodation, affordable housing, office units, cafe and public digital co-working space with associated landscape, drainage and infrastructure (as amended) - application no 20/00465/FUL – Report by the Chief Planning Officer
It is recommended that this application be **GRANTED**.
- 7.2** 1 - 5 Baltic Street, and 7-27 Constitution Street, Edinburgh - 163 - 190
Internal and external alterations to Category B- listed gas works buildings and conversion to mixed use development, partial demolition including removal of remnants of gasometer building and northern extension to retort house, removal of other 20th century extensions and formation of new openings with associated fabric repairs. Reinstatement and alteration to boundary walls (as amended) - application no 20/00466/LBC – Report by the Chief Planning Officer
It is recommended that this application be **GRANTED**.
- 7.3** 1 - 5 Baltic Street and 7-27 Constitution Street, Edinburgh - 191 - 206
Proposed demolition of buildings and structures (as amended) - application no 20/00463/CON – Report by the Chief Planning Officer
It is recommended that this application be **GRANTED**.

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 Councillor Neil Gardiner (Convener), Councillor Maureen Child (Vice-Convener), Councillor Chas Booth, Councillor Mary Campbell, Councillor George Gordon, Councillor Joan Griffiths, Councillor Max Mitchell, Councillor Joanna Mowat, Councillor Rob Munn, Councillor Hal Osler and Councillor Cameron Rose

Information about the Development Management Sub-Committee

The Development Management Sub-Committee consists of 11 Councillors and is appointed by the City of Edinburgh Council. The meeting will be held by Teams and will be webcast live for viewing by members of the public.

Further information

If you have any questions about the agenda or meeting arrangements, please contact Jamie Macrae, Committee Services, City of Edinburgh Council, Business Centre 2.1, Waverley Court, 4 East Market Street, Edinburgh EH8 8BG, Tel, 0131 553 8242 / 0131 529 4085, email jamie.macrae@edinburgh.gov.uk / blair.ritchie@edinburgh.gov.uk.

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

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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).

Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 7 October 2020

Present:

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Mary Campbell, Cameron (substituting for Councillor Griffiths), Gordon, McLellan (substituting for Councillor Mitchell, items 3.1 to 5.3), Mowat, Munn, Osler and Rose.

1. Minutes

Decision

To approve the minute of the Development Management Sub-Committee of 23 September 2020 as a correct record.

2. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in Sections 4, 5 and 6 of the agenda for this meeting.

Declaration of Interests

Councillor Mary Campbell declared a non-financial interest in Item 5.2 - 103, Newcraighall Road, Edinburgh - as she had previously expressed a view on the application and did not take part in the discussion and decision on this item.

Councillor Osler declared a non-financial interest in Item 6.2 - Meadowbank Stadium, 139 London Road, Edinburgh - as a director of Edinburgh Leisure and did not take part in the discussion and decision on this item.

Councillor Cameron declared a non-financial interest in Item 6.2 - Meadowbank Stadium, 139 London Road, Edinburgh - as a director of Edinburgh Leisure and did not take part in the discussion and decision on this item.

Decision

To determine the applications as detailed in the Appendix to this minute.

(Reference – reports by the Chief Planning Officer, submitted.)

3. Meadowbank Stadium, 139 London Road, Edinburgh

The Chief Planning Officer had identified an application for Approval Specified in Conditions to be dealt with by means of a hearing. The application was for approval of matters specified in condition 1 of 18/00154 PPP for the proposed redevelopment of surplus land at Meadowbank Sports Centre with mixed uses including residential and commercial, together with roads, landscaping, drainage and ancillary works at Meadowbank Stadium, 139 London Road, Edinburgh – application no 20/00618/AMC.

(a) Report by the Chief Planning Officer

The site of the proposed development covered an area of approximately 10 hectares and was formerly occupied by the multi-purpose Meadowbank sports complex, including a stadium, running track, velodrome, grass and synthetic pitches, and indoor sports and leisure facilities. Most of the facilities had been removed from the site, and the new sports centre was under construction.

The site was defined on its southern edge by London Road. The southeast of the site was defined by an existing railway line with two 7-10 storey office buildings beyond. The southeast of the site was defined by an existing railway line with two 7-10 storey office buildings beyond. To the west, the site was bounded by Wishaw Terrace, with 4-5 storey tenement housing on the west side of the road and a line of mature Elm trees on the west side. To the northwest, the site was bounded by Marionville Road with 4 storey tenements on the north side and mature trees on the south side. The northern edge of the site was defined by 1-2 storey semi-detached houses with rear gardens adjoining the railway line forming the site boundary

This was an application for approval of matters specified in condition 1 of 18/00154/PPP. Condition 1 of planning permission 18/00154/PPP stated that: 'Prior to the submission of any applications for the approval of matters specified in conditions (as required by condition 2), a Masterplan for the entire site shall be submitted for the approval by the Planning Authority. The Masterplan shall include a plan identifying individual sub-sites and phasing, including the site for the sports centre. Hereafter, reference to sub-sites in subsequent conditions relates to the identified sub-sites within this phasing plan'. To support the application, and to satisfy this condition, a design and access statement and masterplan document was submitted. This outlined the approach that was taken to community consultation, as well as the masterplan details.

The documents to be approved under this AMC comprised the submitted plans, cross-referenced with the document titled 'Masterplan and Design and Access Statement'. These documents were intended to set the parameters for the submission of future detailed applications, and these future applications would be expected to conform to these plans and the document

After providing details of the proposals and the planning considerations involved, the Chief Planning Officer recommended that the application be approved.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/514396

(b) Craigentiny and Duddingston Community Council

Andrew Fournet addressed Committee as Chair of Craigentiny and Duddingston Community Council.

Mr Fournet thanked Committee for the opportunity to make comments at the Hearing. Mr Fournet highlighted points the Community Council had raised at a hearing in 2018 for the same site. These points included:

- Initially, The Community Council clearly indicated that they could not support this application as there were far too few details for the community to agree to such a large potential build.
- Many in the community were upset about the scale of this preplanning application. The preplanning application did not detail any provisions which should be made for: environment, parking facilities, strain on local schools, strain on local NHS resources and many other extremely important topics which we listed in our response letter.
- The Community Council urged the council to take extra measures to ensure the public was consulted on a much larger and prolonged way, and encouraged the Council to go above and beyond the current guidelines surrounding planning applications

For the three above points, Mr Fournet stated what had changed since 2018:

- A tremendous amount of work had gone in to clarify details, ensure many aspects of travel, environment and local community were addressed and consulted on.
- The scale of the project had been brought back to a more human, people friendly one, whilst taking into consideration the travel aspect and environment. Although such a development would have impacts on schools and NHS resources the Community Council hoped that the planned GP practice which was simply a relocation of an existing practice would have a larger impact.
- By on-boarding Collective Architecture the consultation process went smoothly and was very thorough. Adding a sounding board to this process made sure that most voices were heard and modifications to designs were made accordingly. The Community Council hoped that the Council had learned lessons and encouraged by these positive results and would follow-up with master planning for any new major sites.

The number of consultations which took place were adequate and well managed by Collective Architecture. The neutral leadership of the sounding board allowed for smooth communication and actions to be taken towards the designs of the site. The consultations which were carried out along with the sounding board ensured that the most optimum solution was put across taking in consideration as many opinions as possible.

The people first development approach was well received, and the Community Council encouraged the council to use this approach for all their sites. The proposal included housing for singles, families and older people which would create a nice mixed community. The local residents were encouraged to see concepts like pocket parks and the good number of small play parks which were present in the application would no doubt allow for better mental health and happier residents.

The community in general was proud to be able to say that the first car free village in Edinburgh would be created in Meadowbank and it was a tribute to its cycling heritage.

Local businesses and residents were delighted to see this vacant site now being regenerated.

Mr Fournet noted it would be greatly appreciated if some more efforts would be put into making changes to Smokey Brae and enlarge the pedestrian spaces, so it was safe to walk up or down. The Community Council saw the development of the Meadowbank site as a unique opportunity to make the appropriate changes to the road and ensure the road was safe for all.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/514396

(c) Craigentiny / Duddingston Ward Councillors

Councillors McLellan and Staniforth addressed the Sub-Committee as Ward Councillors of the Craigentiny/Duddingston Ward.

Councillor McLellan endorsed the comments of the Community Council that the handling of the consultation by Collective Architecture was exemplary. As a result, the plans had evolved from the first iteration to take in to account the many concerns that were raised by residents.

Councillor Staniforth also endorsed the consultation process. Councillor Staniforth noted residents did not want the loss of any more rare and valuable Wheatley Elms, none of which would be removed as a result of this plan. Residents also made clear they did not want the buildings as tall as they were in the preliminary design, the proposed development was smaller. Residents did not want hotels or student accommodation which was listened to and not included in the plan.

The presentation can be viewed via the link below:

https://edinburgh.public-i.tv/core/portal/webcast_interactive/514396

(d) Applicant and Applicant's Agent

Tricia Hill (Development & Regeneration Manager, City of Edinburgh Council), Jen Blacklaw (Senior Construction Project Manager, City of Edinburgh Council), Jude Barber (Director, Collective Architecture) and Sheena Raeburn (Director, Raeburn Farquhar Bowen) were heard in support of the application.

Jude Barber indicated the Meadowbank Masterplan was developed via an intensive, community-led process, that landscape and ecology was at heart of the development, a holistic, whole-development approach to Net Zero Carbon. The development would be a connected site, promoting heritage and active travel and uses and building heights should and could respond to surroundings.

The design was developed with the community. The consultation journey across various stages in masterplan involved listening, responding and acting. During the process, there were 9 drop-in Public Consultations, 4 different consultation locations, 6 Sounding Board meetings, 6 Stakeholder Workshops and the use of a Place Standard Tool.

The key messages that emerged from the consultation process were the importance of retaining the Wheatley Elms; that health and wellbeing would be prioritised; and consideration would be given to wildlife and community gardens. With that in mind this

was an opportunity to create more stable, resilient communities that were walkable and had a mixture of amenity in them.

Jen Blacklaw reinstated the Council's commitment to continued community engagement at Meadowbank. A lot had been gained from involving local people in the development of the Masterplan and the developer would continue to organise events and listen to the community at each stage of the detailed design and delivery process.

Decision

To **APPROVE** Matters Specified in Conditions subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer with amendment to the Energy Centre informative to state that high efficiency gas boilers should not be used.

(Reference – report by the Chief Planning Officer, submitted.)

Appendix

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>Note: Detailed conditions/reasons for the following decisions are contained in the statutory planning register.</p>		
<p>4.1 - Report for forthcoming application by J Smart And Co (Contractors) Plc. for Proposal of Application Notice at 22 Inglis Green Road, Edinburgh, EH14 2HZ</p>	<p>Mixed use residential and commercial development with associated landscape, car parking and infrastructure - application no 20/01816/PAN</p>	<p>1) To note the key issues at this stage.</p> <p>2) To take into account the following additional issues:</p> <ul style="list-style-type: none"> • Sustainable development • The proximity to Water of Leith and any opportunity for enhancement of that.
<p>4.2 - GF, 6 Bell's Brae, Edinburgh</p>	<p>Change of use from offices into 11 residential properties, formation of new dormer windows and some minor external works - application no 20/01616/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.</p>
<p>4.3 - GF, 6 Bell's Brae, Edinburgh</p>	<p>Internal alterations, roof works including new dormers and minor external facade works to allow the formation of 11 properties - application no 20/01597/LBC</p>	<p>To GRANT listed building consent subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer.</p>
<p>4.4 - 4 Campbell's Close, 87 Canongate, Edinburgh</p>	<p>Change of Use from residential to short term visitor accommodation - application no 20/03069/FUL</p>	<p>To REFUSE planning permission for the reasons set out in report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.5 - 6 Campbell's Close, 87 Canongate, Edinburgh</p>	<p>Change of use from residential flat to short term visitor accommodation - application no 20/01717/FUL</p>	<p>To REFUSE planning permission for the reasons set out in report by the Chief Planning Officer.</p>
<p>4.6 - 4A Dewar Place Lane, Edinburgh, EH3 8EF</p>	<p>Change of Use from residential to holiday flat - application no 20/03071/FUL</p>	<p>To REFUSE planning permission for the reasons set out in report by the Chief Planning Officer.</p>
<p>4.7 - 43 Main Street, Edinburgh, EH4 5BZ</p>	<p>Planning application for residential development including associated access, parking, infrastructure, and landscaping - application no 20/01410/PPP</p>	<p>To GRANT planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section 3 of the report by the Chief Planning Officer.</p>
<p>4.8 - Peffer Place, Edinburgh (At Site 90 Metres South Of)</p>	<p>Mixed-use residential led development comprising of dementia care centre (Class 8), assisted living apartments (Class 8), student accommodation (Sui Generis) and commercial units (Class, 1, 2 or 3) with access, landscaping, SUDS and car parking - application no 20/00292/FUL</p>	<p>To GRANT planning permission subject to the conditions, reasons, informatives and a legal agreement as set out in section 3 of the report by the Chief Planning Officer.</p>
<p>5.1 - Corstorphine Hospital, 136 Corstorphine Road, Edinburgh</p>	<p>Redevelopment of the former Corstorphine Hospital to form 76 residential apartments (including 44 new build apartments) and associated community hub, vehicular access, car parking and landscape works (as amended) - application no 17/04137/FUL</p>	<p>This item was WITHDRAWN from the agenda by Planning Officers.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>5.2 - 103, Newcraighall Road, Edinburgh</p>	<p>Proposed residential development (including class 8 residential institutions, class 9 houses and sui generis flats) primary school (class 10 nonresidential institutions) local centre (including class 1 retail, class 2 financial services, class 3 food and drink, class 10 non residential institutions and class 11 assembly and leisure), green network, access and transport links, infrastructure and associated ancillary works (as amended.)</p>	<p>To AGREE to a further three-month extension to the period to conclude the legal agreement which will enable the planning permission to be released for this application.</p>
<p>5.3 - Redhall House Drive, Edinburgh, EH14 1JE</p>	<p>Alteration and conversion of existing building to form six duplex apartments, the erection of a detached garage block accommodating six garages and the erection of two detached dwelling houses with all associated site development works and landscaping - application no 18/09642/FUL</p>	<p>To AGREE to a further extension until the end of November 2020 to conclude the legal agreement which will enable the planning permission to be released for this application.</p>
<p>6.1 - Meadowbank Stadium, 139 London Road, Edinburgh - application no 20/00618/AMC</p>	<p>Protocol Note by the Head of Strategy and Communications</p>	<p>Noted.</p>
<p>6.2 - Meadowbank Stadium, 139 London Road, Edinburgh</p>	<p>Application for approval of matters specified in condition 1 of 18/00154 PPP for the proposed redevelopment of surplus land at Meadowbank Sports Centre with mixed uses including residential and commercial, together with roads, landscaping, drainage and ancillary works - application no 20/00618/AMC</p>	<p>To APPROVE Matters Specified in Conditions subject to the conditions, reasons and informatives as set out in section 3 of the report by the Chief Planning Officer with amendment to the Energy Centre informative to state that high efficiency gas boilers should not be used.</p>

Development Management Sub Committee

Wednesday 28 October 2020

Report for forthcoming application by

**J. Smart & Co. (Cont.) Plc & Pitt Street Properties Ltd. for
Proposal of Application Notice**

20/03430/PAN

**at 117 - 145 Pitt Street and 9 Trafalgar Lane, Edinburgh.
Proposal is for a residential development with associated
landscaping, car parking, and infrastructure.**

Item number

Report number

Wards

B12 - Leith Walk

Summary

The purpose of this report is to inform the Development Management Sub-Committee of a forthcoming application for planning permission for a residential development with associated landscaping, car parking, and infrastructure at a site abutting residential accommodation on Pitt Street and Trafalgar Lane, and bound by South Fort Street, Pitt Street and Trafalgar Lane.

In accordance with the provisions of the Town and Country Planning (Scotland) Act 1997, as amended, the applicants submitted a Proposal of Application Notice 20/03430/PAN on Wednesday 19 Aug 2020.

Links

Coalition pledges

Council outcomes

Single Outcome Agreement

Recommendations

1.1 It is recommended that the Committee notes the key issues at this stage and advises of any other issues.

Background

2.1 Site description

The application site covers approximately 0.5 hectares and is bounded by Pitt Street to the south, South Fort Street to the east and Trafalgar Lane to the north. The western boundary abuts the gables of a four-storey tenement (115 Pitt Street) and a terrace of three-storey townhouses (27-41 Trafalgar Lane) and marks the transition between industrial/commercial uses and predominantly residential neighbourhoods.

The application site is currently occupied by small-scale industrial sheds and associated service yards. Vehicular access is provided by Pitt Street and Trafalgar Lane. To the northeast, the application site abuts a three-storey C-listed corner tenement (16 South Fort Street and 1-3 Trafalgar Lane; Reference: 27428 / Date Listed 30 March 1994) that has a bar (The Village Inn) and one commercial unit at the ground floor. To the south, on the opposite side of Pitt Street, sit small-scale business/industrial units. Trafalgar Lane to the north is comprised predominantly of three and four-storey tenements.

The application site falls partly within the Leith Conservation Area which sits to the north and east. The Water of Leith Open Space Area and Local Nature Conservation Site sit to the south of Pitt Street.

This application site is located within the Leith Conservation Area.

2.2 Site History

13 January 2000 - Planning permission granted for temporary office accommodation (application reference: 99/03536/FUL)

6 February 2008 - Planning permission granted for the change of use from vacant land to a site to store second hand used cars (application reference: 08/00062/FUL)

Neighbouring Sites

17 February 2000 - Planning permission granted to demolish existing warehouse buildings at 9-15 and 17-19 South Fort Street, EH6 4DL, and erect 23 new build flats with car parking (variation to consent 3082/95 approved 24.7.96) (application reference: 99/03563/FUL)

21 January 2004 - Planning permission for the demolition of existing garage and erection of housing (for Housing Association use) at 28 Trafalgar Lane, EH6 4DJ (application reference: 03/02370/FUL)

15 April 2004 - Planning permission granted for the demolition of existing garage and construction of eight private residences at 11-41 Trafalgar Lane, EH6 4DL (application reference: 03/04650/FUL)

3 May 2007 - Planning permission refused for the erection of nine single-bedroom flats at 144 Pitt Street, EH6 4DD (application reference: 07/00688/FUL)

12 Dec 2014 - Planning permission granted for redevelopment, extension and change of use of commercial premises to form new hostel accommodation at 144 Pitt Street, EH6 4DD (application reference: 14/03245/FUL)

8 Aug 2016 - Planning permission granted for alterations to provide 4 new residential flats at 10 South Fort Street, EH6 4DN (application reference: 16/02280/FUL)

1 December 2017 - Planning permission granted for the renewal of planning permission 14/03245/FUL, Proposed redevelopment, extension and change of use of existing dilapidated commercial premises to form new hostel accommodation at 144 Pitt Street, EH6 4DD (application reference: 17/04024/FUL)

12 June 2018 - Planning permission refused to demolish existing building and erection of a five storey building comprising of eight flatted dwellings at 144 Pitt Street, EH6 4DD (application reference: 18/00316/FUL)

29 Jan 2019 - Planning permission granted to demolish existing building and erection of a five-storey building comprising eight flatted dwellings (as amended) at 144 Pitt Street, EH6 4DD (application reference: 18/04658/FUL)

Main report

3.1 Description of the Proposal

The development will comprise residential development with associated landscaping, car parking, and infrastructure. No further details have been provided at this time.

3.2 Key Issues

The key considerations against which the eventual application will be assessed include whether:

- a) the principle of the proposal is acceptable in this location;
- b) the design, scale and layout are acceptable within the character of the area and the proposal complies with the Edinburgh Design Guidance;
- c) access arrangements are acceptable in terms of road safety, public transport and accessibility and
- d) there are any other environmental factors that require consideration

a) principle of the proposal is acceptable in this location

The site is located in the Urban Area as identified by the Local Development Plan (LDP). Residential developments appropriate to the location and character of the area are supported provided they accord with relevant LDP policies. The application site falls partly within the Leith Conservation Area which sits to the north and east.

LDP Policy Hou 1 (Housing Development) supports housing development at suitable sites within the Urban Area, subject to other LDP policies. Proposals for residential flats would be expected to address the principles of LDP Policy Hou 2 (Housing Mix), which requires an appropriate mix of residential units to meet the needs of the range of household types in the area, with regard to other considerations. Proposals would also be expected to demonstrate compliance with the terms of LDP Policy Hou 6 (Affordable Housing).

b) design, scale and layout are acceptable within the character of the area and the proposal complies with the Edinburgh Design Guidance

The proposals will be considered against the provisions of the LDP design policies and the Edinburgh Design Guidance. In particular, the proposed design will need to take account of:

- impact on the character and appearance of the Leith Conservation Area, as required by LDP Policy Env 6 (Conservation Areas - Development);
- impact of massing, scale, materials and design on existing streetscape and wider townscape, including views, as required by LDP Policy Des 4 (Development Design - Impact on Setting); and
- impact on amenity of neighbouring and future occupiers, as required by LDP Policy Des 5 (Development Design - Amenity). This will include the requirement for green space provision, in accordance with LDP Policy Hou 3 (Private Green Space in Housing Development).

A Design and Access Statement will be required to support the application as well as a Daylight, Overshadowing and Privacy Assessment for both the proposal and neighbouring properties. Sufficient visual information will be needed to assess the impact of the proposal on the setting of the Leith Conservation Area.

c) access arrangements are acceptable in terms of road safety, public transport and accessibility

The proposal shall have regards to LDP transport policies and the street related sections of the Edinburgh Design Guidance. Developer Contributions and Infrastructure Delivery Supplementary Guidance may apply to the proposal, given the scale of the application site. The applicant will be required to provide transport information that demonstrates how the proposal prioritises active travel and is aligned with parking standards, including service arrangements and cycle parking provision. Information is also needed on the impact on traffic flow on local roads and access to public transport.

d) other environmental factors that require consideration

The applicants will be required to submit sufficient information to demonstrate that the site can be developed without having a detrimental impact on the environment. Ground condition investigations will also be required, owing to the nature of existing uses at the site.

In order to support the application, it is anticipated that the following documents will be submitted:

- Air Quality Impact Assessment;
- Archaeology Statement;
- Daylight, Overshadowing and Privacy Assessment;
- Design and Access Statement;
- Flood Risk Assessment and Surface Water Management Plan;
- Landscape and Visual Impact Appraisal;
- Noise Impact Assessment.
- Phase 1 Site Investigation Report;
- Phase 1 Habitat and Protected Species Survey;
- Planning Statement;
- Pre-Application Consultation report;
- Sustainability Statement;
- Sustainability Form S1 and
- Transport Statement;

The application will need to be screened for an Environmental Impact Assessment including the cumulative impact of the proposals.

3.3 Assessment

This report highlights the main issues that are likely to arise in relation to the various key considerations. This list is not exhaustive and further matters may arise when the new application is received, and consultees and the public have the opportunity to comment.

Financial impact

4.1 The forthcoming application may be subject to a legal agreement.

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 This is a pre-application report. When a planning application is submitted it will be assessed in terms of equalities and human rights.

Sustainability impact

7.1 A sustainability statement will need to be submitted with the application.

Consultation and engagement

8.1 Pre-Application Process

No pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

In light of the ongoing Covid-19 situation, Scottish Government guidance on pre-application consultation makes provision for public consultation to be carried out without the need for a face to face public event.

The Proposal of Application Notice signposted a website (<https://pittstreet.co.uk/>) where members of the public could view proposals and submit comments between the 22 September 2020 and the 9 October 2020. The website was also to host an interactive question and answer session between 4.30pm and 6.30pm on the 29 September 2020 and provide details of how to obtain hard copies of the consultation material. The results of this consultation will be submitted with the future planning application as a Pre-application Consultation Report.

Leith Central Community Council, Leith Harbour and Newhaven Community Council and Trinity Community Council received a copy of the Proposal of Application Notice and Councillors Booth, McVey, Munro, McNeese-Mechan and Ritchie were notified of the proposals. Neighbours of the development site received flyers by post and posters were exhibited in Leith Library and four local businesses.

Background reading/external references

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

David R. Leslie

Chief Planning Officer

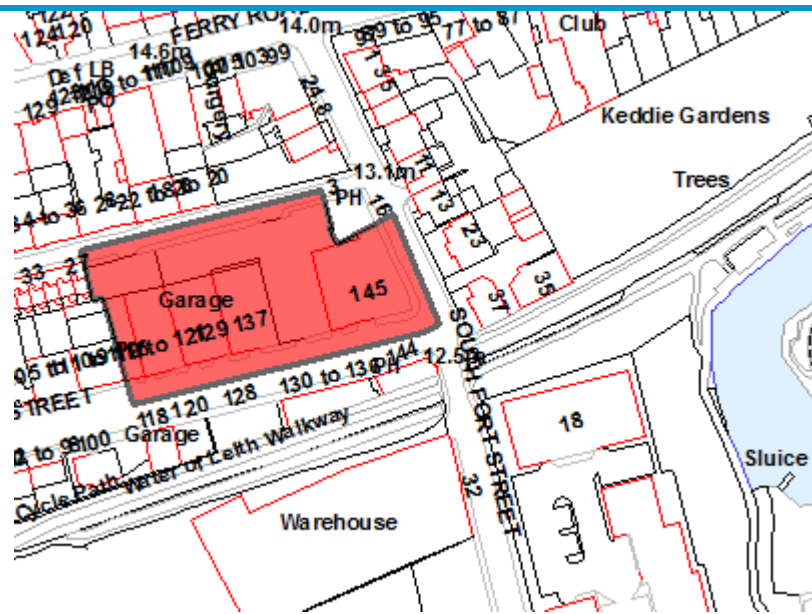
PLACE

The City of Edinburgh Council

Contact: Una Lee, Planning Officer

E-mail: una.lee@edinburgh.gov.uk

Location Plan



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Development Management Sub Committee

Wednesday 28 October 2020

**Application for Planning Permission 20/03037/FUL
At Flat 3 4 Dewar Place Lane, Edinburgh, EH3 8EF
Change of use from residential flat to holiday let.**

Item number

Report number

Wards

B11 - City Centre

Summary

The proposal is contrary to the policies contained in the adopted Edinburgh Local Development Plan. The proposed change of use would have an unacceptable impact on residential amenity. The change of use will affect a quiet residential lane that makes an important contribution to the character of the conservation area. There are no material considerations that would outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL02, LEN06, LHOU07, NSG, NSBUS, OTH, CRPWEN,

Report

Application for Planning Permission 20/03037/FUL At Flat 3 4 Dewar Place Lane, Edinburgh, EH3 8EF Change of use from residential flat to holiday let.

Recommendations

1.1 It is recommended that this application be Refused for the reasons below.

Background

2.1 Site description

The application site is a one-bedroom attic floor flat that is part of a two-storey, standalone building and is located on the north side of Dewar Place Lane. There are four units within the block where they all share a common entrance with the exception of Flat 4 which can be accessed from the rear of the building. The building includes a pend that provides rearward parking and access to the integral garages which are part of the building.

Adjacent to the site, to the west, is an area of car parking space in connection with the police station at 6 Torphichen Place. Adjacent to the site, to the east, is also an area of private staff car parking in connection to the existing 8 storey Hub hotel on Torphichen Street. While the north side of Dewar Place Lane is primarily characterised by access to parking facilities for the existing commercial premises on Torphichen Street, properties on the south side of Dewar Place Lane are characterised by a mix of both traditional and modern mews housing. Despite the prevailing mix of commercial and residential uses, Dewar Place Lane is a quiet narrow lane with controlled on-street parking between 0800 and 1800 hours.

This application site is located within the West End Conservation Area.

2.2 Site History

Other Planning History

23 September 2020- Application refused at the Development Management Subcommittee for a change of use from residential dwelling house to holiday let at Flat 1 4 Dewar Place Lane (Application number 20/03035/FUL).

23 September 2020 - Application refused at the Development Management Subcommittee for a change of use from residential dwelling house to holiday let at Flat 2 4 Dewar Place Lane (Application number 20/03036/FUL).

8 October 2020 - Application refused at the Development Management Subcommittee for a change of use from residential dwelling house to holiday let at 4A Dewar Place Lane (Application number 20/03071/FUL).

Main report

3.1 Description Of The Proposal

The application is for a change of use from residential flat to holiday let flat.

3.2 Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the change of use is acceptable in this location;
- b) the proposal will preserve the character and appearance of the West End Conservation Area;
- c) the proposal raises any road safety issues; and
- d) comments raised have been addressed.

a) Principle

The site is within the city centre where Edinburgh Local Development Plan (LDP) policy Del 2 (City Centre) permits development which retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city. The policy requires uses or a mix of uses appropriate to the location of the site, its accessibility and the character of the surrounding area.

It should be noted that the LDP does not include any policies against the loss of residential use.

LDP policy Hou 7 (Inappropriate Uses in Residential Areas) states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

The non-statutory Guidance for Business states that for a change of use to short term commercial visitor accommodation, special regard will be made to the following:

- the character of the new use and of the wider area;
- the size of the property;
- the pattern of activity associated with the use including numbers of occupants, the period of use, issues of noise, disturbance and parking demand; and
- the nature and character of any services provided.

The guidance states that change of use in flatted properties will generally only be acceptable where there is a private access from the street, except in the case of HMOs.

In connection to short stay lets it states - *The Council will not normally grant planning permission in respect of flatted properties where the potential adverse impact on residential amenity is greatest.*

There has been a number of appeal decisions which have helped to assess whether a change of use has taken place and whether that change of use is acceptable.

There has also been planning appeal decisions against refusals to grant planning permission and certificates of lawfulness for short stay lets. These decisions have typically allowed short term let uses in main door properties or flats with their own private accesses e.g. 11 Stevenson Drive (CLUD-230-2007), 103 Restalrig Road (CLUD-230-2006) and 17 Old Fishmarket Close (PPA-230-2238). There are also currently 66 planning enforcement cases open in relation to short stay let uses.

Recent appeal decisions like that at Flat 3F2, 22 Haymarket Terrace (ENA-230-2156) stress that the frequent movement by tourists, and other itinerant residents, of baggage along landings and stairwells as well as the necessity for daily servicing of the apartment all lead to a pattern of intense usage of the access stairs and communal areas beyond that which may otherwise be expected from an apartment of this size. All of which creates the potential for unacceptable noise and disturbance to existing residents.

The application site is entered from a common stair. The site plan does not show the provision of bin stores. However, bin stores are located to the rear of the building which can be shared among occupants of the building. Whilst the proposal relates to a one-bedroom flat, the existing lounge area could be used as a second bedroom also, potentially increasing the number of occupants from two to four. The shared means of access and waste arrangement would mean that users of the short term let would potentially interact and share services with long term residents of the building. It should be noted that planning cannot control or condition the number of bedrooms being potentially provided.

All the units within the building are owned by the applicant and the proposal is currently one of four applications submitted to convert the entire building into holiday let flats. Three of the applications have already been refused by the Development Management Sub Committee. While this may be a relevant material consideration, each application is assessed on their own merit. There would be no remit to preclude the implementation of one consent over another, which could lead to a potential conflict in the compatibility between short stay lets and residential uses within the same building.

Dewar Place Lane is primarily a quiet residential lane with cars arriving in a single file at a low speed to private areas of restricted car parking. While occupants of the flat could potentially have access to an individual parking space, the plans do not show a designated parking space being allocated for Flat 3. In addition, short stay visitors to the city predominately tend to travel by air, rail and bus. If more than one occupant were to reside within the premises and to arrive at separate times, not only this would be detrimental to residential occupants of the building, the frequent movement by tourists, and other itinerant residents, of baggage along the lane as well as the necessity for daily servicing of the apartment would all lead to a pattern of intense usage of the lane and the communal areas within the building, beyond which may otherwise be expected from an residential apartment in this location. All of which would create unacceptable noise and disturbance for residential occupants of the building and the living conditions of nearby residents within the existing lane.

The proposal is contrary to LDP policy Del 2 and Hou 7 as it cannot be demonstrated that the proposal will not have a materially detrimental impact on the living conditions of nearby residents and its use is not appropriate for its location which is a quiet residential lane.

b) Character and Appearance of the Conservation Area

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

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

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

The application site is located with the West End Conservation Area. The character appraisal states that the area is extremely diverse in terms of its activities and uses ranging over city wide cultural activities, small offices and major headquarter offices, conference facilities and a wide variety of shops and restaurants. In addition, one characteristic is that the former Georgian residential properties along West Maitland Street and Torphichen Street are largely given over to office use.

While there are no proposed external changes to the building that would affect the appearance of the conservation area, is important to recognise that residential uses

make an important contribution to the diverse mix of uses in the area. While the introduction of a short holiday let would complement a range of visitors' accommodation being offered throughout the city, its use within a quiet residential lane in this part of the conservation area would alter the existing residential nature of the lane which would undermine its contribution to the character of the conservation area.

c) Road Safety and Parking

The proposal has the potential to provide parking for occupants of the premises within the existing garage. In terms of parking standards, the existing one-bedroom flat will not lead to an increase in demand for parking beyond what already exists. The application site lies within a controlled parking zone. Parking attendants will enforce parking regulations. The application has no implications for road safety. The application is acceptable in this regard.

d) Public Comments

Material Comments - Objections

- Contrary to Local Development Plan Policy Hou 7 - Addressed in Section 3.3 (a).
- Contrary to Local Development Plan Policy Env 6 - Addressed in Section 3.3 (b).

Non-Material Comments - Objections

- Loss of city centre housing - there are no policies in the adopted Local Development Plan to safeguard the loss of housing.

CONCLUSION

In conclusion, the proposal is contrary to the policies contained in the adopted Edinburgh Local Development Plan. The proposed change of use would have an unacceptable impact on residential amenity. The change of use will affect a quiet residential lane that makes an important contribution to the character of the conservation area. There are no material considerations that would outweigh this conclusion.

It is recommended that this application be Refused for the reasons below.

3.4 Conditions/reasons/informatives

Reasons:-

1. The proposal is contrary to the Local Development Plan Policy Del 2 in respect of City Centre, as the use of a holiday let is not appropriate for the location of the site.
2. The proposal is contrary to the Second Proposed Local Development Plan Policy Hou 7 in respect of Inappropriate Uses in Residential Areas, as it will have a materially detrimental impact on the living conditions of nearby residents.
3. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as it will alter the quiet residential nature of the lane which contributes to the character of the conservation area.

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:

The application has been assessed 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 is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 18 September 2020 and the proposal attracted 2 objections. The comments raised are addressed in the Assessment Section of the report.

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 an urban area as designated in the Edinburgh Local Development Plan and the West End Conservation Area.

Date registered

3 September 2020

Drawing numbers/Scheme

01-02.,

Scheme 1

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer

E-mail: laura.marshall@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

Relevant Non-Statutory Guidelines

Non-statutory guidelines 'GUIDANCE FOR BUSINESSES' provides guidance for proposals likely to be made on behalf of businesses. It includes food and drink uses, conversion to residential use, changing housing to commercial uses, altering shopfronts and signage and advertisements.

Other Relevant policy guidance

The West End Conservation Area Character Appraisal emphasises that the area is characterised by mixed, residential commercial buildings. The central section of the conservation area is a major modern financial area consisting of modern offices. The Georgian and Victorian tenements within the area are mainly 4-6 storeys, and constructed of stone with pitched, slated roofs.

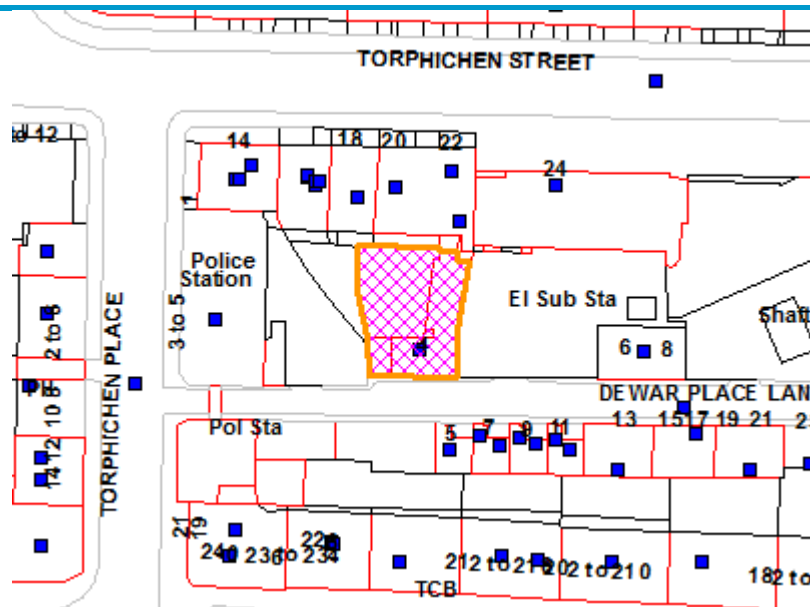
Appendix 1

**Application for Planning Permission 20/03037/FUL
At Flat 3 4 Dewar Place Lane, Edinburgh, EH3 8EF
Change of use from residential flat to holiday let.**

Consultations

No consultations undertaken.

Location Plan



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Development Management Sub Committee

Wednesday 28 October 2020

**Application for Planning Permission 20/02211/FUL
At 23 - 24 Greenside Place, Edinburgh, EH1 3AA
Change of use from offices to serviced apartments with
associated upgrading and refurbishment works with
replacement dormers and rooflights (as amended).**

Item number

Report number

Wards

B11 - City Centre

Summary

The proposal complies with the adopted Edinburgh Local Development Plan. The proposal is an appropriate use which is reflective of the commercial character of the surrounding area and which preserves both the character and appearance of the New Town Conservation Area and the Outstanding Universal Value of the Old and New Towns of the Edinburgh World Heritage Site. The proposal will not have an adverse impact on the unique architectural and historical character of the listed building and is an acceptable city centre development. It will not have a detrimental impact on the amenity of the surrounding area or raise any concerns in respect of road safety.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997.

There are no material planning considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL02, LEMP09, LHOU07, LEN04, LEN06, LEN09, LTRA02, LTRA03, HES, HESWIN, NSLBCA, HESINT, HESROF, NSG, NSGD02, OTH, CRPNEW,

Report

Application for Planning Permission 20/02211/FUL at 23 - 24 Greenside Place, Edinburgh, EH1 3AA Change of use from offices to serviced apartments with associated upgrading and refurbishment works with replacement dormers and rooflights (as amended).

Recommendations

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

Background

2.1 Site description

Originally built as a tenement block designed by John Baxter and constructed c. 1798, the application site has undergone significant internal renovation and now houses two pubs at ground floor, with open plan office space on the upper floors. The building was Category B Listed on 19 June 2001 (Reference number LB48035).

The Playhouse Theatre lies to the south and a hotel to the north on the other side of the lane. There are some flatted dwellings at the bottom of this lane to the east with Calton Hill beyond. A main arterial route (Leith Walk up to Leith Street) lies to the west of the site and the surrounding area is a mix of largely commercial uses with some flats above.

This application site is located within the New Town Conservation Area.

2.2 Site History

An application for listed building consent has been submitted in parallel to this application (Application Reference: 20/02212/LBC).

Main report

3.1 Description Of The Proposal

The proposal is for a change of use from the existing eight office units on the four upper floors of the building to 31 serviced apartment units. The proposal includes the complete reconfiguration of the internal space with new partitions to form the new apartment units. External changes include the removal of four non-original dormer windows located to the rear of the building. These will be replaced with two dormer windows of traditional design with timber framed sash and case windows and Scots slate to match existing. Existing non-original rooflights are to be replaced with conservation style rooflights.

Access would be from the front in Greenside Place where stairs and a lift will lead up to the upper floors. There is an area shown for an office and reception but no dining facilities apart from vending machines; however, each unit will have its own kitchen. Given the level of management of the site, the use is more akin to hotel use than short stay lets.

Previous Scheme

The proposed lead clad dormer windows with aluminium framed, slim line double glazed windows and glass balustrades have been removed from the scheme. The two proposed dormer windows to the rear will be smaller, with timber framed sash and case windows and a slate roof.

3.2 Determining Issues

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the use is acceptable in principle;
- b) the proposal will preserve the character and setting of the listed building;
- c) the proposal will preserve the character and appearance of the New Town Conservation Area;
- d) the proposal will preserve the outstanding universal value of the Old and New Towns of the Edinburgh World Heritage Site;
- e) the proposal will have a detrimental impact on the amenity of neighbouring residents;
- f) the proposal raises any issues in respect of parking and road safety;

- g) Any other planning issues have been addressed; and
- h) any issues raised by objectors have been addressed.

a) Principle

The application site is situated in the city centre area as defined in the adopted Edinburgh Local Development Plan (LDP).

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

(i) the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use;

(ii) the proposal will contribute to the comprehensive regeneration and improvement of the wider area.

LDP Policy Del 2 (City Centre) states that development which lies within the city centre will be permitted where it retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city. It also states that the requirements in principle will be for a use or mix of uses appropriate to the location of the site, its accessibility characteristics and the character of the surrounding area.

The surrounding area is commercial in nature. The existing offices are located above two public houses. The Playhouse Theatre and the Omni Centre neighbour the application site to the south and the site is close to the ongoing St James' Centre redevelopment site. Elsewhere in the surrounding area, buildings are characterised by commercial uses at ground floor level with some residential on upper floors.

The proposal will not prejudice or inhibit the activities of any nearby employment use. As the application is for serviced accommodation, no amenity protection is provided for the temporary occupants of these properties. Any protection against disturbance from the surrounding commercial business such as the Playhouse will be the responsibility of the developer or operator of the proposed serviced apartments.

Whilst the proposal will not contribute to the regeneration of the area, the proposal will provide accommodation for tourists and individuals visiting the city, within an area which is continuing to develop as a cultural and leisure hub in the city centre. The use of the site for tourist accommodation is consistent with the area. The proposal will contribute to the vitality of the street. The site is highly accessible and will also not result in the loss of any residential properties within the city. There will be no direct interaction between users of the short stay units and long term residents of residential properties in the area.

This is a busy city centre location within walking distance of public transport, so the development should not diminish the quality of the residential environment in terms of noise generation, disturbance or parking demand.

Set within the context of the busy, commercial character of the surrounding area and the city centre location, the proposal complies with LDP policy Del 2 and Emp 9 and is acceptable in principle subject to compliance with the other policies of the adopted LDP.

b) Character and Setting of Listed Building

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) states that proposals to alter a listed building will be permitted where those alterations are justified; will not result in unnecessary damage to historic structures or result in a diminution of the buildings interest; and any additions would be in keeping with other parts of the building.

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings is applicable. It states that *for a building to remain in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect from them.....We need to make sure they have a long term future if we want to benefit from them in the long term.*

The application site was originally a tenement building, constructed in the late 18th century. It is one of the last remaining examples of the Georgian tenements which occupied the east side of Leith Walk. However, the building has undergone significant change. The ground floor is occupied by two public houses and the remaining upper floors underwent significant alteration in 2002 to accommodate open plan office spaces. Consequently, nothing of the original decorative scheme or plan form remain. The proposed internal alterations to form 31 apartment units will have no impact on anything of architectural or historic significance.

Externally, alterations are limited to the roof. The proposal includes the removal of four, small, non-original dormer windows to the rear which are to be replaced by two larger dormer windows. This element of the scheme has been amended. Originally the replacement dormer windows were larger and of a modern design. In the revised scheme, the replacement dormer windows will be smaller and of a traditional design, mirroring the existing dormers on the principal elevation and others in the surrounding area through the use of matching slate and timber framed sash and case window units. Non-original rooflights are to be removed and replaced with conservation rooflights which will be flush with the roof line. The applicant has not specified the material of the rooflights. A condition has been added to this consent requiring information about the specific rooflight units to be submitted to and approved in writing by the Planning Authority before work is commenced on site.

The proposal will preserve the character of the listed building.

c) Conservation Area

LDP Policy Env 6 permits development within a conservation area which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal.

The New Town Conservation Area Character Appraisal identifies the key characteristics of the First New Town as:

"Georgian and early Victorian rectilinear development of grand formal streets lined by fine terraced building expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces with controlled vistas and planned views."

The rear of the application site is visible from Calton Hill, a protected view. However, the traditional design of the new dormer windows is in keeping with the existing building and other dormer windows in the wider area. The external alterations proposed will not alter essential characteristics of the conservation area or interfere with important vistas and views.

The proposal will not have a detrimental impact on the New Town Conservation Area.

d) Impact on the World Heritage Site

The Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site (EWHS) is defined as the remarkable juxtaposition of two clearly articulated urban planning phenomena: the contrast between the organic medieval Old Town and the planned Georgian New Town which provides a clarity of urban structure unrivalled in Europe.

The Statement of Outstanding Universal Value emphasises the importance of maintaining the authenticity of the Site which *"continues to retain its historic role as the administrative and cultural capital of Scotland, while remaining a vibrant economic centre."*

LDP Policy Env 1 (World Heritage Sites) states that development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh will not be permitted.

In terms of the use, the EWHS Management Plan encourages sustainable tourism and recognises that a balance is needed between resident and visitor needs. The re-use of this redundant building ensures the New Town Conservation Area is maintained as a thriving part of the city without harm to the OUV.

As discussed above, external alterations are limited to the roof. These alterations make use matching slate and traditional timber framed sash and case windows. The alterations are in keeping with the existing building and the wider area. The proposed external alterations will have no detrimental impact on the character or appearance of the New Town, nor its relationship with the Medieval Old Town.

The proposal will have no adverse impact on the Outstanding Universal Value of the Edinburgh World Heritage Site and complies with LDP policy Env 1.

e) Neighbouring Amenity

Policy Hou 7 (Inappropriate Uses in Residential Areas) which states that developments, including changes of use which would have a materially detrimental impact on the living conditions of nearby residents, will not be permitted.

In this instance the application site is located in a busy part of the city centre which is characterised by a range of commercial uses including retail, bars, restaurants and wider entertainment uses. The serviced apartments will be accessed via a private entrance, meaning there will be no direct interaction between visitors and long-term residents and limited potential for the disturbance of such residents. Environmental Protection noted in their consultation response that no noise sensitive receptors are located nearby.

The proposal will not have a negative impact on neighbouring amenity.

f) Parking and Road Safety

LDP policy Tra 2 (Private Car Parking) states that planning permission will be granted for development where proposed car parking provision complies with and does not exceed the parking levels set out in Council Guidance.

LDP policy Tra 3 (Private Cycle Parking) states that planning permission will be granted for development where proposed cycle parking and provision complies with standards set out in Council Guidance.

The Council's Edinburgh Design Guidance does not include any parking standards for either car parking or cycle parking for this sui generis use.

It is noted, however, that the applicant proposes no off-street parking provision for the site and whilst no cycle parking is proposed, the property is located within a city centre location with nearby access to public transport provision.

The proposal complies with LDP Policy Tra 2 and Tra 3.

g) Other Planning Matters

Archaeology

The application concerns a B-listed Georgian tenement constructed in 1798 by John Baxter at the top of Leith Walk as part of his wider development including Baxter's Place. This building is regarded as being of archaeological and historic significance and accordingly. 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.

Although the building was converted into open plan offices around 2002, no archaeological work was undertaken to record the surviving historic fabric at the time.

The current proposals will see the stripping out of the 2002 alterations including the suspended ceiling. Such works will accordingly provide an opportunity to not only record any surviving significant historic fabric (which inform us of the development history and changes of use) but also importantly allow for the preservation and conservation of any such fabric.

Therefore, it is necessary to undertake a programme of historic building recording during internal alterations and downtakings in order to record the buildings historic fabric and ensure appropriate measures are put in place to conserve any such fabric within the final development. This has been made a condition of the consent.

h) Public Comments

Material Comments - Objections

- Commercial venues generate too much noise and would impact amenity of users of proposed apartments; this is addressed in section 3.3a.
- Potential negative impact on commercial practices due to noise complaints; this is addressed in 3.3a.
- Negative impact on roofscape and a protected view; this is addressed in 3.3b and 3.3c.
- Negative impact on listed building; this is addressed in 3.3b.
- Negative impact on the conservation area; this is addressed in section 3.3c.
- Rooflights unacceptable; this is addressed in 3.3b.
- Historic tramway rosette at first floor level should be retained; external changes are limited to the roof as discussed in 3.3b and 3.3c.

Non-Material Comments

- The proposed studio flats do not meet minimum floorspace requirements; this is not a residential development. There are no minimum floorspace requirements for serviced apartments.
- Too many short-term lets in the city centre; this is a commercial consideration not covered in current planning policy.

Conclusion

The proposal complies with the adopted Edinburgh Local Development Plan. The proposal is an appropriate use which is reflective of the commercial nature of the surrounding area and which preserves both the character and appearance of the New Town Conservation Area and the Outstanding Universal Value of the Old and New Towns of the Edinburgh World Heritage Site. The proposal will not have an adverse impact on the unique architectural and historical character of the listed building and is an acceptable city centre development. It will not have a detrimental impact on the amenity of the surrounding area or raise any concerns in respect to road safety.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997.

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

3.4 Conditions/reasons/informatives

Conditions: -

1. Details of proposed rooflights must be submitted to and approved in writing by the Planning Authority before work is commenced on site.
2. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, reporting and analysis) 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 listed building and the conservation area.
2. In order to safeguard the interests of archaeological heritage.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

Financial impact

4.1 The financial impact has been assessed as follows:

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 assessed 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 is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application attracted six comments with four objecting to the proposals and two in support. The content of these representations is summarised and addressed in the Assessment section of the main report.

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**

Edinburgh Local Development Plan.

Date registered

2 June 2020

Drawing numbers/Scheme

01-02, 03A, 04A, 05A, 06, 07A, 08A, 09A, 10A, 11A,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer

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Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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

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

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Windows sets out Government guidance on the principles that apply to altering the windows of listed buildings.

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

Managing Change in the Historic Environment: Interiors sets out Government guidance on the principles that apply to alterations to the interiors of listed buildings.

Managing Change in the Historic Environment: Roofs sets out Government guidance on the principles that apply to altering the roofs of listed buildings.

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.

Other Relevant policy guidance

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Appendix 1

Application for Planning Permission 20/02211/FUL At 23 - 24 Greenside Place, Edinburgh, EH1 3AA Change of use from offices to serviced apartments with associated upgrading and refurbishment works with replacement dormers and rooflights (as amended).

Consultations

Transport

No objection to the application.

Environmental Protection

Environmental Protection has no objections to this application.

The proposed application includes premises on the first, second, third and fourth floors of an 18th century category B listed tenemental building. There are commercial premises on the ground floor and the building is surrounded by commercial properties.

As the application is for serviced accommodation, no amenity protection is provided for the temporary occupants of these properties. Any protection against disturbance from the surrounding commercial business will be the responsibility of the developer or operator of the proposed serviced apartments.

As there are no current sensitive receptors in the vicinity of the application site, Environmental Protection has no objections to this application.

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the change of use from offices to serviced apartments with associated upgrading and refurbishment works with minor exterior alterations (construct two larger dormers).

The application concerns a B-listed Georgian tenement constructed in 1798 by John Baxter at the top of Leith Walk as part of his wider development including Baxter's Place. This building is regarded as being of archaeological and historic significance and accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policies ENV4, ENV8 & 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.

Although the building was converted into open plan offices c.2002 at the time no archaeological work was undertaken to record the surviving historic fabric. The current proposals will see the stripping out of the 2002 alterations including the suspended ceiling. Such works will accordingly provide an opportunity to not only record any surviving significant historic fabric (which inform us of the development history and changes of use) but also importantly allow for the preservation and conservation of any such fabric.

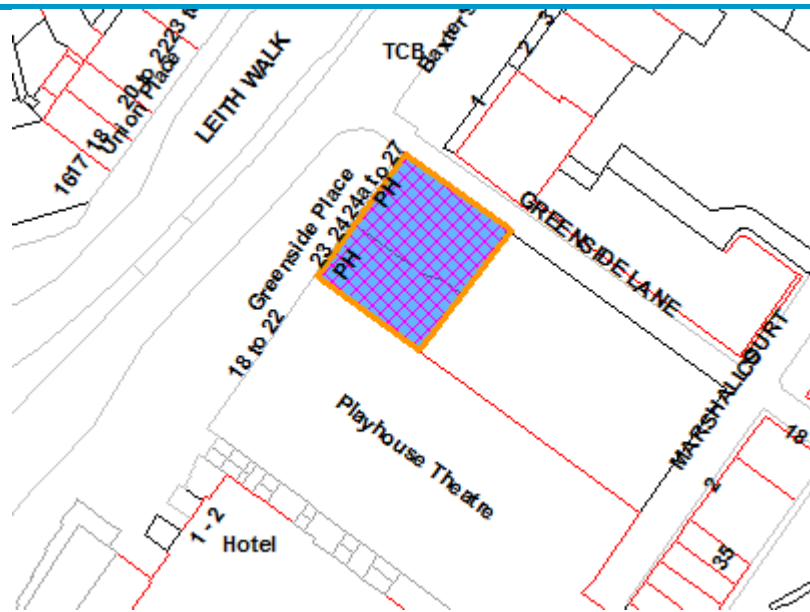
Therefore, it is recommended that a programme of historic building recording is undertaken during internal alterations / down takings in order to record the buildings historic fabric and ensure appropriate measures are put in place to conserve any such fabric within the final development.

It is recommended that that the following condition is attached to any granted permission to ensure that this programme of archaeological works is undertaken;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, reporting and analysis) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must 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.

Location Plan



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Development Management Sub Committee

Wednesday 28 October 2020

**Application for Listed Building Consent 20/02212/LBC
At 23 - 24 Greenside Place, Edinburgh, EH1 3AA
Internal reconfiguration of existing floorspace to create serviced apartments with new, refurbished and replacement dormer windows (as amended).**

Item number

Report number

Wards

B11 - City Centre

Summary

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves or enhances the character and appearance of the conservation area.

Links

[Policies and guidance for this application](#)

LDPP, LEN04, LEN06, LEN09, HES, HESINT, HESWIN, HESROF, NSG, NSLBCA, OTH, CRPNEW,

Report

Application for Listed Building Consent 20/02212/LBC At 23 - 24 Greenside Place, Edinburgh, EH1 3AA Internal reconfiguration of existing floorspace to create serviced apartments with new, refurbished and replacement dormer windows (as amended).

Recommendations

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

Background

2.1 Site description

Originally built as a tenement block designed by John Baxter and constructed c. 1798, the application site has undergone significant internal renovation and now houses two pubs at ground floor, with open plan office space on the upper floors. The building was Category B Listed on 19 June 2001 (Reference number LB48035).

The Playhouse Theatre lies to the south and a hotel to the north on the other side of the lane. There are some flatted dwellings at the bottom of this lane to the east with Calton Hill beyond. A main arterial route (Leith Walk up to Leith Street) lies to the west of the site and the surrounding area is a mix of largely commercial uses with some flats above.

This application site is located within the New Town Conservation Area.

2.2 Site History

An application for planning permission has been submitted in parallel to this application (Application Reference: 20/02211/FUL).

Main report

3.1 Description Of The Proposal

The proposal is for a change of use from the existing eight office units on the four upper floors of the building to 31 serviced apartment units. The proposal includes the complete reconfiguration of the internal space with new partitions to form the new apartment units. External changes include the removal of four non-original dormer windows located to the rear of the building. These will be replaced with two dormer windows of traditional design with timber framed sash and case windows and Scots slate to match existing. Existing non-original rooflights are to be replaced with conservation style rooflights.

Access would be from the front in Greenside Place where stairs and a lift will lead up to the upper floors. There is an area shown for an office and reception but no dining facilities apart from vending machines; however each unit will have its own kitchen. Given the level of management of the site, the use is more akin to hotel use than short stay lets.

Previous Scheme

Proposed lead clad dormer windows with aluminium framed, slim line double glazed windows and glass balustrades have been removed from the scheme. The two proposed dormer windows to the rear will be smaller, with timber framed sash and case windows and a slate roof.

3.2 Determining Issues

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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

In determining applications for listed building 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 proposals preserve the character and setting of the listed building;
- b) the proposals preserve or enhance the character or appearance of the conservation area;
- c) the proposals will have any adverse impacts on archaeological remains; and
- d) all public comments received have been addressed.

a) Character and Setting of Listed Building

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

"In considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) states that proposals to alter a listed building will be permitted where those alterations are justified; will not result in unnecessary damage to historic structures or result in a diminution of the buildings interest; and any additions would be in keeping with other parts of the building.

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings is applicable. It states that *for a building to remain in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect from them.....We need to make sure they have a long term future if we want to benefit from them in the long term.*

The application site was originally a tenement building, constructed in the late 18th century. It is one of the last remaining examples of the Georgian tenements which occupied the east side of Leith Walk. However, the building has undergone significant change. The ground floor is occupied by two public houses and the remaining upper floors underwent significant alteration in 2002 to accommodate open plan office spaces. Consequently, nothing of the original decorative scheme or plan form remain. The proposed internal alterations to form 31 apartment units will have no impact on anything of architectural or historic significance.

Externally, alterations are limited to the roof. The proposal includes the removal of four, small, non-original dormer windows to the rear which are to be replaced by two larger dormer windows. This element of the scheme has been amended. Originally the replacement dormer windows were larger and of a modern design. In the revised scheme, the replacement dormer windows will be smaller and of a traditional design, mirroring the existing dormers on the principal elevation and others in the surrounding area through the use of matching slate and timber framed sash and case window units. Non-original rooflights are to be removed and replaced with conservation rooflights which will be flush with the roof line. The applicant has not specified the material of the rooflights. A condition has been added to this consent requiring information about the specific rooflight units to be submitted to and approved in writing by the Planning Authority before work is commenced on site.

The proposal will preserve the character of the listed building.

b) Conservation Area

LDP Policy Env 6 permits development within a conservation area which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal.

The New Town Conservation Area Character Appraisal identifies the key characteristics of the First New Town as:

"Georgian and early Victorian rectilinear development of grand formal streets lined by fine terraced building expressing neo-classical order, regularity, symmetry, rigid geometry, and a hierarchical arrangement of buildings and spaces with controlled vistas and planned views."

The rear of the application site is visible from Calton Hill, a protected view. However, the traditional design of the new dormer windows is in keeping with the existing building and other dormer windows in the wider area. The external alterations proposed will not alter essential characteristics of the conservation area or interfere with important vistas and views.

The proposal will not have a detrimental impact on the New Town Conservation Area.

c) Archaeology

The application concerns a B-listed Georgian tenement constructed in 1798 by John Baxter at the top of Leith Walk as part of his wider development including Baxter's Place. This building is regarded as being of archaeological and historic significance and accordingly. 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.

Although the building was converted into open plan offices c.2002 at the time no archaeological work was undertaken to record the surviving historic fabric. The current proposals will see the stripping out of the 2002 alterations including the suspended ceiling. Such works will accordingly provide an opportunity to not only record any surviving significant historic fabric (which inform us of the development history and changes of use) but also importantly allow for the preservation and conservation of any such fabric.

Therefore, it is necessary to undertake a programme of historic building recording during internal alterations and downtakings in order to record the buildings historic fabric and ensure appropriate measures are put in place to conserve any such fabric within the final development. This has been made a condition of the consent.

d) Public Comments

Material Comments - Objections

- Negative impact on roofscape and a protected view; this is addressed in 3.3a and 3.3b.
- Formation of 31 apartments would have a negative impact on the building's form, quality and setting; this is addressed in 3.3a.
- Proposed changes to the dormer windows would have a negative impact on the character of the listed building; this is addressed in 3.3a

Non-Material Comments

- Commercial venues generate too much noise and would impact amenity of users of proposed apartments; this is addressed in the parallel application for planning permission but is not relevant to this application for Listed Building Consent.

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

3.4 Conditions/reasons/informatives

Conditions:-

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. This consent is for Listed Building Consent only. Work must not begin until other necessary consents, eg Planning Permission, have been obtained.

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:

The application has been assessed 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 is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application received two comments, both objecting to the proposals. The content of these representations is summarised and addressed in the Assessment section of the main report.

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**

Edinburgh Local Development Plan.

Date registered

2 June 2020

Drawing numbers/Scheme

01-02, 03A, 04A, 05A, 06, 07A, 08A, 09A, 10A, 11A,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Christopher Sillick, Planning Officer

E-mail:christopher.sillick@edinburgh.gov.uk

Links - Policies

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

LDP Policy Env 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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.

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Interiors sets out Government guidance on the principles that apply to alterations to the interiors of listed buildings.

Managing Change in the Historic Environment: Windows sets out Government guidance on the principles that apply to altering the windows of listed buildings.

Managing Change in the Historic Environment: Roofs sets out Government guidance on the principles that apply to altering the roofs of listed buildings.

Relevant Non-Statutory Guidelines

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

Other Relevant policy guidance

The New Town Conservation Area Character Appraisal states that the area is typified by the formal plan layout, spacious stone built terraces, broad streets and an overall classical elegance. The buildings are of a generally consistent three storey and basement scale, with some four storey corner and central pavilions.

Appendix 1

Application for Listed Building Consent 20/02212/LBC At 23 - 24 Greenside Place, Edinburgh, EH1 3AA Internal reconfiguration of existing floorspace to create serviced apartments with new, refurbished and replacement dormer windows (as amended).

Consultations

Historic Environment Scotland

No objection.

Archaeology

Further to your consultation request I would like to make the following comments and recommendations concerning this application for the change of use from offices to serviced apartments with associated upgrading and refurbishment works with minor exterior alterations (construct two larger dormers).

The application concerns a B-listed Georgian tenement constructed in 1798 by John Baxter at the top of Leith Walk as part of his wider development including Baxter's Place. This building is regarded as being of archaeological and historic significance and accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, HES's Historic Environment Policy for Scotland (HEPS) 2019 and CEC's Edinburgh Local Development Plan (2016) Policies ENV4, ENV8 & 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.

Although the building was converted into open plan offices c.2002 at the time no archaeological work was undertaken to record the surviving historic fabric. The current proposals will see the stripping out of the 2002 alterations including the suspended ceiling. Such works will accordingly provide an opportunity to not only record any surviving significant historic fabric (which inform us of the development history and changes of use) but also importantly allow for the preservation and conservation of any such fabric.

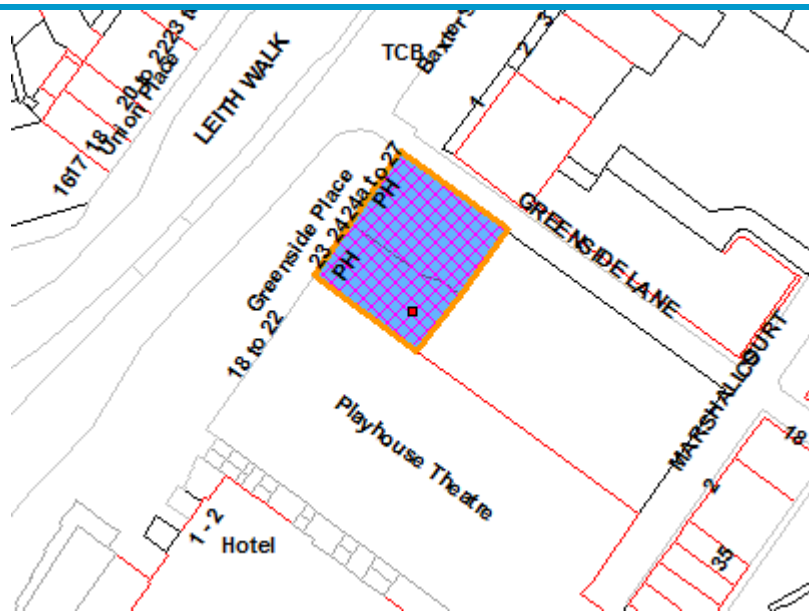
Therefore, it is recommended that a programme of historic building recording is undertaken during internal alterations / down takings in order to record the buildings historic fabric and ensure appropriate measures are put in place to conserve any such fabric within the final development.

It is recommended that that the following condition is attached to any granted permission to ensure that this programme of archaeological works is undertaken;

'No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, reporting and analysis) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must 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.

Location Plan



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END

Development Management Sub Committee

Wednesday 28 October 2020

**Application for Planning Permission 20/03336/FUL
at 1 Waverley Bridge, Edinburgh, EH1 1BQ.
Pop-up event on mall roof, consisting of canvas tipi bar
and food truck. Decorated with festoon lighting (as
amended).**

Item number

Report number

Wards

B11 - City Centre

Summary

This temporary commercial development will contribute to the city centre's vitality and role as a strategic business and regional shopping centre. Whilst the site is within a prominent location, the proposal will clearly be a temporary addition associated with the festive season and relatively contained within Waverley Mall's roofscape.

As a time limited temporary development, the proposal will not have a significant or long term detrimental effect on the special character or appearance of the conservation area or detrimental impact on the Outstanding Universal Value of the Edinburgh World Heritage Site or setting of the surrounding listed buildings.

As such, the development complies with the Development Plan. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

HES, HESSET, LDPP, LDEL02, LRET07, LEN06, LEN01, LEN03, LEN15, LEN18, LHOU07, LDES04, LDES01,

Report

Application for Planning Permission 20/03336/FUL at 1 Waverley Bridge, Edinburgh, EH1 1BQ. Pop-up event on mall roof, consisting of canvas tipi bar and food truck. Decorated with festoon lighting (as amended).

Recommendations

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

Background

2.1 Site description

The development site is the north eastern portion of the roof terrace of Waverley Mall shopping centre. The roof terrace lies adjacent to the southern side of Princes Street and the eastern side of Waverley Bridge. Waverley Station and Waverley Steps are situated immediately to the south and east.

The roof terrace is an area of public space which comprises a mixture of open plaza, grassed areas and walkways accessible only from Princes Street. The plaza and walkways are finished in silver grey granite.

The site covers approximately half of the eastern main plaza area. The site sits approximately 0.25 metres below the street level of Princes Street.

The surrounding area is predominantly commercial in nature and is characterised by the various street level retail premises situated along Princes Street. The Balmoral Hotel and Waverley Steps are located directly to the east. Princes Street Gardens is situated to the west of the site across Waverley Bridge. The site affords expansive views towards Edinburgh Castle to the south west, the Old Town ridge to the south and Arthur's Seat to the south east.

The site is located in the Old and New Town of Edinburgh World Heritage Site.

This application site is located within the New Town Conservation Area.

2.2 Site History

The site has an extensive planning history relating to the mall and includes numerous applications for temporary developments on the mall rooftop. There are no current temporary planning consents covering the mall roof top.

Relevant previous temporary proposals directly relating to the development site include:

3 November 2015 - Planning permission granted for the temporary erection of Christmas attractions on the public concourse of the roof of Princes Mall including various fairground rides on the north west roof area for the period 12 November 2015 to 4 January 2016 (application number: 15/04266/FUL).

18 January 2016 - Planning permission refused for the erection of a traditional carousel, dispense stands, kiosk and planters on the north portion of the roof for a continuous period of 3 years due to adverse impact on the conservation areas, world heritage site and the setting of listed buildings (application number: 15/05426/FUL).

25 May 2016 - Planning permission granted for the temporary erection of a 'bungee dome' entertainment structure on western roof terrace of Princes Mall (as amended) for the periods 16 June 2017 - 28 August 2017, 15 June 2018 - 27 August 2018, 14 June 2019 - 01 September 2019 (application number: 16/01660/FUL).

5 October 2016 - Planning permission granted for the temporary erection of a 'bungee dome' entertainment structure on western roof terrace of Princes Mall (as amended) for the period 12 November 2015 to 4 January 2016. (application number: 16/04038/FUL).

12 December 2016 - Planning permission granted for the temporary erection of Christmas attractions on public concourse of the roof of Princes Mall including a fairground ride on the north west roof area for the period 18 November 2016 until 8 January 2017 (application number: 16/04882/FUL).

13 November 2017 - Mixed decision for application covering north west, north east and south west portions of Waverley Mall roof. For the portion directly covering the application site in north west area of roof terrace, planning permission was refused for a live stage and bar area due to adverse impact on the conservation area, world heritage site and the setting of listed buildings and adverse impact on amenity. Planning permission was granted for north east area of roof terrace raised seating area, bar, food kiosks and ancillary toilet block on a temporary basis covering the periods 15 November 2017 to 15 January 2018, 1 July 2018 to 1 September 2018, 15 November 2018 to 15 January 2019 and 1 July 2019 to 1 September 2019 (application number: 17/03159/FUL). This application was amended before determination to remove a further bar and live stage area from the south west area of the roof due to adverse impacts on the conservation area, world heritage site and the setting of listed buildings.

1 August 2019 - Planning permission granted for reconfiguration of permanent roof-top structures and construction of new commercial accommodation (Class 1, 2 and 3), internal cinema use (Class 11) and creation of external multi-use space to include external seating area, performance space, open air cinema, festival/seasonal event space, pop-ups, farmers market and musical entertainment (Classes 1, 2, 3 and 11) (application number: 18/02748/FUL).

The following temporary developments took place over the period of November 2019 to early January 2020, with planning applications withdrawn before determination:

31 January 2020 - Application withdrawn for temporary bar and food areas in the north east portion of the mall roof (application number 19/04383/FUL)

31 January 2020 - Application withdrawn for temporary bar areas, marquee and live stage area on the south west portion of the mall roof (application number: 19/04390/FUL).

6 February 2020 - Application withdrawn for erection of a temporary pop-up tipi bar on north west portion of the mall roof (application number: 19/05095/FUL).

Main report

3.1 Description of the Proposal

The proposal seeks planning permission for a temporary development over the winter 2020 period. This was originally proposed from 21 September 2020 until 10 January 2021 with the venue trading from 7 October until Sunday 3 January 2021. However, in part as a result of restrictions associated with the pandemic and as the application has not been determined, the development has not commenced.

The temporary development is proposed as a canvas tipi tent housing a bar area with internal and external seating. There will be an external food truck, illuminated 'Edinburgh' signage, a Christmas tree and other lighting. A back of house storage unit is also proposed to the rear of the site.

The proposed 'tipi' tent measures 22.5 metres in length and 10.5 metres in width, with two pointed peaks measuring 6.5 metres in height. It will be beige canvas fabric and wooden poles with festoon lighting.

Supporting Documents

The applicant has submitted the following supporting documents which are available to view on Planning and Building Standards on-line services:

- Planning Statement with Event Overview.

Revised Scheme

The proposed development has been reduced in scale with the removal of a large transparent marquee from the north west roof section and removal of a further outdoor bar structure, food trucks and seating to the north west section.

3.2 Determining Issues

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

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

- a) the proposal is acceptable in principle;
- b) the proposal will preserve the character and appearance of the Old and New Town Conservation Areas;
- c) the proposal will preserve the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site;
- d) the proposal will have a detrimental impact on the setting of any listed buildings;
- e) the proposal will have a detrimental impact on the amenity of neighbouring residents;
- f) the proposal is appropriate in respect of the potential impact on the Local Nature Conservation Site;
- g) the proposal is acceptable in respect of the potential loss of designated open space;
- h) the proposal raises any issues in respect of transport and road safety;
- i) the proposal raises any other issues and
- j) any comments raised by third parties are addressed.

a) Principle of the Proposal

The application site is located within the city centre area in the adopted Edinburgh Local Development Plan (LDP). LDP Policy Del 2 (City centre) states that development which lies within the area of the City Centre as shown on the Proposals Map will be permitted which retains and enhances its character, attractiveness, vitality and accessibility and contributes to its role as a strategic business and regional shopping centre and Edinburgh's role as a capital city.

Policy Ret 7 (Entertainment and Leisure Uses) states that permission will be granted for high quality, well designed arts, leisure and entertainment facilities and visitor attractions in the city centre provided it meets the following criteria:

- The proposal can be satisfactorily integrated into its surrounding with attractive frontages to a high quality design that safeguards existing character;
- The proposal is compatible with surrounding uses and will not lead to significant increase in noise, disturbance and on street activity at unsocial hours to the detriment of living conditions for nearby residents; and
- The development will be easily accessible by public transport, foot and cycle.

The temporary commercial development will contribute to the city centre's vitality and role as a strategic business and regional shopping centre. The development's impact on existing character and amenity will be limited by the temporary nature of the development (and is justified). This is assessed further in b) to i) below.

b) Character and Appearance of the Old and New Town Conservation Areas

The development site is within the New Town Conservation Area. The roof terrace of Waverley Mall adjoins the Old Town Conservation Area.

LDP policy Env 6 (Conservation Areas - Development) states that development within a conservation area or affecting its setting will be permitted which preserves or enhances the special character or appearance of the conservation area and is consistent with the relevant conservation area character appraisal.

The New Town Conservation Area Character Appraisal places a particular emphasis on the numerous viewpoints throughout the New Town as being a key aspect in contributing to the character of the conservation area stating:

Terminated vista within the grid layouts and the long distance views across and out of the Conservation Area are important features. The grid layout follows the topography throughout the area providing a formal hierarchy of streets with controlled vistas and planned views both inward and outward and particularly northwards over the estuary. The cohesive, historic skyline makes an important contribution to the Conservation Area and it is particularly crucial to control building heights, particularly along skyline ridges.

Whilst the site is within a prominent location where the New and Old Town Conservation Areas meet, the proposed tent structure will clearly be a temporary element associated with the festive season.

The central eastern portion of the roof terrace sits partially below the pavement level of Princes Street and whilst relatively flat, contains modern projecting signage fins and raised areas for glazing and planting. The proposal will sit within this immediate context which will contain and reduce its overall visual impact and ensure that it does not significantly impact on views.

As a time limited temporary development, the proposal will not have a significant or long term detrimental effect on the special character or appearance of the conservation area.

c) Outstanding Universal Value of the World Heritage Site

The Old and New Towns of Edinburgh World Heritage Site was inscribed in 1995 for a number of reasons but a significant factor is the contrast between the organic medieval Old Town and the planned Georgian New Town provides a clarity of urban structure unrivalled in Europe. The juxtaposition of these two distinctive townscapes, each of exceptional historic and architectural interest, which are linked across the landscape divide, the "great arena" of Sir Walter Scott's Waverley Valley, by the urban viaduct, North Bridge, and by the Mound, creates the outstanding urban landscape. This is embodied in the Statement of Outstanding Universal Value of the Site.

LDP policy Env 1 (World Heritage Sites) states that development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh World Heritage Site or would have a detrimental impact on a Site's setting will not be permitted.

As the development is relatively small in scale, clearly temporary and is for a limited period, it would not have a detrimental impact on the Outstanding Universal Value of the Edinburgh World Heritage site.

d) Impact on the Setting of Listed Buildings

Historic Environment Scotland's guidance on Managing Change - Setting, sets out principles for developments affecting the setting of historic assets.

Policy Env 3 states that development within the curtilage or affecting the setting of a listed building will be permitted only if not detrimental to the architectural character, appearance or historic interest of the building or its setting.

The low profile of the Waverley Mall roof terrace helps to facilitate largely unhindered views to the many category A and B listed buildings and structures which surround it. These include the Balmoral Hotel which is situated in closest proximity to the east of the site and across the Waverley Valley to the Old Town's spine.

As indicated in b) the development will be partially contained within the existing form of the roof terrace and sits at a slightly lower level than Princes Street helping to minimise its impact. When combined with the temporary nature of the proposal, the development will have only a limited impact on the setting of the surrounding listed buildings.

e) Impact on the Amenity of Neighbouring Residents

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

The development is within the city centre and sits amongst a number of commercial uses including retail, hotel and leisure uses as well as Waverley Rail Station. The nearest residential properties are on Fleshmarket Close and the High Street approximately 300 metres to the south of the site.

The proposed commercial use would not be unexpected in the city centre area and its scale is unlikely to add significant noise or disturbance to this normally busy commercial area. The supporting statement to the proposal indicates that there be background music only and there are no residential properties within the immediate vicinity.

No noise impact assessment was submitted with the application and as such Environmental Protection has commented that it cannot support the proposal. However, a previous live music area has been removed from the scheme which was the principal area of concern. In addition, any noise amenity impacts associated with the proposal will be subject to regulations not controlled by the planning authority.

The proposal will not have a materially detrimental impact on the living conditions of any nearby residents and complies with LDP policy Hou 7.

f) Impact on Local Sites

LDP policy Env 15 (Sites of Local Importance) states that development likely to have an adverse impact on the flora, fauna, landscape or geological features of a Local Nature Reserve or a Local Nature Conservation Site will not be permitted. The site is included within the Castle Rock Local Geodiversity Site.

The proposal will not involve any permanent development which would affect the flora, fauna, landscape or geological features of the Site and complies with LDP policy Env 15.

g) Loss of Designated Open Space

LDP policy Env 18 (Open Space Protection) states that proposals involving the loss of open space will not be permitted unless it is demonstrated that there will be no significant impact on the quality or character of the local environment. The roof top of Waverley Mall is designated open space.

The proposal will not involve development which would result in the permanent loss of open space. The site remained partially accessible to members of the public throughout the time period of the development and the proposal complies with LDP policy Env 18.

h) Road Safety

The Roads Authority was consulted on the proposal and raised no objection subject to informatives on lighting and footway width and signage to ensure social distancing.

i) Other Material Considerations

Temporary development

The roof terrace has a long history of temporary developments taking place over the summer and winter months. These generally coincide with other temporary attractions which take place across the city and overall do not look out of place within this context though, the frequency, duration and quality of temporary developments has previously raised concerns. In 2020 the context has changed, with events including the Christmas Market in the nearby East Princes Street Gardens not taking place.

The Scottish Government's Chief Planner wrote to all Planning Authorities in May 2020 to 'encourage a supportive, pragmatic and flexible approach to temporary developments and changes of use which would enable businesses to diversify or adjust the way they operate' in response to the affects of the Covid-19 pandemic.

The proposed temporary development would not fall within the category of permitted development, being a development on top of land containing a building and for a duration of longer than 28 days. However, enabling temporary development such as this is within the spirit of the Chief Planner's letter.

Consent has been granted under application 18/02748/FUL for a permanent alteration to Waverley Mall roof. This proposal will result in a sympathetic reconfiguration of the roof with a contemporary structure and includes a dedicated plaza area of approximately 575 square metres. The operators of Waverley Mall previously signalled their intention to commence work on the permanent reconfiguration in September 2020. This has been delayed as a result of the pandemic. However, once complete this will better accommodate future temporary uses.

As indicated in a) to d), the temporary use is also considered acceptable in this instance

Air Quality

The plans indicate that fire pit will be included within the tent. Environmental Protection has commented that it would be unlikely to be able to support the application if they were planning on open fires with wood burning. However, this element of the proposal will be controlled under the Clean Air Act.

k) Public comments

Material Representations - Objections:

- Adverse impact on views to listed buildings, addressed in 3.3 (d).
- Adverse impact on Conservation Area, addressed in 3.3 (b).
- Adverse impact on World Heritage Site, addressed in 3.3 (c).
- Noise impact from generators, no generators are indicated on the plans, noise is assessed in 3.3(e)
- Potential for antisocial behaviour, impact on neighbouring amenity is assessed in 3.3(e)

Non-Material Representations:

- Unfair competition for local businesses, which should be supported at this time - competition is not a factor subject to planning control.
- Creates Covid-19 hazard - the operator of the development would have to meet the COVID-19 legal requirements. These are not subject to planning control.
- Environmental impact from plastic waste - whilst not material, the applicant has stated how such waste will be minimised.

Support:

- Will encourage people into city centre and shops.

Conclusion

The temporary commercial development will contribute to the city centre's vitality and role as a strategic business and regional shopping centre. Whilst the site is within a prominent location, the proposal will clearly be a temporary addition associated with the festive season and relatively contained within Waverley Mall's roofscape.

As a time limited temporary development, the proposal will not have a significant or long term detrimental effect on the special character or appearance of the conservation area or detrimental impact on the Outstanding Universal Value of the Edinburgh World Heritage Site or setting of the surrounding listed buildings.

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

3.4 Conditions/reasons/informatives

Conditions: -

1. Permission is granted for a limited period from between 7 October 2020 until 10 January 2021.
2. All temporary structures hereby approved shall be removed within 48 hours upon the expiry of permission and the site shall be returned to its original state.

Reasons: -

1. Due to the temporary nature of the proposed development and the site's sensitive location.
2. Due to the temporary nature of the proposed development and the site's sensitive location.

Informatives

It should be noted that:

1. 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.
2. Footways within the proposed should be wide, clearly marked and be provided with directional signage to ensure social distancing.
3. The proposed site is on or adjacent to the operational Edinburgh Tram and 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. See our full guidance on how to get permission to work near a tram way <http://edinburghtrams.com/community/working-around-trams>.

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:

The application has been assessed 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 is not subject to the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The proposal received 11 objection comments and one support comment. A full assessment of the representations can be found in section 3 of the report.

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

Date registered 14 August 2020

Drawing numbers/Scheme 01b-07b,

Scheme 3

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lynne McMenemy, Senior Planning Officer

E-mail: lynne.mcmenemy@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

Relevant policies of the Local Development Plan.

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

LDP Policy Ret 7 (Entertainment and Leisure Developments - Preferred Locations) identifies the City Centre, at Leith and Granton Waterfront and town centres as the preferred locations for entertainment and leisure developments.

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

LDP Policy Env 1 (World Heritage Site) protects the quality of the World Heritage Site and its setting.

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 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

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

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

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

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

Appendix 1

Application for Planning Permission 20/03336/FUL At 1 Waverley Bridge, Edinburgh, EH1 1BQ Pop-up event on mall roof, consisting of canvas tipi bar and food truck. Decorated with festoon lighting (as amended).

Consultations

Roads Authority

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

- 1. 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;*
- 2. Footways within the proposed should be wide, clearly marked and be provided with directional signage to ensure social distancing.*

TRAMS - Important Note:

The proposed site is on or adjacent to the operational 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.*

Environmental Protection

Original response 03/09/20 -

We have concerns in relation to noise from the proposal affecting nearby sensitive receptors, particularly as they intend to have live music.

Therefore, before we could consider supporting this application, we would need the applicant to submit a Noise Impact Assessment to demonstrate that amplified music and vocals from the venue would meet NR15 within the nearest noise-sensitive premises.

Additional comments 08/09/20 -

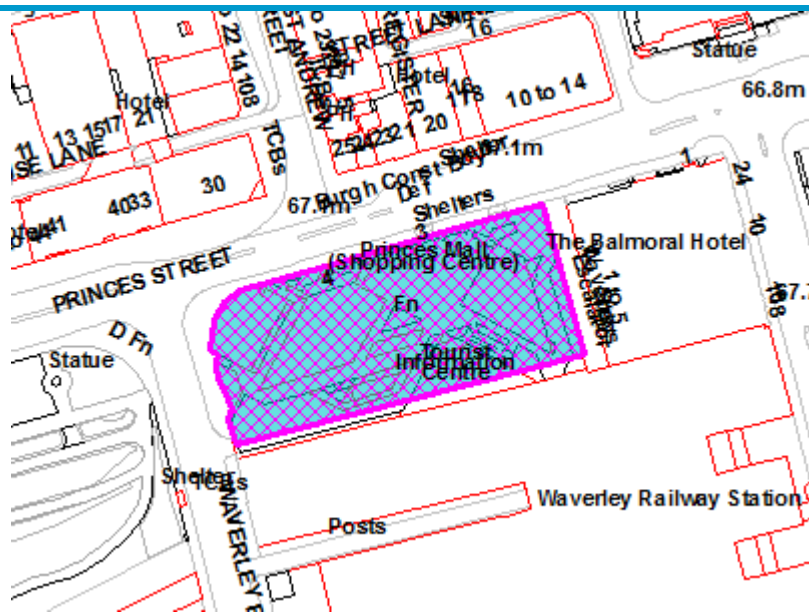
The whole of Edinburgh is a Smoke Control Area under the Clean Air Act. This means that it would be an offence if, on any day smoke is emitted from a chimney. It looks to me like the glass house structure has a chimney (I'm unsure of the set-up for the Tipis).

In relation to the chimney, the only exemption to the Clean Air Act about smoke emissions would be if one of the authorised smokeless fuels (not wood) is being burned or if an exempt fireplace is in use. (and being used for the burning the fuel which it is permitted to burn under the terms of its authorisation - usually kiln dried wood or something of that description).

Finally, the proposal is situated within the Central Edinburgh Air Quality Management Area. That AQMA has been declared on the basis of NO₂ rather than particles however burning will increase the load of particles and NO₂.

Therefore, I think we would be unlikely to be able to support the application if they were planning on open fires with wood burning.

Location Plan



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Development Management Sub Committee

report returning to Committee - Wednesday 28 October 2020

Application for Planning Permission 19/05832/FUL at Bangholm Outdoor Centre, Craighall Gardens, Edinburgh. Erection of new build Sports and Outdoor Centre to replace existing facilities on site (to be demolished) and provide sports facilities to be used by both Trinity Academy (located on Craighall Avenue) and the wider community.

Item number

Report number

Wards

B04 - Forth

Recommendations

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

Background information

This application was continued at the Development Management Sub-Committee on 23 September 2020 for further information. The Committee wanted further details of the following:

- clarity on other options to provide the outdoor centre without it impacting on the Category A tree;
- clarity on the access arrangements and
- more detail on the path surface and clarity on access for Trinity pupils.

The applicants have submitted a statement in response to the discussions. This covers the site arrangement, outdoor centre and site access as well as information on accessible and minibus parking.

This document can be viewed on the Planning and Building Standards Portal.

Main report

Outdoor Centre and Category A Tree

The statement advises that the proposed site layout has been configured in response to a number of factors including the existing layout, specific operational requirements and constraints, and has been subject to extensive discussions with stakeholders including the Council, current and future users.

Site layout

The site at Bangholm is triangular in shape and accommodates existing rugby and hockey pitches used by Trinity Academy and local teams. In developing the design, retaining these operational pitches in their current location was considered the best option, given that these were currently in an optimum east-west orientation for playing sport, of the correct size for amateur and professional matches and that the shape of the site prohibited their relocation.

This left the existing developed area in the north-east of the site, with direct pedestrian and vehicular access from both Craighall Gardens to the east and the cycle path from the north, as the primary development site.

Limiting the development to previously developed land was also desirable as it minimises the use of previously undeveloped designated open space.

Operational requirements

The proposed development is primarily to serve as Trinity Academy's sports facilities and PE department. It is advised that, the overall footprint of the centre was based on the area required for a PE department taken from the Council's 'Wave 4' Accommodation Schedule Brief. This resulted in a footprint of 2,575m² with the building formed as a square to 'maximise area to perimeter ratio making the plan as efficient and condensed as possible'.

The site also currently operates as the only hub for the Council's existing Outdoor Centre and Outdoor Team. The Outdoor Team is responsible for outdoor learning, excursions and field trips and routinely returns from activities outside of what would be the normal opening hours of the proposed Sports Centre. A separate building is needed to ensure continued provision of this service, including changing facilities and equipment space, without the need for access to the main sports centre as this would have security and staffing implications. A footprint of 165m² is required for this facility and the standalone unit has been designed to meet these requirements.

It has been further advised that the gated area between the proposed sports and outdoor centres is to create a secure outdoor workspace for the repair of equipment outside and to have a wash-down area for dirty equipment on return from excursions. When the Outdoor Team is not using this external workspace, the gates will remain open allowing free access around the building. The gates will only be closed when members of the Outdoor Team are present using the external workspace and can open if required. The default position for these gates will be open. It should be noted that the operational arrangements of the sports facility are not matters that can be controlled by the planning authority under any planning permission granted: this is a matter for the Education Authority and the sports provider.

Fire and refuse access

The development requires access for fire tenders and refuse vehicles with space for a turning head as well as space for disabled and minibus parking. It has been advised that the proposed layout allows safe and practical access, meeting the minimum dimensions based on the sweep path (the practical turning space) for a fire tender.

The location of the turning head, accessible and minibus parking is also in response to the existing access arrangement from Craighall Gardens remaining unaltered and allowing suitable setback from neighbouring buildings, including those within the conservation area.

Tree Report

The applicant's additional tree report states a number of methods which will be employed to maintain the category A lime tree as far as is practical. This takes cognisance of the fact that the existing site layout, including existing hardstanding, buildings and structures may have bearing on the location of tree's routes.

It is noted that the existing lime is a remnant of an existing grouping of lime trees which were removed as part of the development of the flatted blocks on Craighall Gardens. This removal of lime trees was assessed as acceptable subject to replacement planting.

A condition attached to the approval of this application will ensure that suitable replacement planting will be achieved should it be found that retention of the remaining lime tree is not viable.

In conclusion, limiting redevelopment to the already developed area of the site has a number of benefits both practical for the function and operation of the site, and desirable in terms of minimising the use of undeveloped open space. The layout design has been in response to practical and operational needs as well as site constraints which substantially prohibit reconfiguration of the site and relocation of the outdoor centre in any other format. The development offers significant community benefits which, with the further benefit of replacement planting outweigh the potential for the loss of a singular tree.

Access Arrangements and Path Surface

In relation to the access arrangements outwith the site from neighbouring schools, and in particular Trinity Academy, the agent has provided the following response:

The access strategy for the Bangholm Sports and Outdoor Centre is the result of extensive consultation with all the key stakeholders primarily representatives of Trinity Academy (who will be the primary users of the facility), CEC Communities and Families as well as Edinburgh Leisure (who will operate the facility outside school hours allowing access by the general public).

The rationale behind developing Trinity Academy's PE Department at Bangholm is part of a larger plan to redevelop Trinity Academy itself as the current facilities there are no longer fit for purpose. The current site at Trinity Academy is overdeveloped over decades of piecemeal developments and currently the pitches on site at Bangholm are used by Trinity Academy for external sports. The idea is to develop new sports facilities at Bangholm adjacent to the existing external sports facilities initially to free up space to develop new teaching facilities on site a Trinity later. Creating this campus arrangement and the link between both for pupils was extensively discussed with the stakeholders to develop a strategy that was acceptable.

Trinity Academy staff will promote and enforce the pupils using the cycle path link between Bangholm and Trinity Academy as the primary route for pupils to use when travelling between the sites. This will mean pupils will not have to cross Craighall Road improving safety and it will encourage safe use of cycling by fostering a culture of active travel, green awareness and exercise in the pupils. To facility this beyond simple encouragement by staff physical elements will be provided to reinforce this route such as abundant cycle storage adjacent to the north entrance from the cycle path (based on 'Cycling by Design' Guidance by Transport Scotland) as well as improving the entrance from the cycle path as well (see section below on 'Details of access from Victoria Path').

The submitted Design and Access Statement provides details of the proposed routes agreed between all parties.

The site provides existing facilities for pupils of Trinity Academy. Through redevelopment of the site and extensive discussions described it is clear that safer and practical site access for pupils has been a consideration. This corresponds to the onsite layout, provision of cycle stands, design of windows and active frontages at ground level and improved access from the Hawthorn Path (Victoria Path) as described below.

The applicant has confirmed that gates will be open from all access points from the Hawthorn Path (Victoria Path) and Craighall Gardens during operational hours of the site. However, as the application is for the development of a sport facility, the practical arrangements for getting pupils to the site are operational matters for the Education Authority and cannot be controlled by the Planning Authority.

Hawthorn Path

An extract from the indicative landscape plan has been supplied. This shows an upgraded access link form the path. There will be two elements to this access comprising of a 1:15 sloped access and a stepped access to accommodate the level change between the site and the path. The access follows guidance outlined in the Sustrans Design Manual and will be accessible by both cycle and pedestrian users.

The sloped path will be finished in asphalt to aid accessibility. The steps will be finished in a resin bound gravel.

Access from Holy Cross Primary

It is advised that the entrance into the site from Holy Cross Primary will be upgraded from a route over the existing grass to an asphalt surface providing an accessible entrance from the existing gate. This asphalt surface will connect to a new path of self-binding gravel which will run northwards towards the Sports Centre. This new path will run along the eastern edge of the rugby pitch, with provision made for surface water. This arrangement is to provide an accessible path from the entrance at Holy Cross Primary to the sports and outdoor centres and is an upgrade of an existing path.

Other issues raised

Minibus parking

It has been advised that the spaces marked on the plans for minibus drop off also provide parking for two medium sized 17 seat minibuses which can house two teams e.g. one hockey one rugby. This will eliminate the need for offsite parking on match day weekends. Again, it should be noted that this is an operational matter for the Education Authority and cannot be controlled by the Planning Authority.

Disabled parking

Whilst not a material planning consideration, the agent has advised the following in relation to the amount of disabled parking provided.

'The provision of two Accessible Parking Spaces is a sufficient provision in terms of the current Building Regulations for a building of this size and use. All the parking spaces provided at Bangholm will be solely for visitor use as the staff will part at the existing car park adjacent to Trinity Academy (see Section C.3 of the Design & Access Statement). The All Ability Bike Club have been a key stakeholder in the development of the design and will remain a key user of the new facility. Through consultations they have been happy with the proposals and the added facilities it will provide them with once complete, notable the Community Café space which they will use as a base when on site.'

Links

<u>Policies and guidance for this application</u>	LEN06, LEN12, LEN15, LEN16, LEN18, LEN21, LDES01, LDES03, LDES04, LDES05, LHOU07, LTRA02, LTRA03, LEN22,
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A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=Q28LTDEWKHM00>

Or Council Papers online

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

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Development Management Sub Committee

Report Returning to Committee – Wednesday 28 October 2020

**Application for Planning Permission 17/04137/FUL
at Corstorphine Hospital, 136 Corstorphine Road, Edinburgh.
Re-development of the former Corstorphine Hospital to form
76 residential apartments (including 44 new build
apartments) and associated community hub, vehicular
access, car parking and landscape works (as amended).**

Item number

Report number

Wards

B06 - Corstorphine/Murrayfield

Recommendations

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

Background information

The Committee was minded to grant planning permission on 22 February 2019, subject to the conclusion of legal agreements within six months of this date to make financial contributions towards affordable housing, education and transport infrastructure.

An additional condition was applied at the Committee's request as follows:

"Prior to the commencement of development, a revised landscaping scheme shall be submitted to the Planning Authority to explore a more sympathetic approach to the site and setting of the listed building and this shall include the provision of an improved access across the site. This matter shall be referred back to the Development Management Sub-Committee for approval."

Reason: In the interest of appropriate access across the site.

The Committee was concerned that the accessible route proposed in the original scheme was not sufficient in terms of inclusive mobility.

The application was continued by the Committee on 18 December 2019 for further information on the gradients of the proposed accessible route and further input from an appropriate organisation in regard to equality/disability issues for inclusive mobility.

The application was returned to Committee on 3 June 2020 to extend the deadline for concluding the legal agreement to enable planning permission thereafter to be released. This was granted by the Chief Planning Officer under Extended Delegated Authority.

The legal agreement has now been signed and planning permission was granted on 10 September 2020.

Main report

A further five schemes have been submitted for an accessible route across the site. Options 4 and 5 propose alternative configurations of an Equality Act (EA) compliant ramp on the central green space. Options 6 and 7 propose an EA compliant ramp from the top of the central lawn to the former hospital building with a steep, vertically-aligned ramp connecting the top ramp with the foot of the site and series of chair lifts connecting level changes on the steep ramp. Option 8 proposes improvements to the access route proposed in the original scheme (i.e. following the existing vehicle route through the site).

Option 4: This scheme proposing a ramp on the west side of the central lawn is impractical, involving a 214-metre long path with 22 resting places. Also, significant earthworks would be required to cut the path into the hill and the 1:12 gradient is steep. However, the existing steps historically used to access the lawn areas would be retained. This proposal would have a detrimental impact on the green setting of the listed building, the outlook for many of the apartments and the provision of useable green space. The opportunity to refocus the long view onto the former hospital building would be lost.

Option 5: This proposal is similar to Option 4, but with a ramp extending further into the central lawn space and proposing a 240-metre long path with 55 resting places. This option is impractical for the same reasons as Option 4.

Option 6: This scheme, involving a horizontally aligned, EA compliant ramp at the top of the site connected to the foot of the site by a steep, vertically-aligned ramp, is the shortest and therefore likely 'desire' route. There is space for two chair lifts to connect level changes and assist the journey on the steep ramp and the existing, the historic steps would be lost and the scheme would have a detrimental impact on the lawn area and views of the listed building, albeit to a lesser extent than in Options 4 and 5.

Option 7: This proposal is similar to Option 6 with an additional level on the lawn area and space for four chair lifts. This option is problematic for the same reasons as Option 6.

Option 8: This proposal is similar to the route proposed in the original scheme and is relatively short, following the route used previously by the hospital and care home staff. This revised scheme proposes additional resting places on both north-south routes, a handrail on the footway, mobility scooter drop-off locations and accessible parking on the east side of the access road. The principle accesses to the apartment blocks are used and each block has level access to areas of the central lawn. Option 8 would preserve the setting of the listed building, maximise useable green space and preserve the historic stepped access to the lawned areas.

These options have been considered by the Edinburgh Access Panel. The Panel agrees that, in the circumstances, Option 8 is considered an acceptable compromise. The Panel also supports the 'mobility scooter' option, as outlined in Hacking & Paterson's letter of 6 May 2020. This involves the provision of a golf-style buggy and motorised scooters located in the Residents' Hub building and covered car parking areas for the exclusive use of residents and their visitors. The Access Panel suggests that this option be included as a condition if planning permission is granted.

In conclusion, whilst Option 8 does not provide an accessible route through the centre of the site and has the steep gradient, it is the best scheme in terms of preserving the landscape setting of the listed building and providing a practical and satisfactory accessible route. The use of mobility scooters has been added as an informative, rather than a condition, as enforcement would not be practical under planning legislation.

It is recommended that the Committee approves Option 8 of the accessible access proposals (drawing number 61, scheme dated May 2020) and discharges the additional condition for a revised landscaping scheme.

Links

<u>Policies and guidance for this application</u>	LDPP, LHOU01, LHOU05, LEN04, LEN03, LDES01, LDES03, LDES04, LDES05, LDES06, LHOU03, LHOU04, LEN09, LEN12, LEN16, LEN21, LTRA02, LTRA03, LTRA04, LDEL01, NSG, NSLBCA, NSGD02, NSMDV,
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A copy of the original Committee report can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=OVX087EWMQN00>

Or Council Papers online

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Development Management Sub Committee

report returning to Committee - Wednesday 28 October 2020

Application for Planning Permission 18/10372/FUL at West Bonnington Farm, Bonnington, Kirknewton. Erection of farmhouse in connection with agricultural use (as amended).

Item number

Report number

Wards

B02 - Pentland Hills

Recommendations

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

Background information

The Committee was minded to grant planning permission on 31 July 2019, subject to the conclusion of a legal agreement within six months of this date to ensure the new house was restricted to occupancy of the new farmhouse to agricultural employees only. The period for conclusion of the legal agreement has been extended for a further 3 months under delegated powers and was further extended on 17 June 2020 for a further 3 months by the Development Management Sub-Committee.

Negotiations have now concluded but as the further extension of 3 months expired on 16 September 2020, the legal agreement cannot be concluded. A further 3 months is required to conclude this and issue the planning permission.

Main report

There are no new material planning considerations which affect the Development Management Sub-Committee original decision on 31 July 2019 that it was minded to grant this application subject to a legal agreement first being concluded to secure the necessary restriction on occupancy of the proposed farmhouse.

Negotiations have now concluded, and suitable wording has been agreed to ensure the farmhouse will be occupied by those employed by the farm. However, as the period for concluding the legal agreement has now expired, a further 3 months is required to issue the briefing report to sign-off and then can get engrossments out for signing. It is considered that a further three-month extension to the period to conclude the legal agreement will enable the planning permission to be released for this development.

It is recommended that the timescales for concluding the legal agreement for this application be extended and once the legal agreement is concluded that planning permission is granted.

Links

Policies and guidance for this application

LDPP, LEN10, LDES01, LDES03, LDES04, LTRA02, LTRA03, LEN03, LEN21, NSG, NSGCGB, NSGD02,

A copy of the original and previous returning Committee reports can be found in the list of documents at

<https://citydev-portal.edinburgh.gov.uk/idoxpa-web/applicationDetails.do?activeTab=documents&keyVal=PJQ60EEWMDO00>

Or Council Papers online

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Development Management Sub Committee

Wednesday 28 October 2020

**Application for Planning Permission 20/00465/FUL
at 1 - 5 Baltic Street, And 7-27 Constitution Street,
Edinburgh.**

**Proposed mixed use development comprising partial
demolition of existing buildings, purpose built student
accommodation, affordable housing, office units, cafe and
public digital co-working space with associated landscape,
drainage and infrastructure (as amended).**

Item number

Report number

Wards

B13 - Leith

Summary

This proposal will deliver a new use for these unique listed buildings in a heritage led regeneration scheme preserving their industrial setting and features of architectural and historic interest.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area.

With regards to student accommodation, the proposals do not comply with the adopted Edinburgh Local Development Plan or supplementary guidance on Student Accommodation. It is accepted that provision of 50% housing on this site is not practicable and the infringement of policy Hou 1 d) is acceptable. The design of the development will maintain and enhance a sense of place.

The development will have an acceptable impact on neighbouring amenity given the existing site context and will deliver an acceptable level of amenity for future occupiers. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDEL03, LEMP09, LHOU01, LHOU06, LHOU08, LHOU10, LRET11, LRS01, LTRA02, LDES03, LTRA09, LDES01, LDES02, LDES04, LDES05, LDES07, LEN02, LEN03, LEN04, LEN05, LEN06, LEN08, LEN09, LEN12, LEN16, LEN20, LEN21, LEN22, LHOU02, LHOU03, LHOU04, LHOU07, LRET07, LRET11, SPTR03, SPTR04, SPTR05,

Report

Application for Planning Permission 20/00465/FUL at 1 - 5 Baltic Street and 7-27 Constitution Street, Edinburgh. Proposed mixed use development comprising partial demolition of existing buildings, purpose built student accommodation, affordable housing, office units, cafe and public digital co-working space with associated landscape, drainage and infrastructure (as amended).

Recommendations

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

Background

2.1 Site description

The site lies to the north of Baltic Street, south of Tower Street and east of Constitution Street. It has an area of approximately 1.05 hectares. The eastern part of the site comprises an old gas works site which has a number of existing buildings and structures. These include a former retort house, an original gasholder, a later gasholder, an office, a former purifying building, and a later warehouse. The western part of the site comprises the existing Daltons scrapyards. The total area of buildings on the site is approx. 8846 square metres. Main access is from Baltic Street and Constitution Street.

The buildings within the old gasometer site are category B listed. They fall within group listing (LB26744) listed 14 December 1970. They comprise: the later gasholder to the west of the site, offices, original gasometer and Retort House to the east of the site, a Coal Store in the centre of the site, and the Purifying Building to the northern site boundary. The A listed Corn Exchange lies just outwith the application site boundary to the south west (LB27140) listed 14 December 1970. To the south of the site fronting Baltic Street is an arch which is included within the category A listing of the Corn Exchange building. The Purifying Building is on the Buildings at Risk Register.

A Heritage Statement has been included with the application and this notes the significance of the buildings as follows:

- The eastern façade of the Retort House and Original Gasometer, by virtue of their architecture, rarity as substantial surviving buildings from the earliest days of the gas industry, and their relative state of preservation have the highest significance. A section of screen wall adjacent to the Corn Exchange and the south east courtyard, where three well preserved buildings from different periods of the development of the gasworks can be viewed in their original spatial relationship are also deemed to be of high significance.
- The Office Building has a quite different historical significance from the rest of the site. It is domestic in scale and design and although its interior is in poor condition, it is still intact. This building has medium significance.
- Coal Store. The present-day form of the Coal Store is the result of a series of additions and demolitions over an extended period but remains a substantial and relatively rare survival from Leith's industrial past. It therefore has medium significance and is worthy of retention.
- Purifying Building. The Purifying Building is the last remaining part of a group of processing buildings which defined the northern boundary of the gasworks site, adjacent to the platform of South Leith railway station. It has been abandoned for many years and has been on the Buildings at Risk Register since 2011. it is of medium significance.
- Western Gasometer Building. The Western Gasometer building was the largest and most prominent building on the site until its substantial demolition in the late 1970s to allow it to be used as a builder's yard. The cathedral like roof, an important feature of the original structure, was removed entirely. The monumental character of this building in the Leith townscape has been lost. It is deemed to have some significance but is basically a remnant.

The Heritage Statement also gives an understanding of the historical development of the site. The Leith Gas Light Company was formed in 1823, and by 1829 owned the eastern feu of the site and submitted petitions to the Leith Dean of Guild for the gas works. They later purchased land to the west of this and soon the whole site rapidly developed especially with the development of the South Leith Station to the north to bring coal easily into the site. The site was fully developed by the mid-18th century and maps from that period show the site almost completely covered by buildings. However, this was not big enough for the needs of a growing population and the gasworks were moved to Granton in the early 20th century. Since then various uses and changes have taken place on the site and what remains today is only part of what once covered it.

The group listing for the site was amended in August 2019. This addressed the significance of the surviving buildings, reiterating their special architectural and historic importance as a highly significant industrial site for the production of gas in Scotland. The surviving historic buildings are an important reminder of an industrial process that is now largely redundant.

The amended listing excludes the interior of all structures (except the office building), flat roofed and harled extensions to west of the office block, modern metal extension and roller doors to west of northeast range and single storey brick building adjoining the

east and north of northwest range, north boundary brick wall and brick walling adjacent to site entrance.

In the wider area, there are listed buildings at 37-43 Constitution Street and 49 Assembly Street which are category A listed (LB27147) listed 14 December 1970, and 2 Bernard Street/28 Constitution Street which are category B listed (LB26886, listed 14 December 1970).

The site is characterised by coursed and random sandstone rubble walls and pitched roofs finished in industrial materials. The block is enclosed and there is no pedestrian or public links through the site.

To the north of the site is Tower Street which has commercial/industrial type buildings and car parking, with Forth Ports beyond. To the south are mainly tenemental residential properties. To the east of the site is an industrial/ commercial area which is to be developed for housing. To the west are a mix of commercial and residential properties which have a maximum height of seven storeys. The predominant materials in the area are polished ashlar to public elevations and a variety of coursed rubble, brick render and industrial materials. Roofing material ranges from dark grey slate, red artificial slates, corrugated metal or asbestos panels, seamed metal or flat asphalt roofs.

This application site is located within the Leith Conservation Area.

2.2 Site History

1-5 Baltic Street was originally the premises of the Leith Gas Light Company (formed in 1823) and successor businesses, processing coal into gas which was stored on site within the on-site gasometers before being piped into the surrounding locality. Since the early 20th Century 1-5 Baltic Street has been occupied by a timber merchant and more recently a builders' merchant with associated trade counters.

7-27 Constitution Street was originally occupied by a naval yard, but later was the site of a granary and coal yard. It has operated as a scrapyards since the Victorian buildings were demolished in the early 1970s.

19 August 1999 - Installation of traffic calming measures approved (application number 99/01033/FUL).

31 January 2020 - Application for Conservation Area consent for demolition of unlisted buildings submitted (application number 20/00463/CON)

31 January 2020 - Listed Building application submitted to demolish, convert and construct new development for student housing, affordable housing, offices, digital co working space and a cafe (application number 20/00466/LBC)

11 February 2020 - partial demolition of wall on Tower Street granted consent (application number 19/05902/CON).

14 February 2020 Planning permission was granted for installation of gates to Tower Street opening (application number 19/05903/FUL).

History of nearby sites

5 August 2019 - Planning permission granted for a flatted development of 212 flats and ground floor commercial units and associated works on the adjacent site to the immediate east at 1 Bath Road (application number 18/08206/FUL).

19 March 2020 - Planning application pending determination for a residential development and associated works on the nearby site to the north east of the site at 57 Tower Street and 1 Bath Road. (application number 20/01313/FUL).

04 September 2020 - PAN submitted for the demolition of existing buildings and erection of mixed-use flatted residential and commercial development with associated access, car parking, greenspace and ancillary works at Bath Road/ Salamander Street (application number 20/03799/PAN).

Main report

3.1 Description Of The Proposal

The overall proposals are for a mixed-use development comprising student accommodation, affordable housing, offices and digital co-working space with a café. Accommodation is provided in six blocks; three new build and three conversion. Five of the blocks are arranged around a courtyard; one block fronts Constitution Street.

The student accommodation consists of 66 HMO apartments to accommodate a total of 558 student bedrooms. The student flats would each have between 4 and 11 bedrooms. Two warden's flats are to be provided in the listed building to the south east of the site. Shared common spaces are provided such as common rooms, laundry rooms and music practice rooms.

The affordable housing comprises eight one bedrooomed flats; six two bedrooomed flats and four three bedrooomed flats. The affordable housing is located on the first to fourth floors of block F fronting Constitution Street above the office units which each have a floor area averaging 79sqm. PV solar panels are proposed to the roof of the affordable housing block.

The digital co-working space, at the junction of Constitution Street and Tower Street is envisaged as being used by both students and local businesses. A cafe will be located within this area. Total floor area would be 353sqmetres. An area for co-working would be located off North Assembly Street. This would have a floor area of 110 square metres.

The height of the proposed new buildings would be five and six storeys. All are five storeys with the exception of the building proposed at the junction of Constitution Street and Tower Street and part of the proposed new building in the centre of the site. There would be a three storey high section of building fronting Constitution Street adjoining the existing Corn Exchange.

A central courtyard area is proposed with connections to Baltic Street, Constitution Street and Tower Street from the eastern site boundary. Pedestrian access points are proposed to/from the south, west and east site boundaries.

Materials proposed for new build elements are natural and dark stone cladding, brick (dark and brown coloured) and zinc cladding to walls. Roofs are to be natural slate and zinc. Infilling of areas of wall in existing structures to be retained are proposed to be brick to match the existing building. Windows to be aluminium and dark coloured. Rainscreen cladding and downpipes to be aluminium.

No car parking spaces are proposed. A total of 661 cycle parking spaces are proposed in five internal storage areas, and two external bike stores.

Surface materials are Caithness stone flags to entrance spaces, permeable clay pavers to main circulation spaces and textured clay cobbles to pocket gardens. Landscape design will aim to re-use materials from the site where possible.

The development includes the proposed demolition of some of the buildings/structures within the site. These comprise the western gasometer building, part of the perimeter wall fronting Constitution Street and Tower Street, the building within the scrapyard site, the north and west extensions to the Retort House and the later warehouse addition to the north and east of the Purifying building.

Previous Scheme

- The revised scheme proposes the replacement of a retail use within the units along Constitution Street with an office use;
- Elevations facing Constitution Street and Tower Street have been revised together with proposed changes to the use of materials including use of stone instead of brick;
- The arched windows to the Retort House have windows resized and positioned;
- The bike store fronting Baltic Street has been altered to create a communal area;
- the revision to the treatment of the retained façade of the Western Gasometer on Baltic Street to activate the frontage;
- A new 2.1-metre-wide footpath is now to be provided to the north boundary of the site running in an east west direction;
- The substitution of traditional slate for metal on the roofs of the restored listed buildings;
- Redesign of the dormer windows proposed for the west elevation of the retort house, reducing its scale and visual impact;
- The removal of metal flashings from the skewers of certain of the listed buildings;
- Changes to the façade treatment of the two storey section of the affordable housing block on Constitution Street;
- Reduction in size of the new windows within the blind arches on the east elevation of the Retort House;

- Changes to the NW corner of the Tower Street elevation, reflecting the relocation of a bin store from Constitution Street to Tower Street;

- Areas of ground floor finished floor level increased to +5.6mAOD; and
- incorporation of more porous surface materials and water garden planting.

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

- Design and Access Statement;
- Air Quality Impact Assessment;
- Planning Statement;
- Supplementary Planning Statement;
- Heritage Statement;
- Landscape Report;
- Townscape Study Report;
- Townscape Views;
- Townscape Appendices;
- Surface Water Management Plan;
- Bat Survey;
- Bat Assessment and Activity Survey;
- Transport Assessment;
- Daylight and Sunlight Assessment;
- Drainage Strategy Report;
- Preliminary GI Report;
- Stage 2 Report;
- PAC checklist;
- Noise Impact Assessment;
- Structural Condition Overview;
- Sustainability Statement;
- Landscape Management and Maintenance Schedule;
- Tree survey, and:
- Affordable Housing Statement.

These are available to view on the Planning Portal.

3.2 Determining Issues

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

Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states that in considering whether to grant planning permission for development which affects a listed building or its setting, a planning authority shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

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

Do the proposals comply with the development plan?

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

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

3.3 Assessment

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

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

a) Principle of development

The site lies within the Edinburgh Waterfront in the Local Development Plan (LDP). It is within the Central Leith Waterfront Area, in an area of commercial and housing led mixed use development (proposal EW1b). A route is safeguarded for a cycleway/public transport (proposal T1) along Constitution Street to the west of the site. The proposed uses will need to be assessed against relevant Local Development Plan policies and non-statutory guidance.

The site is covered by the Leith Docks Development Framework, the aim of which is to create a mixed and balanced community which exemplifies the principles of sustainability in terms of use mix, accessibility and design.

LDP policy Del 3 (Edinburgh Waterfront) states that planning permission will be granted for development which will contribute towards the creation of new urban quarters at Leith Waterfront and Granton Waterfront.

The development principles are set out in Table 11. The aim is to ensure that the regeneration of Edinburgh's Waterfront comes forward in a planned manner within the

context of a long term vision. Development principles for Leith and Granton Waterfront are set out; there is no specific use allocated for this site.

The site must be assessed against all relevant policies within the LDP including policies Hou 1 (Housing Development) and Hou 8 (Student Accommodation). The site's former use for employment means policy Emp 9 (Employment Sites and Premises) must also be considered.

The proposed uses at the site comprise student accommodation, affordable housing, office space, cafe and public digital co-working space. These are each assessed as follows.

Student Accommodation

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

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

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

Location

The development site is close to a number of bus routes (within 100 metres on Bernard Street) with further buses available on The Shore and Links Place. The main cycle route in the area is the National Cycle route (NCR) 75, the Clyde to Forth cycle route, located approximately 350metres west of the development site. It provides convenient access to the city.

The development site is considered to be located in an area which will be easily accessible by bus and cycling will provide an attractive mode of transport to occupiers.

The tram route is planned to run along Constitution Street with stops in close proximity to the site.

The use is appropriate given the site's location with good access to universities.

Concentration

Part b) of policy Hou 8 (Student Accommodation) seeks to protect areas from an excessive concentration of student accommodation to maintain balanced communities or maintain the established character and residential amenity of the locality.

The application site lies within an area with a mixture of uses where a high residential population combines with various commercial uses.

In the wider area, the Leith and Leith Walk Town Centre, and Ocean Terminal provides concentrated areas of retail uses. New development proposals in the area include a mainly residential scheme at the site directly to the east, the development of the Ropeworks site to the south east and there are development proposals under consideration for further mainly residential development on two sites to the east at Bath Road/Tower Street/Salamander Street.

Whilst the number of student bedrooms proposed as part of the application is relatively high, the area has an existing high residential population, and a limited transient population. The development scale will complement the existing character, community, commercial units and nearby town centre. Overall, the proposed student accommodation would not result in a concentration of student housing which is of detriment to character of the area and is accessible to university and college facilities. The proposal accords with LDP Policy Hou 8 parts a) and b).

Policy Hou 1 (Housing Development) part 1 prioritises the delivery of housing on sites identified in the Local Development Plan and other suitable sites in the urban area provided proposals are compatible with other policies in the plan. To comply with Hou 1d), proposals on sites suitable for housing should give consideration to how they might deliver housing as part of proposals.

The non statutory Student Housing Guidance sets out requirements for purpose built student accommodation and requires sites with 0.25ha or greater developable area, which do not share a boundary with a main university or college campus, to provide a proportion of housing as part of the development. This is to be calculated at 50% of the gross new build residential floor area. The site has an area of 1.05 hectares.

The applicant has submitted a Planning Statement which puts forward the reasoning for developing the site as mainly student accommodation. This explains why maintaining the existing use or the development of all or part of the site for general housing is not viable. Details of the marketing history of the site are included and previous proposals that have been considered to develop the site, for a build to rent residential scheme.

A financial viability exercise has also been undertaken and this has been assessed by CEC Property Services. This sets out why a housing development on this site is not financially viable. The appraisal considers the development of the site for housing based on the massing of the current planning application. The mix of uses, costs and potential revenues have been based on normal parameters for the area. The analysis demonstrates that on a 'mid case' basis a residential development of the site would result in a financial deficit equivalent to 30% of project revenues. The applicant states that development costs are so high that even if the site were given to the developer at no cost they would still result in a financial deficit.

Sensitivity testing shows that even if the forecast revenues grew by 20% and the construction costs fell by 15% the project would result in a financial deficit.

The developer has considered an alternative scheme at the site (18/07468/PAN). This was for the development of the site for housing (build to rent), and commercial uses classes 1, 2, 3, and 4. The proposal would have resulted in the removal of three of the

distinct structures covered by the listing, including the purifying building and the standalone remains of the central coal store. The proposal did not encompass the development of the scrapyards and was not capable of meeting any S75 financial obligations. The applicant states that the structural problems, planning restrictions, and site contamination issues would have resulted in complete demolition of three listed buildings and a development with heights of up to nine storeys, with no affordable housing provision or other social contributions in order to make the scheme work.

The applicant has also submitted a financial appraisal of converting the western gasometer building. This has also been assessed and concluded that conversion would not be economically viable.

The site's listed status is a principal factor which has determined how the site can be best developed without adversely affecting the character and setting of the listed buildings. The developer has stated that without redevelopment of the western gasometer building it would be impossible to acquire the scrapyards site. It would be necessary to develop far more densely on the remainder of the site and could involve proposals to demolish the purifying building and the coal store.

The proposed removal of the gasometer building should be seen within the context of being part of a larger development and this provides a sustainable new use for the great majority of this group of listed buildings. In addition, the acquisition and development of the adjacent scrapyards site at 7-27 Constitution Street within the development scheme is positive in the context of the overall design layout of the wider area.

The applicant has cited the Scottish Government's Planning and Environmental Appeals Division (DPEA) recent decision for Gorgie Road (reference: PPA-230-2298). This is with reference to the weight which can be given to the Student Housing Guidance, in particular the stipulation for 50% provision of housing. This appeal was allowed on the basis that the guidance is non-statutory and not adopted policy so less weight can be given to it.

It is accepted that the site poses significant constraints which limits delivery of the site for housing. Whilst the application does not accord with policy Hou 1 d) or part c) of the non statutory student housing guidance, the re-use, repair and re-instatement of significant and unique listed buildings and grounds, and the constraints associated with developing this site, are key material considerations in establishing the principle of developing the site for mainly student accommodation.

The applicant is proposing to deliver a proportion of the site for affordable housing. In this instance, the need to develop the listed buildings in a sensitive and practical way takes precedence and the infringement in terms of policy Hou 1 d) is acceptable.

Affordable Housing

The development includes 18 affordable housing units. Housing at the site is an acceptable use in principle. Port of Leith Housing Association, the affordable housing provider for the proposed development, have written in support of the proposals. CEC Affordable Housing are supportive of the proposed scheme.

Office space, cafe and public digital co-working space

The proposed office units would complement the existing class 4 space in the adjacent Corn Exchange as well as the new class 4 space being developed as part of the nearby Barratt development on Salamander Street, and would help address the shortage of space for small businesses in Edinburgh. This would be consistent with policy Emp 9 which requires space "for a range of business users". The proposed cafe and digital co working space would complement the uses in the proposed development and the existing uses in the vicinity of the site.

b) Character and Setting of Listed Buildings

Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 states:

In considering whether to grant planning permission for development which affects a listed building or its setting, a Planning Authority or the Secretary of State, as the case may be, shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.

Historic Environment Scotland (HES) guidance note Managing Change: Use and Adaptation of Listed buildings, sets out the principles that apply to converting historic buildings to new uses. Other HES Managing Change guidance which applies to this case includes Demolition and Setting.

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings is applicable. It states that *for a building to remain in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect from them. A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm.*

The Historic Environment Policy for Scotland 2019 (HEPS) requires making sure that nothing is lost without considering its value first and exploring options for avoiding its loss. Steps should also be taken to demonstrate that alternatives have been explored and mitigation measures have been put in place. No potential restoring developers have come forward, and the site has been available for sale since 2007. The applicant states that the site has been extensively advertised to potential restoring developers in full compliance with HEPS.

A number of the buildings have been unoccupied since before 2011 (when the site was included on the Buildings at Risk Register) and the listed buildings are largely vacant. A new use therefore requires to be found for the site.

Demolition

Policy Env 2 of the adopted Edinburgh Local Development Plan (LDP) states that proposals for the total or substantial demolition of a listed building will only be supported in exceptional circumstances, taking into account 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 continual use.

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the Demolition of Listed Buildings states that if one of the following situations applies then the loss of a listed building is likely to be acceptable, as long as this is clearly demonstrated and justified.

- the building is no longer of special interest;
- the building is not capable of meaningful repair;
- the demolition of the building is essential to delivering significant benefits to economic growth or the wider community;
- the repair of the building is not economically viable, and it has been marketed at a price reflecting its location and condition to pot

A Heritage Statement has been submitted with the application. The key test in this case rests on whether the structures to be demolished are of special architectural or historic interest. If they are, then the other tests would have to be applied to justify demolition. The applicant's Heritage Statement assesses the significance or special interest of the appraisal site's assets and an appraisal of the impact on that special interest.

The Western Gasometer, in its original form was a highly significant building in Leith due to its visual prominence and its importance in a key industrial process. Its originally 18m wallhead was reduced to less than 6m in the late 1970s and most of its outstanding architectural features lost. As it stands now the building is low level and unadorned. The statement concludes that the limited remaining significance of the building is that it acts as a physical 'plan' of what was once in position. The building therefore has some significance.

The amount of removal is relatively small part of the listed group. The current use of the building is not compatible with the proposed development. Its removal would enable the development of a larger scheme which provides a sustainable future for the remaining more significant parts of the listed grouping. It would be beneficial in enabling the redevelopment of the adjacent scrapyards. The site has been advertised to potential restoring developers without success.

The remains of the 2-storey commercial façade to Baltic Street of the original gasometer building will be retained. This is the most prominent feature fronting onto Baltic Street.

Part of the perimeter wall to Constitution Street is considered to have some significance. The removal of this wall and development of the site with new active frontages will reflect the proposed future role of this key corridor when the tram is implemented. The remaining fabric of the ground floor of the demolished granary is not capable of incorporation and will therefore be removed.

The remaining most interesting and significant part of this section is the arch and keystone and this will be incorporated within the development.

The two storey lean to at the north gable of the Retort House is considered to have some significance. It is not part of the original building and the space it occupies is required to provide safe access for fire vehicles. It is of little interest and its removal is acceptable.

Other features which are considered to have negative significance are the shed to the north and east of the Purifying building, the modern extension to the west of the Retort House, the single storey extension to the west of the office, the modern brick walls to the south of the coal store and the modern building in the scrapyards. The removal of these structures is acceptable.

Historic Environment Scotland acknowledge that compelling evidence is submitted to show that retention of this building is not economically viable in relation to the wider proposed regeneration scheme, including restoration and adaptation of other listed former gasworks buildings on the site. They note there would be a significant conservation deficit if the former west range gasometer house was retained. Given that this building is much altered, and in the interests of progressing a worthy wider heritage-based regeneration scheme, HES is content with the proposed demolition.

The buildings of highest significance will be retained and converted. Based on the information submitted, the proposed demolitions are acceptable.

Alterations to Listed Buildings

Policy Env 4 (Listed Buildings - Alterations and Extensions) in the LDP states that proposals to alter a listed building will be permitted where those alterations are justified; will not result in unnecessary damage to historic structures or result in a diminution of the building's interest; and any additions would be in keeping with other parts of the building.

With regard to the development history of the site, it is acknowledged that the development of the site has been largely driven by the industrial use and processes including how these uses and processes have evolved and changed through time. This is reflected in the piecemeal development and redevelopment of the site and its individual buildings and structures that warrants consideration when assessing their special interest and the impact of new development proposals on such special interest.

The special interest of the listed buildings has been eroded since they were listed due to incremental demolitions and the worsening condition of the buildings. These include insensitive additions to some buildings. The proposed redevelopment has been designed to respond to the historic and architectural character of the buildings in a sympathetic way. The reopening of buildings on North Assembly Street will allow them to be a significant part of the local townscape. The incorporation of the historic commercial frontage along Constitution Street will enable this frontage to be brought back into use.

The conterminous listed building consent application sets out all the proposed alterations to the listed buildings to be retained on the site. The principles that have been applied are based on sound conservation practice - retention of historic fabric of

significance where possible and alterations which are sympathetic to the historic and architectural context but are of their own time. Where, for instance, floor levels are increased to make best use of interior spaces, modern dormers have been created which complement the character of the host building. New openings and bricked up openings are signified by a modern treatment so the history of the site can continue its journey. Traditional detailing has still been sought where this is important e.g. slate rather than metal was agreed for visible roof slopes and metal skews will be replaced by stone skews but this has been balanced with more modern materials such as metal roofs for sections of roofs not visible to the public eye.

The removal of some of the later extensions and additions will allow a greater appreciation of the character of the buildings remaining from the old gasworks.

Internally, the works to restore the office building ensure this important historic fabric is retained.

HES have no adverse comments in relation to the proposals and state the alterations to the listed buildings do not affect their special interest and are acceptable. HES recommend that a full specification of repair and restoration works for the listed buildings be obtained, including works of making good following proposed removals. This should include masonry repair, lime mortar work, slate specification, and restoration work for the Baltic Street high boundary walls, including the Dalton's arch adjoining the Corn Exchange, and the distinctive former board room oriel window. They also suggest that larger scale drawings for proposed replacement timber framed windows and doors be obtained, and material samples for significant replacement/new work be reviewed and agreed in advance of works commencing. These are covered by condition.

Setting

LDP Policy Env 3 (Listed Buildings - Setting) states that development within the curtilage or affecting the setting of a listed building will only be permitted if not detrimental to the appearance or character of the building or its setting.

In terms of setting, the proposed development seeks to sensitively respond to the historic and architectural character of the site and its buildings, whilst enabling the site to be regenerated in a positive physical way. The proposals will enhance the setting of the listed buildings, introducing a new use for them, and being sympathetic to their architectural character and appearance. New public realm is to be created to respond to the historic environment and brings the existing category B listed buildings back into an attractive and beneficial use. All new buildings will complement the industrial heritage of the site.

The setting of the A listed Corn Exchange listed building will be preserved. HES broadly support the approach towards this important urban site, which features a mix of repaired and reused historic buildings, together with new build within a landscaped series of courtyards with increased connectivity across the site.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve the setting of the listed buildings.

c) Character and Appearance of Conservation Area

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

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

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

The site lies within the Leith Conservation Area. The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value. The character of the Leith Conservation Area comprises a broad range of buildings and a variety of architectural styles. The site lies just within the Old Leith and Shore sub area of the Leith Conservation Area. Historically this area was the centre of port activities. Constitution Street forms the eastern boundary of this area.

The proposed formation of new street elevations to Constitution Street and Tower Street will infill historic gap sites and will complete the perimeter street block pattern consistent with the conservation area character. New-build heights are generally in keeping with the surrounding townscape and the industrial character of retained gasworks buildings. The scale, form, roof profiles and materials are compatible with the essential character of the area. The use of sandstone on a significant part of the building frontage, which has been significantly increased since Scheme 1, also reflects the conservation area's character.

Overall, the development will enhance the character of the conservation area by re-invigorating a site that is currently unused and in danger of falling into disrepair. It will retain and re-use buildings in commercial use.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve and enhance the character and appearance of the conservation area, in compliance with LDP Policy Env 6.

d) Scale, form and design

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.

LDP Policy Del 3 (Edinburgh Waterfront) states that planning permission will be granted for development which will contribute towards the creation of new urban quarters at

Leith Waterfront and Granton Waterfront. The requirements in principle include comprehensively designed proposals which maximise the development potential of the area, provide a series of mixed use sustainable neighbourhoods that connect to the waterfront, with each other and with nearby neighbourhoods, proposals for a mix of house types, sizes and affordability, and the provision of open space, create local identity and a sense of place. These and other requirements will be discussed in more detail below.

An early iteration of the proposals was discussed at the Edinburgh Urban Design Panel (EUDP) in December 2019. The overall conclusions were that the Panel noted the evolution from the previous proposals for part of the site and the development of a strong design concept. In taking forward the design, the Panel welcomed the improvements from the previous design and recommended that the following issues should be addressed:

- an archaeological record of the site should be undertaken;
- further work with respect to the setting of the A Listed Corn Exchange;
- enhance the open space/public realm for the affordable homes; and
- enhance the pedestrian experience on Baltic Street.

A copy of the report can be found in the consultations section in the appendix. The applicant has aimed to address these issues in this current submission.

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

The overall design concept represents a sound heritage-led response to this important site; it prioritises the adaptive re-use of listed buildings, including one building which is at risk, and uses Leith's industrial character to inform the design, layout and massing of new buildings and spaces. The immediate site context will be further enhanced by the replacement of inactive street frontages with high density commercial and residential uses that will generate activity and footfall, increasing the vitality of the surrounding area. Infilling the scrapyards site with flatted accommodation above commercial units reinstates the historic frontage pattern and strong sense of street enclosure characteristic of this part of the conservation area.

In terms of LDP Policy Des 2 (Co-ordinated Development), the acquisition of the scrap yard and its integration into the development accords well with this policy; it enables a coordinated approach to the wider site and related land uses. This is particularly beneficial in terms of enabling improvements to the permeability of the site to the wider area and supporting the amenity of future residents. The pedestrian/ cycle route proposed to the north of the site will provide linkages to existing development and new developments to the east.

Policy Des 3 (Development Design- Incorporating and Enhancing Existing and Potential Features) states that planning permission will be granted for development where it is demonstrated that existing characteristics and features worthy of retention

on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

The proposal safeguards important historic features through retention and adaptive re-use of existing buildings and structures. The interweaving of existing and new built fabric on both outward facing elevations and internal courtyard spaces is a particular strength of the scheme. On Constitution Street, incorporating blocked-up sandstone shopfronts into new commercial units reinforces the historic character of the street while significantly improving the pedestrian experience. Similarly, Baltic Street will be enlivened by retention and adaptive re-use of the office building at the south-east corner of site, and by forming the entrance and windows to the student reception area in the existing stone boundary wall next to the Corn Exchange. These re-activated frontages will increase passive surveillance and contribute to the safety and attractiveness of surrounding streets.

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

The proposed scale and massing of new buildings are well-suited to the industrial character of this part of Leith and the proposals respond well to the wider setting.

The proposed building form creates a strong urban edge to the streetscape and mimics the historic urban grain of the site. It responds to the existing buildings surrounding the site and provides a sound response in terms of design to any possible future development of the site to the north. The proposed building form responds to the existing buildings and proposed open courtyard area. The new central building will be placed in a similar position to the demolished former western gasometer building.

Heights have been developed to respond to urban pattern and townscape. Along Constitution Street, heights are lower or reflect those of the existing block opposite. The step down to the Corn Exchange buildings reduces the impact of the height of the proposed new development on the A listed building. The central building at five and six stories high has a massing and height similar to the historic former Gasometer building; it sits comfortably within the site. The blocks along Tower Street at five storeys, edge the site in a coherent way, providing a strong street frontage/edge to Tower Street. The five storey block to the north east relates well to the four and six storey buildings at the neighbouring development site to the east. The view along Constitution Street from the north is key in that the alignment of the street has views linking up to the monuments on Calton Hill. The newer seven storey block on Constitution Street where it meets Tower Street creates an unbalanced view at present; the introduction of the development reintroduces an important section of townscape as an entrance to the city. There will be varied levels to this view and the listed dome will remain a key feature.

The impact of the six storey block B of the Corn Exchange on the view along Baltic Street is mitigated by the site layout which sets this building at an angle to the Corn Exchange, the proposed twin gables, a pitched roof and the set back from Baltic Street

safeguarding the silhouette of the listed building in important views and ensuring that the proposed building sits comfortably in the historic environment.

In terms of views, the site falls within viewcone N11b, Leith Docks - Calton Hill and Hub Spire. There is no impact on any other key views. The applicant has provided information on local key views from the immediate vicinity of the site. The development does not significantly impact any safeguarded key view cones or local identified views of importance.

The proposed new buildings though modern in design, respect the established layout and hierarchy of buildings on site. The architectural form picks up from the form of the lost granaries. The design makes effective use of gable-ends and bold saw-tooth roof forms that make up the new student accommodation. These roof profiles give appropriate rhythm and proportion to street elevations and will also blend well with the historic roofscape in wider city views.

Overall, the elevational treatment will improve the visual character of the streetscape. The proposed use of brick and stone in elevational treatment and the overall proportion of solid to void take reference from Leith's industrial built heritage and make a positive contribution to the wider setting. Elevations make limited but effective use of metal cladding and colour changes to break up mass and create visual interest. The introduction of brick and metal walling to Constitution Street is considered acceptable in this instance because a contrasting palette of materials will help to modulate the rhythm and geometry of this long elevation. A condition has been added to ensure that all detailing and materials will be suitable.

Policy Des 7 (Layout Design) sets 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 proposed internal layout of the gasworks enclosure blends well with its former industrial character, making use of strong building lines to define movement routes and enclose shared open space. Daytime public access to and through this area for pedestrians and cyclists is welcome because this increases the permeability of the wider area and offers breathing space from busy traffic on Baltic and Constitution Streets. It incorporates a number of relatively narrow, largely pedestrianised entrances to the site through strong perimeter blocks. These provide access to the well landscaped areas to the centre of the site. The proposed layout will encourage the use of cycling and walking.

High quality hard and soft landscaped shared outdoor amenity space is proposed within the courtyard. This includes formal lawns, planting, allotments, seating and public art. Social space, laundry etc.

The configuration of the footway on the northern boundary of the site will enable pedestrian/ cycle links to neighbouring site in an east west direction. This improves connectivity throughout the area.

LDP Policy Hou 4 (Housing Density) promotes an appropriate density of development, taking account of the character of the site and its surroundings, and access to public transport. This policy also provides that in established residential areas, care should be

taken to avoid inappropriate densities which would damage local character, environmental qualities or residential amenity.

The proposals fall within mid range of typical densities within the area and the applicant states that it is similar to the historic core of the conservation area. 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 which is the case for this site.

Policy Hou 3 (Private Green Space in Housing Developments) requires adequate provision of green space to meet the needs of future residents. Open space provision for the affordable housing block is in the form of a courtyard area. A total of 335 square metres is proposed to serve the occupiers which is in excess of 10 square metres per unit.

The site wide landscape design works to tie together the proposed new buildings with the retained existing buildings and industrial heritage of the site context. It creates a variety of public realm spaces that will provide the student and affordable housing residents with a range of high quality external amenity spaces. Legible and cohesive streetscape design throughout the development connects seamlessly with the wider urban context. The place-making approach builds upon the guiding principles set out in Scottish Government guidance 'Creating Places'.

The proposed materials and planting will contribute pleasant and attractive spaces for social interaction.

The applicants have submitted a tree survey. Whilst these trees are protected through the conservation area, they do not currently contribute to its setting. The existing trees on site are being removed to facilitate development; a significant number of new trees are being planted of varying species, sizes and forms. This replacement is acceptable in this context.

In terms of scale, form, design and landscaping the proposed development is acceptable.

e) Amenity

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

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

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

Environmental Protection state that noise and vibration are serious causes for concern with this site. The applicant's Noise Impact Assessment (NIA) considers the potential noise source from traffic noise from Baltic Street/Salamander Street. It also considers

occasional commercial and industrial noise from the various neighbouring industrial sites and operational noise from Forth Ports.

Night time and evening noise from activities at Forth Ports are considered in the NIA as being minimal. It recommends that the minimum composite specification for glazing and ventilation for habitable rooms with a direct line of sight onto Forth Ports should achieve approximately 28-30dB Rw, Ctr.

The NIA states that road traffic noise has been predicted at various locations around the proposed site; the results suggest that the majority of receptors can meet internal noise criteria with open windows. However, some locations will require closed windows and alternative means of ventilation to meet these criteria. Those most affected are those with a clear line of sight to Constitution Street and Baltic Street.

A condition on appropriate glazing to address noise issues has been applied. Discussions between the applicant and Environmental Protection have also been held to address the issue of a mechanical ventilation system (similar to that required for local air quality purposes). Whilst Environmental Protection states it cannot support mechanical ventilation because enforcing is too difficult, it has agreed a condition to allow this to be discussed in more detail and to give the applicant an opportunity to meet its concerns. The condition will require mechanical ventilation to be agreed for all affected properties and where necessary by roof top filtered air. Therefore, whilst Environmental Protection still objects and states that the application should be refused on noise grounds, the application of the condition has reduced its level of concern.

It should be noted that the use of mechanical ventilation has been approved at a nearby residential development site on Bath Road. The Planning Authority considers that the solutions put forward by the applicant to deal with the impacts of noise are the best option on this difficult site. They are the same solutions put forward in the consented development to the east. In addition, the inclusion of the scrapyards site within the development site will improve noise levels in the local area. The mitigation measures are acceptable in this instance and the amenity of future occupiers would not be significantly adversely impacted in terms of noise.

Environmental Protection has raised concerns about odour and floodlighting to occupiers of the development from nearby Seaford Sewage Treatment Works and port/ industrial related activities. On balance, it is satisfied that odour would not be a significant issue, and floodlighting from nearby sites cannot be controlled.

The applicant proposes commercial units on the ground floors of the development. A condition is to be attached to these units restricting the use to Class 4 only; no noise should be generated from a class 4 use. The arrangement of the blocks will ensure that better levels of amenity would be achieved in the outside courtyard areas with some protection from traffic related noise.

The Edinburgh Design Guidance is applicable to both mainstream and student housing with regard to daylight, sunlight, privacy and outlook. The applicants have submitted an updated Daylighting and Sunlight assessment to support the application. Due to the orientation of the site, constraints imposed by the presence of listed structures and surrounding buildings, full compliance with LDP Policy Des 5a (Development Design - Amenity) is not possible.

The study concludes that 89% of the bedrooms and 69% of the open planning living room/kitchens within the development comply with daylight requirements of Policy Des 5a. Considering the surrounding townscape and compact nature of the site, this is considered to be a positive response to the planning daylight requirements.

The solar exposure analysis confirms that 41% of the landscaped garden and amenity areas achieve more than three hours of sunlight potential during the spring equinox. This falls short of planning policy requirement of 50% for two hours. However, this amount is acceptable given the context of developing the site. Comparing the sunlight exposure against the BRE guidance, this demonstrates that 64% of the garden and amenity areas achieve more than two hours of direct sunlight and therefore exceeds this industry recommendation.

The proposed level of amenity for residents is of a high standard with residents having access to shared managed outdoor space. Rooms will have adequate space and facilities along with a good outlook over the shared space or within established separation distances. The proposal complies with LDP Policy Des 5 (Development Design - Amenity).

In terms of the impacts of the proposed development on daylighting, privacy and sunlight to neighbouring properties the updated Daylight and Sunlight Assessment concludes that the proposed development conforms to the requirements of Policy Des 5a. Daylight to neighbouring residential windows on Constitution Street comply with the VSC of Policy Des 5a, assessed either under both the historic granary building pre-development condition and under a notional mirrored building condition for the development land on Constitution Street.

The application site is in close proximity to the residential block on the south side of Salamander Street. The proposal will introduce a four storey block with a six storey block to the rear. Daylight drawings have been prepared by the applicant. These show the worst case scenario for the residential windows facing on to the new development. The drawings show the existing and proposed vertical sky calculations. The vertical sky component of the existing situation is 32.5% which is within the parameters as set out in the Edinburgh Design Guidance. Although the proposal reduces the vertical sky component of this block to 27%, this is still within the parameters of the Guidance and is therefore acceptable.

Sun path analysis confirms that there are no neighbouring gardens or amenity spaces that will be adversely affected by the proposed development.

Although there are aspects that the development do not fully achieve planning policy requirements, the design and layout of the proposed development have maximised the opportunities to protect daylight and sunlight to neighbouring buildings and spaces while also enhancing daylight and sunlight provisions within the development.

In terms of privacy, the proposals will reflect the perimeter block pattern of the area, and an acceptable level of privacy will be maintained for neighbouring properties.

The Student Housing Guidance states that student accommodation should comprise a mix of type of accommodation, including cluster units, to meet varying needs of

students. It expects that design to be of a high quality with adequate amenity to contribute to healthy and sustainable lifestyles. The Council has no minimum room size standard for student accommodation. The accommodation proposed are designed in the form of 66 HMO flats and can be repurposed to mainstream or affordable housing.

The accommodation mix of the affordable housing includes one, two and three bedroom flatted dwellings. In accordance with the Edinburgh Design Guidance and LDP Policy Hou 2 (Housing Mix), over 20% of the affordable dwellings are designed for families and have a gross floor area of at least 91sqm.

The proposal is considered to be compatible within the uses in the area and will not cause an unacceptable impact with regards to privacy, daylight and sunlight. The impact of noise, odours and floodlighting can be dealt with by condition or are not possible to control.

g) Transport

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

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

A Transport Assessment has been submitted in support of the application. This analysis shows a reduction in net total vehicle trips when comparing proposed and existing uses with a slight increase in the PM Peak (+2 trips). This is an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The submitted document is generally in line with the published guidelines on transport assessments. No further junction impact assessment is proposed due to the negligible impact this development will have on the network. This is acceptable.

The application has been assessed under the Council's parking standards (Edinburgh Design Guidance - January 2020). These permit the following:

- A maximum of 147 car parking spaces; zero car parking spaces are proposed;
- A minimum of 661 cycle parking spaces; 661 cycle parking spaces are proposed;
- A minimum of 25 motorcycle parking spaces; 12 are proposed;
- There is no requirement for provision of accessible car parking, or electric vehicle charging spaces.

The applicant has highlighted that this site falls within phase 1 of the proposed extension to the controlled parking zone (CPZ) (estimated implementation summer/autumn 2021) and that this is likely to be prior to this development opening should permission be granted.

The lack of car parking is justified given the proposed use for the site and the low car ownership associated with student accommodation. The site has good accessibility to

public transport (further improved through the delivery of the Tram to Newhaven project).

The proposed cycle parking is distributed between five internal stores and two external stores across the site. All stores are on the ground floor and have been provided with level access. The external stores are securable and fully covered. The proposed cycle parking is made up of high-density two-tier racks with an adequate aisle width provided. The two external stores would have a sedum roof. The proposed level of cycle parking complies with the Councils parking standards and the design and layout is considered acceptable.

The applicant states that the any permeable routes through the site will be open to pedestrians and cyclists during daylight hours. The application makes provision for a future proofed pedestrian connection immediately to the north between Tower Street and the neighbouring development.

LDP Policy Del 1 sets out the developer contributions required towards transport interventions necessary to mitigate the effects of development or meet sustainable travel targets. In terms of calculating equivalent housing units, the capacity assumption for this site has been used. The LDP allocation is for the whole of EW1b but is based upon assumed capacities for the individual plots. The capacity assumptions for the plots were carried out for the Leith Docks Development Framework (non-stat guidance) and the Edinburgh City Local Plan, which in turn informed the current LDP. For this particular plot, the capacity assumption is 249 units.

Travel actions being considered as relating specifically to this development are as follows;

Based on per unit costs:

- Bernard St/Salamander St Active Travel and Public Realm Project = £848 per unit x 249 = £211,152
- Leith Links to Bath Road = £245 per unit x 249 = £61,005
- Salamander St to Foot of the Walk = £105 per unit x 249 = £26,145
- Action Program Transport Contributions = £298,302
- Plus contributions for the tram = £635,991

Total: £934,293

The roads authority raises no objections subject to the suggested conditions and informatives. The proposal will reduce the use of cars, prioritises active travel and accords with LDP Policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking).

h) Other planning matters

Healthcare infrastructure

The site is within the Leith Waterfront area in the Developer Contributions Guidance; a financial contribution of £110,900 is required towards healthcare infrastructure.

Sustainability

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 has submitted a sustainability statement in support of the application. The site is located in an urban area with excellent public transport links, allowing a reduced reliance upon the car. Photovoltaic panels are proposed to the roof of affordable housing block. Renewable materials are proposed. Porous pavings and water garden planting are proposed to the courtyard area.

The proposal accords with LDP Policy Des 6 (Sustainable Buildings).

Site contamination

A ground investigation report has been submitted with the application. A condition is recommended to assess and deal with any contamination found at the site.

Flood Protection and drainage

Policy Env 21 (Flood Protection) seeks to ensure development does not result in increased flood risk or be at risk of flooding by demonstrating sustainable drainage measures.

SEPA have stated that the failure of the flood control apparatus at the harbour could result in water levels exceeding 5.27 AOD. SEPA originally objected to the application on flood risk grounds; the revised scheme with ground floor FFL's of 5.6m AOD, and 5.4m AOD for the coal store building would be acceptable. Where 5.6m AOD is not possible because of the need to provide an active frontage to existing street levels constrained by the presence of protected historic structures, lower risk uses and design measures are proposed which would reduce the potential impact of flooding. SEPA have withdrawn their objection.

The development will introduce a number of mitigations which will reduce runoff such as installation of porous paving, green roofs to bike stores and water gardens. Water gardens have been included to attenuate surface water flow.

Scottish Water have confirmed they have no objection to the proposed development.

The proposal will provide adequate drainage and is acceptable with regard to surface water management and flooding.

Ecology

Policy Env 16 (Species Protection) ensures development will not have an adverse impact on species protected under European or UK law.

A Bat Survey submitted with the application confirms that there are no historical records of bats in this area and few recent records. Seven buildings on site were assessed as having negligible potential for use by bats and required no further surveys. Four buildings were assessed as having low potential for use by bats and required a single bat activity survey. This was carried out in June 2020 and was conducted in suitable conditions. It was found that a small amount of activity by common pipistrelle but no evidence of the use of any of the buildings.

Archaeology

The site has been identified as containing historic industrial buildings of regional significance and is within an area of archaeological significance both in terms of its buried potential but also its upstanding industrial heritage. 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.

In terms of the required archaeological mitigation of a detailed historic building survey (internal and external elevations and plans, photographic and written survey and analysis) prior to and during any demolition and or alterations should be submitted. This will also be linked with an appropriate programme of archaeological works to deal with any associated buried remains. It is essential that if permission is granted for this scheme, that a programme of archaeological mitigation is undertaken prior to demolition or development.

It is essential that a programme of public/community engagement is undertaken during development. The full the scope of which will be agreed with CECAS but will include: site open days, viewing points, temporary interpretation boards and exhibitions.

These are recommended to be addressed in conditions.

Waste

Bin stores have been positioned away from Constitution Street so to mitigate any potential conflict with the proposed tram line operations; refuse storage and collection will be from Tower Street and Baltic Street and CEC Waste Services accept this proposal.

Air Quality

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) states that planning permission will only be granted where there will be no significant adverse effect on air quality.

The site is located within the Salamander Street Air Quality Management Area (AQMA). The AQMA was designated in January 2017 due to elevated levels of Particulate Matter 10 (PM10) being detected over a number of years. The air quality levels for PM 10 concentrations must be assessed against the 18 ug/m³ annual average objective.

The Council has been undertaking monitoring levels in this area since 2009 to enable a trend to be established over a ten year period. This is due to concerns that the ambient concentrations of PM10 are at risk of exceeding the Scottish Government's annual mean objective. A separate AQMA has been declared due to concerns that levels of NO2 are at risk of exceeding the EC annual mean Limit Value. This includes sections of the A199 from the Bernard Street/Shore junction to the Commercial Street/Portland Place junction.

Environmental Protection state that due to the proposed development site neighbouring the port which has a recycling and cement works located to the east, there are concerns regarding potential amenity impacts from dust and smaller particles in the air due to the industrial operations. They also raise the concern that the proposed high-level buildings along Constitution Street which will create a street canyon along this aspect of road.

The applicant proposes mechanical ventilation and filtration as a form of mitigation against the PM 10 levels at the application site. Full details of this can be covered by condition.

The proposal is parking-free and encourages active travel and the use of public transport this will ensure that there will be no significant impact on air quality.

Environmental Protection recommends the application is refused on air quality grounds. Although the applicant has applied mitigation measures, Environmental Protection remain concerned with the levels of amenity that would be afforded to the residents and the likelihood that complaints would be received regarding industrial operators. Site monitoring of air quality has not been carried out by the applicant. The applicant considers that there is sufficient data of particle monitoring data available from monitoring at four sites adjacent to Forth Ports (Victoria Quay for Cala, Ocean Terminal for S1 Developments, Constitution Street for Port of Leith Housing Association and Salamander Street for Barratt). The applicant states that the monitoring demonstrate that: levels of PM10 do not exceed the Scottish Government's annual mean objective.

In making an assessment in relation to this application, consideration has been given to the appeal decision at 2 Ocean Drive (14/05127/FUL). In this case, the Council refused planning permission on air quality and impact on health grounds. In overturning the Council's decision to refuse planning permission, the Reporter observed that there is a downward trend in annual mean PM 10 levels at the monitoring station at Salamander Street and across the city. The Reporter concluded that he was not satisfied overall that adverse effects for health should be properly regarded as significant and the proposal would not conflict with LDP Policy ENV 22. The application site is identified in the LDP as an area suitable for housing - led mixed use development. It has similar PM10 levels as the previously mentioned appeal site.

Matters relating to air quality and this proposal have been considered. On balance, it is accepted that PM10 levels have breached national levels in the past. However, it is acknowledged that with the designation of the Salamander Street AQMA, an action plan will be prepared which will have the primary objective of reducing PM10 levels in the area.

This combined with the fact that the applicant has provided details of mitigation measures in the form of mechanical ventilation is helpful. It is concluded that the proposal does not conflict with LDP Policy Env 22 on air quality grounds.

i) Public comments

Material Comments - objections

- Breach of LDP policy HOU1; better developed for permanent residents - assessed in 3.3a;
- Too far from universities, excessive concentration of student population and short terms lets, and will encourage more car travel; breach of LDP policy HOU8 - assessed in 3.3a;
- Affordable housing versus HMO ratio is unbalanced - assessed in 3.3a;
- Loss of light; breach of LDP policy Des5 - assessed in 3.3 f;
- Proposed with very high walls/ defensive development - assessed in 3.3d;
- Contrary to Student Housing Guidance as ratio of 50% private/ 50% student accommodation is not proposed; the neighbouring site is not within the red line of this planning application site and the guidance should be applied to this site only - assessed in 3.3a;
- Cost of building is not a planning consideration - assessed in 3.3a;
- Financial viability statement has been kept confidential; implication is that too much has been paid for the site - assessed in 3.3a;
- Planners aren't best to judge finances and whether a proposal is 'financially viable or not'- assessed in 3.3a;
- Increased use of public transport to get to university will put pressure on facilities - assessed in 3.3g;
- Developer has not made his plans known prior to planning application submission - a full PAC report has been submitted;
- Properties not suitable for normal housing if there was a need to convert later on - assessed in 3.3e;
- Unsuitable 'postgrad' accommodation in giant boxes - assessed in 3.3d;
- Original listed buildings will lose their meaning -assessed in 3.3b;
- Air pollution; canyon effect created along Constitution Street - assessed in 3.3h;
- Overshadowing - assessed in 3.3e and f;
- Site is practically at sea level and this will rise - assessed in 3.3h;
- More green space is needed -assessed in 3.3d;
- Admire work done by applicant but proposal is not acceptable; Leith needs affordable housing -assessed in 3.3a.

Material Comments - Support

- Preservation of gas works site;
- Replacement of the scrap yard with a use more appropriate for the developing nature of the area;
- Proposed uses along Constitution Street - in particular the provision of an activated frontage with shops and the café / digital co-working space;
- Form of the architecture, which draws on the history of the site;
- Pedestrianisation of the block, and the greatly improved pedestrian porosity;

- Proposed main use class as it will ensure appropriate full time on-site management of the remainder of the block;
- Financial contributions for the tram will help infrastructure provision to develop the Waterfront more;
- General aims of LDP and development of Waterfront area met;
- Provides a good mix of uses on a brownfield site, not taking up Green Belt land;
- New cycle and pedestrian routes through the site will enhance connectivity;
- Provides new open spaces which can be enjoyed by the community;
- Design quality is good and will contribute to the character of the area;
- Will breathe new life into historic buildings;
- Coordinated, developed site; removal of scrapyards will get rid of noise, pollution etc.
- Re-use of shop frontages along Constitution Street is positive contribution;
- Site is a mess and development will provide a positive impact on the area;
- Development is car free which is supported;
- Essential character of listed buildings are maintained with introduction of new modern complementary design;
- Will improve site and enhance listed buildings and the conservation area;
- Proposals provide shop units, café and digital co working space for local businesses;
- Loads of new housing in the area; there is capacity for this type of development in the area;
- Encourages sustainable transport and 100% cycle parking is provided;
- Design to promote heritage of Leith and will add to the community;
- Design will be an asset to the area and
- Opportunity to open site to other users in future; affordable housing is tenure blind and will have access to various facilities which the public can also access.

Material Comments - general

- Swift bricks should be incorporated.

Non-material comments

- Too much building work already in area - this is not a material planning consideration Disturbance from building works - as above
- Tax avoidance loophole - as above
- Restriction of views - private views are not protected

Community Council Comments

Leith Harbour and Newhaven Community Council has submitted comments in support of the application.

Conclusion

This proposal will deliver a new use for these unique listed buildings in a heritage led regeneration scheme preserving its setting and features of architectural and historic interest.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area.

With regards to student accommodation, the proposals do not comply with the adopted Edinburgh Local Development Plan or supplementary guidance on Student accommodation. It is accepted that provision of 50% housing on this site is not practicable and the infringement of policy Hou 1 d) is acceptable. The design of the development will maintain and enhance a sense of place. The development will have an acceptable impact on neighbouring amenity given the existing site context and will deliver an acceptable level of amenity for future occupiers. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. 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.
2. No development shall not commence on site until the scrapyards site within the application site boundary has ceased operation, and all scrap metal and associated plant and machinery removed to the satisfaction of the Planning Authority.
3. No demolition or development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis, reporting, publication, preservation, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
4. Prior to the commencement of development and following consultation with the City's Archaeologist the applicant shall submit and gain approval from Planning Authority a public archaeological and historic interpretation scheme for the site.

5. Prior to the commencement of works on site, 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 the written approval of the Planning Authority.
6. Prior to the commencement of works on site, specification and detailed drawings of adequate scale, indicating the arrangement of material junctions on external elevations and details of replacement timber framed windows and doors shall be submitted for the written approval of the Planning Authority. The details shall be implemented as approved.
7. A full specification of repair and restoration works for the listed buildings be obtained, including works of making good following proposed removals. This should include masonry repair, lime mortar work, slate specification, and restoration work for the Baltic Street high boundary walls, including the Dalton's arch adjoining the Corn Exchange, and the former board room oriel window. These should be approved by the Planning Authority prior to development commencing and implemented as approved.
8. The ground floor offices shall be restricted to Class 4 (Business) of the Town and Country Planning Act Use Classes Order (Scotland) only, and for no other purpose without the written consent of the Planning Authority.
9. The keystone (with triple anchor motif) in the wall to be demolished along Constitution Street should be retained and re-used within the proposed café or other sheltered location within the site. Full details of this shall be submitted to and approved by the Planning Authority prior to development commencing.
10. No development shall take place until a scheme for protecting the residential development hereby approved from noise from traffic and commercial/ port related noise has been submitted to and approved in writing by the Planning Authority.
11. Prior to commencement of development full details of the proposed sound insulation for the proposed cafe should be submitted to and approved by the Planning Authority. The approved details shall be implemented prior to occupation of the cafe.
12. Prior to commencement of development, full details of the proposed mechanical ventilation system shall be submitted to and approved by the Planning Authority. Mechanical ventilation with ISO coarse glass G3 filters shall serve all required properties and where necessary be served by roof top filtered air. The approved details shall be implemented prior to occupation of the development hereby approved.

Reasons:-

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. In order to protect the amenity of the occupiers of the development.
3. In order to safeguard the interests of archaeological heritage.
4. In order to safeguard the interests of archaeological heritage.
5. In order to enable the planning authority to consider this/these matter/s in detail.
6. In order to enable the planning authority to consider this/these matter/s in detail.
7. In order to enable the planning authority to consider this/these matter/s in detail.
8. In order to safeguard the amenity of neighbouring residents and other occupiers.
9. In order to retain and/or protect important elements of the existing character and amenity of the site.
10. In order to protect the amenity of the occupiers of the development.
11. In order to protect the amenity of the occupiers of the development.
12. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

4. 1. Consent shall not be issued until a suitable legal agreement relating to healthcare, affordable housing and transport infrastructure has been concluded and signed. The legal agreement shall include the following:
- a. Healthcare- Contribute the sum of £110,900.00 to healthcare infrastructure.
 - b. Affordable Housing - affordable housing is to be provided in accordance with Council policy.
 - c. Transport - A contribution towards the LDP Action Programme for the following transport works;
 - i. Contribute the sum of £635,991 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;
 - ii. Contribute the sum of £61,005 to the Leith Links to Bath Road Project as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
 - iii. Contribute the sum of £26,195 to Salamander Street to the Foot of the Walk project as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
 - iv. Contribute the sum of £211,152 to the Bernard St/Salamander St Active Travel and Public Realm Project as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;
 - v. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
 - vi. Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development and
 - d. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £18,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6 month period, a report will be put to committee with a likely recommendation that the application be refused.

5. - The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;
- 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;
 - In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including 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;

- 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.
- -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;

6. The kitchen shall be ventilated by a system capable of achieving 30 air changes per hour, and the cooking effluvia shall be ducted to a suitable exhaust point to ensure that no cooking odours escape or are exhausted into any neighbouring premises, all to the satisfaction of the Planning Authority

7. The design and installation of any plant, machinery or equipment shall be such that any associated noise complies with NR25 when measured within any nearby living apartment, and no structure borne vibration is perceptible within any nearby living apartment.

8. 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

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

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 14 February 2020. Comments have been received from twelve people objecting, four people in support and one making general comments. It should be noted that a further 31 objection comments have been received to the listed building consent application 20/00466/LBC which raise material planning objections and relate to this application for full planning permission.

Scheme 2 was advertised on 11 September 2020. Three comments were received objecting and one commenting to the proposals. Three comments in total were received to the listed building consent and conservation area consent applications, one objecting to the proposal and two in support. These three comments raised issues relevant to the full planning permission.

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

Local Development Plan

The site is within the Leith Waterfront Development Area in area EW 1b Central Leith Waterfront.

Proposals will be expected to:

- locate any major office development within the strategic business centre identified on the Proposals Map;
- create a publicly-accessible waterside path connecting east and west;
- help meet the Council's open space standards through financial contributions to major improvements to or creation of off-site spaces;
- design new housing to mitigate any significant adverse impacts on residential amenity from existing or new general industrial development; and
- review the flood risk assessment that has already been provided for this site.

A route is safeguarded for the tram and a stop along Constitution Street.

Leith Docks Development Framework 2005

The Framework sets out an overall vision for the wider area to provide an extension of Leith and the city which integrates the old and new areas in a mixed, balanced and inclusive waterfront community while responding to contemporary aspirations, concerns and ideas regarding urban planning.

The LDDF anticipated that residential development would be the dominant use throughout the majority of the development parcels.

Date registered

31 January 2020

Drawing numbers/Scheme

1,2a,3,4a,5b,6a-19a,20b,21a-40a,41-50,51a,52,53a,54,55a,,
56-62,63a,64-65,66a,67a,68-70,71a,72, 73a,74a,75-78,

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

Contact: Karen Robertson, Senior planning officer
E-mail:karen.robertson@edinburgh.gov.uk

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 Del 3 (Edinburgh Waterfront) sets criteria for assessing development in Granton Waterfront and Leith Waterfront.

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

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

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 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

LDP Policy RS 1 (Sustainable Energy) sets criteria for assessing proposals for environmentally sustainable forms of energy systems.

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 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 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 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 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 7 (Layout design) sets criteria for assessing layout design.

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 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to 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.

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

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

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

LDP Policy Ret 7 (Entertainment and Leisure Developments - Preferred Locations) identifies the City Centre, at Leith and Granton Waterfront and town centres as the preferred locations for entertainment and leisure developments.

LDP Policy Ret 11 (Food and Drink Establishments) sets criteria for assessing the change of use to a food and drink establishment.

Policy TRAN3 states that local plans should include car parking standards that relate the maximum permitted level to accessibility by public transport.

Policy TRAN4 states that local plans should include policies relating density of development to accessibility by public transport.

Policy TRAN5 states that local plans should consider the transport implications of new development.

Appendix 1

Application for Planning Permission 20/00465/FUL At 1 - 5 Baltic Street, And 7-27 Constitution Street, Edinburgh Proposed mixed use development comprising partial demolition of existing buildings, purpose built student accommodation, affordable housing, office units, cafe and public digital co-working space with associated landscape, drainage and infrastructure (as amended).

Consultations

Edinburgh Urban Design Panel report- December 2019

1. Recommendations

The Panel welcomes the opportunity to comment on this proposal and noted the evolution from the previous proposals for part of the site and the development of a strong design concept. In taking forward the design, the Panel welcomed the improvements from the previous design and recommends that the following issues should be addressed:

- an archaeological record of the site should be undertaken;*
- further work with respect to the setting of the A Listed Corn Exchange;*
- enhance the open space/public realm for the affordable homes; and*
- enhance the pedestrian experience on Baltic Street*

2. Planning Context

An application will be submitted for full planning permission for a mixed use development with associated landscape, drainage and infrastructure in the scrapyards and former gasworks. The development includes purpose built student accommodation, affordable housing, affordable retail units, cafe and public digital co-working space. A previous proposal (excluding the scrapyards part of this current site) was reviewed by the Panel in 2018.

Site Description

The site measures approximately 1.05ha in area. It comprises the former Gasworks site and the existing scrapyards site. It is located to the north of Baltic Street and directly south of Tower Street, with part of the site fronting Constitution Street to the west.

To the north of the site are commercial/ industrial units along Tower Street; the site is bound by a high wall along this boundary. The southern site boundary has a number of existing structures which front Baltic Street. To the south are tenement flats on the opposite (southern) side of Baltic Street, the majority of which are four storeys. To the

east are commercial/ industrial buildings along Salamander Street fronted by a high wall. Directly to the southwest, the site is bound by the former Corn Exchange building which is category A listed (Listed Building ref: 27140). The boundary along Constitution Street has a high wall. On the opposite side of Constitution Street is a mix of flatted blocks with commercial premises at ground level.

There are a number of existing buildings on the site, some of which are category B listed. These buildings include the remains of the former Edinburgh and Leith Gas works, a former gasometer house (now reduced in height), former processing house, and former retort house and offices (Listed Building ref: 26744).

This application site is located within the Leith Conservation Area.

Planning Policy

The Edinburgh Local Development Plan (LDP) allocates the site as within the Edinburgh Waterfront. The site is in the Central Leith Waterfront Area, in an area of commercial and housing-led mixed use development sites (Proposal EW1b). The proposed uses will need to be assessed against relevant Local Development Plan policies and non-statutory guidance. The Leith Docks Development Framework LDDF (2007) covers this site. The aim of the framework in terms of uses in the area, is to 'create a mixed and balanced community which exemplifies the principles of sustainability in terms of use mix, accessibility and design.'

A route is safeguarded for cycleway/ public transport along Constitution Street to the west of the Corn Exchange building and scrapyards site.

The Panel's detailed comments are as follows:

Land Use - The Panel were supportive of the proposed mix of uses on the site including student accommodation, affordable homes, co-working space and affordable shop units.

Listed Buildings and Structures - The Panel applauded the heritage led design approach for the site. The Panel also noted the substantive benefits the acquisition of the adjacent scrap yard has brought to the development in terms of coordinated development, the design quality and amenity. The proposal for the listed building located to the north of the site was encouraged by the Panel. Particularly the consideration at this stage of the design process for future proofing for different uses and the design challenges presented given the width of the building and limited floor plate. A significant design consideration and constraint will be how the development relates to the category A Listed Corn Exchange, a prominent feature building in the Leith Conservation Area. From the initial sketch views provided from Constitution Street it would appear that the development will respect the setting of this building by retaining the primacy and sky space of the dome within the townscape. However, this will require further testing and development through view analysis. The requirements for new window openings in the Listed Buildings, will require more detailed design consideration.

Boundary and street edges - Baltic Street: The Panel noted the changing character and context of Baltic Street. This change is primarily due to the large consented residential sites to the east of this site which will generate an increase of pedestrian movements

past this site. The Panel noted that this site provides an opportunity to enhance the pedestrian experience on Baltic Street by providing activity at street level. It was suggested that the retained facade could provide active uses rather than servicing areas. The Panel also noted that the pavement width is very narrow on this street. The Panel encouraged the presenters to discuss opportunities for changes to road design with the City of Edinburgh Council. Constitution Street: The Panel noted the changing character and use of this street particularly with the new tram line. The proposed uses and active frontage on Constitution Street were welcomed by the Panel. The idea of reinforcing what was the historic entrance to the city at the corner of Constitution Street and Tower Street was encouraged by the Panel.

Conservation Area -The Panel noted that the elements that would be lost do not make an overall contribution to the character or appearance of the conservation area. In addition, the heritage led approach results in a scheme that enhances the character and appearance of the conservation area.

Architectural Response -The Panel welcomed the proposed architectural language which makes reference to the site's industrial heritage.

Archaeology Record - The Panel advocated that an archaeological record should be undertaken given the historical importance of the site.

Permeability, open space and public realm - The layout, pedestrian permeability through the site and open spaces were generally supported by the Panel. The exception being the quality of open space allocated for the affordable homes. Additionally, the Panel suggested that the space around the buildings would benefit from being car free. Also, changes to the layout of the adjacent buildings, such as flipping the 'e' shaped plan could provide more open space and assist in providing better levels of daylight to this block. The Panel noted that if possible the pedestrian routes and spaces through the site should remain open at all times and that security for residents be reassessed.

Accessibility - The Panel advocated a design approach which fully considers accessibility for all users at this stage of the design process. For example; ensuring that people with reduced mobility can easily navigate through the buildings and spaces.

Servicing and bin collection -The Panel noted that servicing and bin collection strategies should be fully considered and integrated at this stage of the design process.

SEPA- 23 April 2020

We object to the proposed development on the grounds that it may place buildings and persons at flood risk contrary to Scottish Planning Policy.

In the event that the planning authority proposes to grant planning permission contrary to this advice on flood risk, the Town and Country Planning (Notification of Applications) (Scotland) Direction 2009 provides criteria for the referral to the Scottish Ministers of such cases. You may therefore wish to consider if this proposal falls within the scope of this Direction. For all other matters please refer to our standing advice for planning authorities and developers on development management consultations.

1. Flood Risk

1.1 There is a planning application for a proposed mixed use development comprising purpose built student accommodation affordable housing, affordable retail units, cafe and public digital co-working space with associated landscape, drainage and infrastructure at 1-5 Baltic Street and 7-27 Constitution Street, Edinburgh, NGR 327373 676503.

1.2 Drawings submitted as part of the application indicate proposed finished floor levels of 4.7 mAOD (Above Ordnance Datum) and 5.2 mAOD. We consider these finished floor levels too low and will place the proposed development at risk of flooding.

1.3 The sources of potential flood risk to the application site and the development are fluvial risk from the Water of Leith, tidal risk from the Forth Estuary, and a combination of fluvial and coastal risk and also a risk from surface water.

1.4 The water levels in the dock areas are maintained at between 2.6 mAOD and 2.8 mAOD by Forth Ports using artificial means. A shipping lock, by-pass culvert and two locking culverts together comprise the flood control apparatus. This is used to discharge inflows from the Water of Leith out of Leith Docks and into the Firth of Forth in order to maintain near constant levels in the dock area. Should the water level in the dock area rise above 3.047 mAOD, Forth Ports is liable for any consequential flood damage to certain property except at any time when the sea level outside the harbour has also risen above 3.047 mAOD.

1.5 Arup has previously advised that a water level of 4.42 mAOD would be reached by a 0.5% Annual Probability (AP) (1:200) + 20% climate change flood in the Water of Leith, coinciding with a 100% AP (1:1) tide. Arup also advises that should there be a complete failure of the flood control apparatus during a 0.5% AP (1:200) flood coinciding with a 100% AP (1:1) tide then water levels could rise up to 5.34 mAOD. This flood would inundate the ground floors of all the proposed properties associated with the current planning application.

1.6 The 0.5% (1:200) Coastal Flood Boundary (CFB) still water level for Leith Docks area of the Firth of Forth is 3.98 mAOD which is equivalent to 4.84 mAOD for the year 2100. A further 750 mm allowance for waves would give a total level of approximately 5.6 mAOD. This flood event would also inundate the ground floors of all the proposed properties associated with the current planning application.

1.7 SEPA strongly recommends that a minimum finished floor level of 6.0 mAOD, as previously agreed with the City of Edinburgh Council, should be adhered to. This will provide approximately 600 mm freeboard allowance above the estimated 100% AP (1:1) fluvial flood level combined with a shipping lock failure and 400 mm freeboard allowance above the estimated coastal flood level for 2100, including an allowance for waves. It was also previously agreed with City of Edinburgh Council that the minimum finished ground levels should be 5.5 mAOD where possible to provide flood free access and egress during the design flood event.

Summary of Technical Points

1.8 In summary we wish to receive clarification on the following points before we would consider removing our objection to the proposed development:

- Revised minimum finished floor levels consistent with development levels previously agreed by SEPA and City of Edinburgh Council.

Caveats & Additional Information for Applicant

1.9 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess, flood risk at the community level and to support planning policy and flood risk management in Scotland.

1.10 We refer the applicant to the document entitled: "Technical Flood Risk Guidance for Stakeholders". This document provides generic requirements for undertaking Flood Risk Assessments. Please note that this document should be read in conjunction with Policy 41 (Part 2).

1.11 Our Flood Risk Assessment Checklist should be completed and attached within the front cover of any flood risk assessments issued in support of a development proposal which may be at risk of flooding. The document will take only a few minutes to complete and will assist our review process.

1.12 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

1.13 The flood risk advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1).

Regulatory advice for the applicant

2. Regulatory requirements

2.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

2.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

2.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

- is more than 4 hectares,*
- is in excess of 5km, or includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 degrees*

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

2.4 Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

2.5 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website or by contacting waterpermitting@sepa.org.uk or wastepermitting@sepa.org.uk.

SEPA- further comments received 1 October 2020

We are now in a position to remove our objection to the proposed development on flood risk grounds. Notwithstanding the removal of our objection, we would expect Edinburgh Council to undertake their responsibilities as the Flood Risk Management Authority.

Please note that our comments below should be read in conjunction with our previous responses (PCS/171036 dated 23 April 2020 and PCS/171675 dated 25 June 2020).

1. Flood risk - technical report

1.1 We previously commented with an objection and a maintain objection in April and June 2020 on a planning application (ref: 20/00465/FUL) for a proposed mixed use development comprising purpose built student accommodation affordable housing, affordable retail units, cafe and public digital co-working space with associated landscape, drainage and infrastructure at 1-5 Baltic Street and 7-27 Constitution Street, Edinburgh, NGR 327373 676503

1.2 In June we advised the following; "The new build properties would represent an increase in the numbers of flood risk receptors particularly if not incorporating adequate flood mitigation. The proposed FFL's in the order of 5.2 mAOD to 5.4 mAOD would include very little if any freeboard allowance. SEPA could not support new built development at this location with no freeboard allowance which would represent an increase in flood risk receptors."

1.3 The applicant has submitted a supplementary planning response to a number of objections from consultees including that from SEPA on flood risk grounds. The response advises that, where ground floor residential accommodation is proposed, the finished floor levels (FFLs) in the new build and conversion will be raised to a minimum of 5.6 mAOD and those of the Coal Store have been raised to a minimum FFL of 5.4 mAOD. The document explains that the FFL in the Coal Store cannot be raised further due to the restrictions associated with its listed and historic structure status.

1.4 We advise that we are satisfied that the proposed minimum FFLs are above the design flood level but with a freeboard allowances that are less than that normally expected particularly for buildings providing overnight accommodation. The freeboard allowances will be 130 mm and 330 mm rather than the normal 600 mm. The City of Edinburgh Council should consider if it is satisfied with this reduced freeboard allowance.

1.5 In relation to the conversion of the other existing buildings on site, please refer to our previous response PCS/171675.

Detailed advice for the applicant

2. Flood risk caveats and additional information

2.1 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

2.2 The flood risk advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to Edinburgh Council as Planning Authority in terms of the said Section 72 (1).

Regulatory advice for the applicant

3. Regulatory requirements

3.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of

inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

3.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

3.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

is more than 4 hectares,

is in excess of 5km, or

includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25 degrees

See SEPA's Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

3.4 Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

3.5 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website or by contacting waterpermitting@sepa.org.uk or wastepermitting@sepa.org.uk.

Economic Development

The following are comments from the City of Edinburgh Council's Economic Development service relating to planning application 20/00465/FUL for a mixed-use development at 1-5 Baltic Street and 7-27 Constitution Street, Edinburgh.

Commentary on existing uses

The application relates to a 1.05-hectare site bound by Tower Street to the north, a timber yard to the east, Baltic Street to the south, and Constitution Street to the west. The site is made up of two elements: a scrapyard to the west, and a trade counter occupying the former Edinburgh and Leith Gasworks to the east.

The scrapyard is made up of a single building of 267 sqm along with the yard itself.

The former Gasworks complex is made up of five B listed buildings: the West Range (truncated former gasometer); the Northwest Range (purifying/processing building); the Northeast Range (original gasometer/retort shed); the Office Range (offices); and the Courtyard Range (former coal/retort shed). These total 8,579 sqm comprising warehouses and offices and are currently in use as a trade counter.

This gives a total area for the buildings currently on the site of 8,846 sqm.

The economic impact of the existing buildings can be estimated. The *Employment Densities Guide* (3rd edition) published by the Homes and Communities Agency states that industrial and manufacturing buildings support on average one full-time equivalent employee per 36 sqm, while retail warehouses (analogous to a trade counter) support one full-time equivalent employee per 90 sqm. This suggests that the scrapyards could be expected to directly support approximately 7 FTE jobs if fully occupied ($267 \div 36$), while the trade counter could be expected to directly support approximately 95 FTE jobs if fully occupied ($8,579 \div 90$), totalling 102 FTE jobs ($7 + 95$). The Scottish Annual Business Statistics published by the Scottish Government state that the average gross value added per job for the wholesale sector in Edinburgh is £77,924 per employee per annum (2017 prices). This suggests that the existing buildings could be expected to directly add approximately £7.95 million of gross value added (GVA) to the economy of Edinburgh per annum (2017 prices) if fully occupied ($£77,924 \times 102$). In principle this impact could be increased if the buildings were used for higher value activities (such as manufacturing) but it is recognised that their advanced age and historic character is likely to mean they are unsuited to these activities.

There are pressures on the supply of industrial space in Edinburgh due to an ongoing loss of space to alternative uses and a weak development pipeline. However, it is recognised that the units in question are of advanced age and not well suited to modern industrial uses. As the site is over one hectare in area, policy EMP 9 of the Edinburgh Local Development Plan applies. This requires that any redevelopment incorporate (among other things) "floorspace designed to provide for a range of business users".

Commentary on proposed uses

The application proposes the redevelopment of the existing site, delivering seven blocks comprising a mix of new and refurbished buildings.

Class 1 - Shops

The development as proposed would deliver four shop units comprising 217 sqm of class 1 space. The *Employment Densities Guide* (3rd edition) published by the Homes and Communities Agency states that high street retail units support on average one full-time equivalent employee per 17.5 sqm. This suggests that the shop units could be expected to directly support approximately 12 FTE jobs if fully occupied ($217 \div 17.5$). The Scottish Annual Business Statistics published by the Scottish Government state that the average gross value added per job for the retail sector in Edinburgh is £20,730 per employee (2017 prices). This suggests that the shop units could be expected to directly add approximately £0.25 million of gross value added to the economy of Edinburgh per annum (2017 prices) if fully occupied ($£20,730 \times 12$).

Class 9 - Residential institutions (student accommodation)

The development as proposed would deliver 558 student bedrooms. 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 558 bedrooms could be expected to collectively spend approximately £10.94 million per annum (2017 prices). Of this £10.94 million, it is estimated that approximately £9.46 million could reasonably be expected to primarily be made within Edinburgh. This £9.46 million could be expected to directly support approximately 120 FTE jobs and £4.71 million of GVA per annum (2017 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).

Sui generis (flats)

The development as proposed would deliver 18 new flats. These would not be expected to directly support any economic activity. However, the flats 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 18 flats could be expected to collectively spend approximately £0.46 million per annum. Of this £0.46 million, it is estimated that approximately £0.24 million could reasonably be expected to primarily be made within Edinburgh. This £0.24 million could be expected to directly support approximately 2 FTE jobs and £0.08 million of GVA per annum (2017 prices), primarily in the hospitality and retail sectors.

Sui generis (co-working space)

The development as proposed would deliver 384 sqm of "digital co-working space". The *Employment Densities Guide* (3rd edition) published by the Homes and Communities Agency states that co-working spaces support on average one full-time equivalent employee per 12.5 sqm. This suggests that the co-working space could be expected to directly support approximately 31 FTE jobs if fully occupied ($384 \div 12.5$). The *Scottish Annual Business Statistics* published by the Scottish Government state that the average gross value added per job for the information and communication sector in Edinburgh is £110,621 per employee (2017 prices). This suggests that the co-working space could be expected to directly add approximately £3.43 million of gross value added to the economy of Edinburgh per annum (2017 prices) if fully occupied ($£110,621 \times 31$).

Overall economic impact

The development as proposed would be expected to directly support 43 FTE jobs (12 + 31) plus a further 122 FTE jobs (120 + 2) via the impact of residents' expenditure, representing a total projected impact of 165 FTE jobs (43 + 122). The development as proposed would also be expected to directly support £3.68 million of GVA (2017 prices) (£0.25 million + £3.43 million) plus a further £4.79 million of GVA (2017 prices) (£4.71 million + £0.08 million) via the impact of residents' expenditure, representing a total impact of £8.47 million of GVA per annum (2017 prices) (£3.68 million + £4.79 million).

As set out above, it is estimated that the existing buildings could be expected to support approximately 102 FTE jobs and £7.95 million of GVA per annum (2017 prices). This suggests that the development would have a positive net economic impact of approximately 63 FTE jobs (165 - 102) and £0.52 million of GVA per annum (2017 prices) (£8.47 million - £7.95 million).

The potential economic impact of the existing buildings can be estimated. The *Employment Densities Guide* (3rd edition) published by the Homes and Communities Agency states that industrial and manufacturing buildings support on average one full-time equivalent employee per 36 sqm (gross). This suggests that the existing buildings could be expected to directly support approximately 246 FTE jobs if fully occupied ($8,846 \div 36$). The *Scottish Annual Business Statistics* published by the Scottish Government state that the average gross value added per job for the manufacturing sector in Edinburgh is £56,344 per employee (2017 prices). This suggests that the existing buildings could be expected to directly add approximately £13.86 million of

gross value added to the economy of Edinburgh per annum (2017 prices) if fully occupied (£56,344 × 246). It is recognised that the buildings have in recent years not been used intensively and the actual level of employment and economic output currently supported by the buildings is likely significantly lower.

Other considerations

As set out above, the development includes four shop units totalling 217 sqm of space. These are located on the western edge of the development fronting onto Constitution Street. It is suggested that it may not be appropriate to add additional retail space in this location. This stretch of Constitution Street does not fall within a designated town or local centre. Given the general pressures on the retail sector, it is suggested that it may be inappropriate to support the creation of additional space outwith a town or local centre. There also existing convenience stores at the north end of Constitution Street and on the adjacent Bernard Street and any newly-created retail space could be expected to compete with these. Given this, it is recommended that the four units should potentially be required to be class 4. This would complement the existing class 4 space in the adjacent Corn Exchange as well as the new class 4 space being developed as part of the nearby Barratt development on Salamander Street, and would help address the shortage of space for small businesses in Edinburgh. This would be consistent with policy EMP 9 which requires space "for a range of business users".

SUMMARY RESPONSE TO CONSULTATION

It is estimated that the proposed development would support approximately 165 FTE jobs and £8.47 million of GVA per annum (2017 prices). When the impact of the existing buildings is accounted for, the projected net impact is 63 FTE jobs and £0.52 million of GVA per annum (2017 prices).

The loss of 8,846 sqm of industrial space is regrettable. However, it is recognised that the buildings in question are of advanced age.

The development as proposed includes 217 sqm of retail space. It is suggested that it is inappropriate to deliver new retail space outwith a town or local centre in the current retail climate and that this would likely displace activity away from existing retailers in the vicinity. The Economic Development service recommends that the class 1 space be required to be changed to class 4 to comply with policy EMP 9.

CEC Children and families

The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil.

18 flats are proposed, although only eight have one bedroom and therefore have been excluded from this assessment. Using the pupil generation rates set out in the Supplementary Guidance, a development of ten flats is not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required.

Affordable Housing

The applicant will be required to submit an "Affordable Housing Statement", setting out their approach to the following points and which will be a public document available on the City of Edinburgh Council's Planning Portal. The applicant should agree with the Council the tenure type and location of the affordable homes prior to the submission of a planning application. The applicant is requested to enter into an early dialogue the Council to identify a Registered Social Landlord (RSL) to deliver the affordable housing on site.

The applicant should make provision for a minimum of 70% of the affordable housing on site to be social rent. The affordable housing should include a variety of house types and sizes which are representative of the provision of homes across the wider site. In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as "tenure blind". The affordable homes should be designed and built to the RSL design standards and requirements. The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.

Scottish Water response dated 10 February 2020

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

This proposed development will be serviced by EDINBURGH PFI Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity at this time so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water.

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.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not 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 taking account of various factors including legal, physical, and technical challenges. However it may still be deemed that a combined connection will not be accepted. Greenfield sites will not be considered and a connection to the combined network will be refused.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is proposed, 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'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.

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.

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.

Scottish Water further response September 2020

Audit of Proposal

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 Capacity Assessment

Scottish Water has carried out a Capacity review and we can confirm the following:

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

Waste Water Capacity Assessment

This proposed development will be serviced by EDINBURGH Waste Water Treatment Works. Unfortunately, Scottish Water is unable to confirm capacity currently so to allow us to fully appraise the proposals we suggest that the applicant completes a Pre-Development Enquiry (PDE) Form and submits it directly to Scottish Water via our Customer Portal or contact Development Operations.

Please Note

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.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not 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:

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.

Next Steps:

All Proposed Developments

All proposed developments require to submit a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water via our Customer Portal 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 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.

Trade Effluent Discharge from Non Domestic 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.

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 here.

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.

Flood Prevention

1. *The revised finished floor levels (FFL) for both the new build and conversion are deemed reasonable given the other constraints on the site and the proposed FFL for neighbouring approved applications.*
2. *Could the applicant please confirm who will adopt and maintain the surface water drainage system, including SuDS and the underground attenuation tank.*
3. *Once received, could the applicant please confirm that Scottish Water agree with the proposed surface water discharge to the combined sewer system.*
4. *The applicant has not completed a self-certification certificate (Certificate A1) covering the report. If the development is classed as a major development under Planning definition, then an independent consultant is required to check the submission. They must then sign the required declaration (Certificate B1) for inclusion with the application.*

Transport Planning

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

1. *The applicant will be required to:*
 - a. *Contribute the sum of £635,991 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;*
 - b. *Contribute the sum of £61,005 to the Leith Links to Bath Road Project as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
 - c. *Contribute the sum of £26,195 to Salamander Street to the Foot of the Walk project as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
 - d. *Contribute the sum of £211,152 to the Bernard St/Salamander St Active Travel and Public Realm Project as per LDP Action Programme (2020). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
 - e. *Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;*
 - f. *Contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development.*
2. *In support of the Council's LTS Cars1 policy, the applicant should consider contribute the sum of £18,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area.*
3. *The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.*

4. 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.

5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including 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.

6. 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.

7. 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.

Note:

I. The application has been assessed under the Council's parking standards (Edinburgh Design Guidance - January 2020). These permit the following:

a. A maximum of 147 car parking spaces (Student Accommodation - 1 space per 6 beds, 1 space per residential unit, 1 space per 50m² of retail and 1 space per 14m² of food/drink). Zero car parking spaces are proposed;

b. A minimum of 661 cycle parking spaces (Student Accommodation - 1 space per bed, 2 spaces per 2/3 room residential unit and 3 spaces for 4+ room residential unit, 1 space per 250m² of retail and 1 space per 75m² of food/drink). 661 cycle parking spaces are proposed;

c. Due to the low level of car parking proposed there is no requirement for accessible car parking.

d. Due to the low level of car parking proposed there is no requirement for electric vehicle charging spaces; and

e. A minimum of 25 motorcycle parking spaces (1 per 25 beds for student accommodation). 0 dedicated motorcycle spaces are proposed.

II. Justification for the level of car parking centres around the proposed use for the site and the low car ownership associated with Student Accommodation and the sites accessibility to public transport (further improved through the delivery of the Tram to Newhaven project). The applicant has also highlighted that this site falls within phase 1 of the proposed extension to the controlled parking zone (CPZ) which is currently estimated to be implemented by summer/autumn 2021 (as per report approved by Transport and Environment Committee - September 2019). The applicant has stated that given the anticipated timescales they would still expect the CPZ (potentially with an extended order process) will be in place prior to the development opening. The proposed level of car parking complies with the parking standards and based on the justification provided is considered acceptable.

III. The proposed cycle parking is distributed between 5 internal stores and 2 external stores across the site. The numbers are as follows:

- a. Store A - 32 spaces (internal/SA)
- b. Store B - 200 spaces (internal/SA)
- c. Store D - 100 spaces (internal/SA)
- d. Store E - 136 Spaces (internal/SA)
- e. Store F - 24 spaces (internal/resi)
- f. Store BPA - 148 spaces (external/SA)
- g. Store BPB - 21 spaces (external/resi & café)

All stores are on the ground floor and have been provided with level access. The external stores are securable and fully covered. The proposed cycle parking is made up of high-density two-tier racks with an adequate aisle width provided. The proposed level of cycle parking complies with the Councils parking standards and the design and layout is considered acceptable.

IV. A transport assessment has been submitted in support of the application. This analysis shows a reduction in net total vehicle trips when comparing proposed and existing uses with a very slight increase in the PM Peak (+2 trips). This has been assessed by transport officers and is considered to be an acceptable reflection of both the estimated traffic generated by the development and of the traffic on the surrounding road network. The submitted document is generally in line with the published guidelines on transport assessments. No further junction impact assessment is proposed which is also considered acceptable due to the negligible impact this development will have on the network.

V. It is proposed by the applicant that the any permeable routes through the site will be open to pedestrians and cyclists during daylight hours. However, this will be "permissive" and not secured as a right of way etc..

VI. The application makes provision for a future proofed pedestrian connection immediately to the north between tower street and the neighbouring development. This connection will be included in any potential redevelopment of the industrial units on Tower Street.

VII. Bin stores have been strategically positioned away from Constitution Street to mitigate any potential conflict with the proposed tram line operations.

VIII. Junctions will need to be in-line with the Edinburgh Street Design Guidance and its relevant fact sheets to ensure the design prioritises pedestrian movements. This detail can be agreed through further permissions required from the Council as Roads Authority.

IX. The Tram Contribution is based on the site being in zone 1 of the tram contribution a net contribution where the existing use is taken into consideration against the proposed use. The existing use of 2,271m² of industrial use generates a contribution of £104,207. The proposed use is based on 20,283m² of Student accommodation, 216m² of office, 384m² of café and 18 residential units which generates a contribution of £740,198. Net Contribution = Proposed Use - Existing Use = £740,198 - £104,207 = £635,991

X. Transport contributions were calculated by firstly identifying relevant actions to the development site that are in the current LDP Action Programme (February 2020). They are as follows:

- Bernard St/Salamander St Active Travel and Public Realm Project - £6,125,000
- Leith Links to Bath Road - £367,500
- Salamander St to Foot of the Walk - £441,000

To find a rate per housing unit the costs above were divided by the estimated housing capacities of the relevant LDP areas:

- Leith Waterfront - Western Harbour (LW(WH)) = 3,000
- Central Leith Waterfront (CLW) = 2,720
- Leith Waterfront - Salamander Place (LW(SP)) = 1,500

This development site is included within these estimations that are based on the Land Housing Audit carried out for the LDP. This estimates the housing capacity of this site to be 249 residential units. This figure was applied to the rate per unit of each action to provide a reasonable level of contribution to each transport action identified. The calculations are as follows (percentages are for the purpose of the legal agreement):

- Bernard St/Salamander = £6,125,000 / 7,220 (LW(WH) + CLW + LW(SP)) = £848 per unit x 249 = £211,152 (71%)
- Leith Links to Bath Road = £367,500 / 1500 (LW(SP)) = £245 per unit x 249 = £61,005 (20%)
- Salamander St to Foot of the Walk = £441,000 / 4220 (CLW + LW(SP)) = £105 per unit x 249 = £26,145 (9%)

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>

Historic Environment Scotland 28 February 2020

Our locus regarding this application for planning permission is specific to the potential impact on the setting of the above category A listed buildings, both outstanding landmark former civic and mercantile buildings, prominently positioned at the junction of Constitution Street with Bernard Street. We are satisfied that the primacy and setting of these buildings within the townscape, including the predominant dome of the Corn Exchange would not be adversely affected by the proposed development.

Please see our separate consultation reply letters for the associated applications for listed building consent 20/00466/LBC and conservation area consent 20/00463/CON.

Historic Environment Scotland- further comments dated 10 September 2020

As mentioned in our consultation reply letter of 28th February 2020, our locus regarding this application for planning permission is specific to the potential impact on the setting of the above category A listed buildings, both outstanding landmark former civic and mercantile buildings, prominently positioned at the junction of Constitution Street with Bernard Street. We are satisfied that the primacy and setting of these buildings within the townscape, including the predominant dome of the Corn Exchange would not be adversely affected by the proposed development.

We are content that the amended proposals, as published 26th August 2020 on your Council's planning portal, do not alter our above position on the scheme.

Environmental Protection

The applicant proposes a mixed-use development including the provision of postgraduate student accommodation, affordable housing, shops, a café, digital co-working space, 656 cycle parking spaces and 4 disabled parking spaces

Environmental Protection have commented on the recently consented neighbouring residential lead development 18/08206/FUL. Environmental Protection raised concerns with that application due to the poor level of amenity that it would have with regards air quality and noise. The issues with this development site are largely the same. It is noted that this development red line boundary includes the operational scrap metal yard. This would need to cease operation, SEPA permits cancelled and all scrap metal and associated plant and machinery removed before any development commences. This would need to be conditioned.

The site is identified within an area of major change in the Edinburgh Local Development Plan (ELDP), the site is located within Edinburgh Waterfront (EW1b) categorised as major new development in strategic development area. The current LDP states that the Central Leith Waterfront (EW1b) Area should be of commercial and residential led mixed-use development. Forth Ports Ltd has decided to retain land at the Britannia Quay and south of Edinburgh Dock for port related use, and therefore a

modified approach to the development of this area from what is included in the Leith Docks Development Framework (2005) is required. LDP recognises the need for mixed use regeneration of Central Leith Waterfront. It will provide a significant number of new homes however it is noted that the nearby site (16/03684/FUL) has consent for a residential led development when the LDP proposed a commercial-led mixed use would be more appropriate. One of the key development principles is designing new housing to mitigate significant adverse impacts on residential amenity from existing or new general industrial development.

The proposed development site lies north east of Baltic Street / Salamander Street and east of the junction with Constitution Street. The road name changes from Baltic Street to Salamander Street at the south east corner of the proposed development site, close to the junction with Assembly Street. The area consists predominantly of commercial and with some residential use. There is existing residential use immediately opposite the proposed development site on Baltic Street, across Constitution Street with residential use being built out on the site to the east (18/08206/FUL). Bath Road runs north along the aspect of the proposed development site and could provide access to the Forth Ports and various industrial units off Tower Street. To the north of the site is the City of Edinburgh Council car pound and a storage area (which is subject to an active planning application to develop residential use); beyond which is the Forth Ports authority docks and basins.

The applicant proposes a significant number of residential units with 4 disabled parking spaces. Several new blocks are proposed along with the restoration of some existing industrial buildings. This will include proposed high-level buildings along constitution street which will create a street canyon along this aspect of road.

The applicant has submitted various supporting materials including a noise/air quality impact assessment and site investigation reports.

Noise

The applicant has submitted a supporting noise impact assessment which as concluded that the dominant environmental noise source across the proposed development site is road traffic noise from Baltic Street / Salamander Street. There are also occasional contributions of commercial and industrial noise from the scrap metal yard which would be removed if this application is consented with a condition stating the scrap metal yard must close and cease operations prior to commencement of works.

The applicant's noise impact assessment has identified that noise from the road is the dominant noise affecting the site. The applicant has conducted noise surveys to demonstrating that noise levels from the road do significantly affect the internal rooms of the development site. The applicant has not provided details of the required minimum glazing specifications to mitigate traffic noise. The noise impact assessment has only provided noise reduction levels which is not something planning will accept in any proposed condition. The orientation of the proposed blocks has ensured that the outdoor amenity space will also be exposed to a significant level of noise from the traffic as well as a significant percentage of the proposed development. The noise report has recommended that a ventilation system will also be required as also highlighted in the air quality impact assessment. There are no details of the required

ventilation system provided either in these supporting reports or in the drawings. There are no drawings showing the routes of the required ducting that could occupy a significant amount of internal space. The Air quality report states that intakes would need to be located at roof level. There is no reference to this intake on any of the roof drawings or any other submitted material. It should be noted that mechanical ventilation can be a source of noise depending on where the main plant machinery is located.

It has been noted that the applicants noise impact assessment has not assessed the outdoor amenity noise levels.

Noise and vibration from activities at Dalton's scrap yard would be an extremely significant factor as Environmental Health Officers have received noise complaints regarding noise from the scrap metal yard affecting nearby residential properties. This proposed development does include the scrap metal yard and its removal could be viewed as a planning gain for existing residential properties. If this proposal was consented with no conditions on the phasing of development, then this would be a major issue. This development must not be consented without conditions on the scrap yard ceasing operations prior to the commencement of any other development.

The applicant has correctly identified that noise from Forth Ports site can vary with the extent of the activities that are occurring at any given time. To address the potential for variation, an unattended survey was undertaken over the course of a week. This could not have assessed the possible worst-case scenario with regards noise from the site. There is little in the form of planning and Environmental legislation that restricts the operations on the docks. Heavy industrial operations including the loading of vessels with scrap metal during the night has and could occur again on the port at any given time.

The applicant's noise survey identified that all evening and night time periods follow a similar pattern of broadband ambient noise, commensurate with an urban environment. Ambient levels of monitored noise were significantly lower than the road traffic noise that will be incident on the Salamander Street and Bath Road aspects of the proposed development. The applicant assumes that given that there are a variety of uses along the Forth Ports docks and basins that may occur intermittently. It is noted that the previous cement batching plant that occupied the site on the docks to the north of the application site had been operating from that site for many years and there was also the processing of the scrap metal which occurred on the neighbouring dock of many years. The applicant's noise impact assessment recommends that all future occupants can close their windows and still achieve levels of background ventilation commensurate with the Buildings (Scotland) Regulations. Environmental Protection do not accept a closed window standard as a form of noise mitigation for non-transport related noise sources. Mechanical ventilation is not something that we would normally support, there are overarching issues with local air quality and having the ability to condition such systems through Planning. The applicant has not provided details of any proposed glazing or ventilation system which should have been detailed in drawings showing all glazing, inlets, outlets and duct work and plant.

Environmental Health do receive noise complaints regarding operations on the docks from existing residential properties. These complaints are challenging as they can involve a vessel being loaded or unloaded. The vessels are not in the port for a long enough period to establish a nuisance. In the last month Environmental Health have

received a significant number of justified noise complaints due to 24-hour noisy operations on the docks over a prolonged period of time. This resulted in complaints being received from existing residential properties along the entire docks and mostly from properties located further away from the docks than this proposed development. The complainants could not block the noise out by closing windows or even moving to other areas of their properties.

When there are certain operational demands on the dock, they will meet that which will then often mean significant noise. This proposed development will increase the numbers of people exposed to this and bring residents closer to certain parts of the operational dock. The applicants noise impact assessments required mitigation measures have not been fully detailed as there is no information on the required supporting ventilation system.

No specific assessment has considered the operations to the east of the site including parking compound that is used to stored cars that have up-lifted. It is expected that a number of these vehicles could be impounded with intruder alarms sounding which should have been assessed. The applicant has engaged with the car pound and the car pound advised that no alarms sound in the evenings. This site is subject to another planning application to change use to residential, there is no guarantee that this site will be developed out as residential.

The applicant proposes some commercial type uses on the ground floor of the blocks, any noise impact assessment would need to these uses into consideration. Environmental Protection would require specific details on the proposed use classes. The applicant should be aware that any proposed class 3 uses will have noise issues as well as odour concerns that would need to be assessed for noise as well as possible cooking odours.

The development site is surrounded by different noise types of noise sources and any future tenants would not be able to move into a quiet area of the property. Being able to open windows would depend on the noise environment outside. Future tenants would also need to consider outdoor pollution when opening windows. The outdoor level of amenity is poor due to the noise and air quality. The applicant has proposed a mechanical ventilation system to serve apartments but has not provided details of the required ventilation system. If there was a ventilation system this would reduce the need for windows to be opened but would not mean windows would not be opened for flash ventilation purposes and if tenants turn off the ventilation system. It's not possible condition maintenance of the ventilation system through planning. The proposed ventilation system requires regular maintenance as it would need to include filters. The filters and ducts will require maintenance to ensure the system works efficiently, quietly and cleanly with no build-up of mould in ductwork.

It is noted that the proposed development site is surrounded by many different noise sources and that any proposed residential development in this location would be challenging that applicant has not proposed the recommended mitigation measures as advised in their own noise impact assessment to minimise impacts albeit that is not even to a level Environmental Protection could support. Phasing of the development has not been covered in the noise impact assessment. It would be critical that the Scrap Metal Yard would need to stop operating before commencement of works on the

site. Otherwise the site could be partially developed out with the scrap metal yard remaining.

On the issues we have regarding noise this would be enough for us to recommend that application is refused.

Local Air Quality

The site is currently well served by existing bus services operated by Lothian Buses. The currently planned extension of Edinburgh's existing tram line will take the route down Leith Walk, connecting Ocean Terminal with city's airport, via Princes Street. This will further enhance the site surrounding public transport network and its connectivity with the rest of the city.

The applicant has advised that car parking numbers will remain low at 4 disabled spaces the applicant proposes including a significant number of cycle parking provisions. Both these measures are welcomed by Environmental Protection. The development is well located to take advantage of local amenities and public transport network and proposes cycle parking. The applicant is not required to provide any electric vehicle charging points under the Edinburgh Design Standards. Nevertheless, Environmental Protection recommend that 100% provision is included which would equate to two twin-headed 7kw Electric Vehicle charging points serving the disabled spaces. The site will likely be well served by taxis if consented. The applicant should provide a rapid (50Kw) electric vehicle charging point for taxi use.

As the site is near the St Bernard's Street Air Quality Management Area (AQMA) and is in the centre of the recently declared AQMA for particulate matter smaller than 10 micrometres PM10 (Salamander Street). The applicant was advised to do onsite monitoring for PM10 at the pre planning stage. Elevated levels of PM10 pollutant have been the reason an AQMA has been declared in and around this development site in January 2017. Fugitive emissions from the handling and storage of open material at Leith Docks, was found to be a contributory factor in the elevated concentrations. This AQMA does cover the applicants proposed development site. The applicant has not monitored PM10 on-site. They have modelled the potential future impacts using the data monitored from the council's air quality monitoring station on Salamander Street. Having not done onsite monitoring this reduces the confidence we have on the conclusions of the applicant's air quality impact assessment.

PM is measured in many different size fractions according to diameter. Most monitoring is currently focussed on PM10, but the finer fractions such as PM2.5 and PM1 are becoming of increasing interest in terms of health effects. Fine particles can be carried deep into the lungs where they can cause inflammation and a worsening of the condition of people with heart and lung diseases. In addition, they may carry surface-absorbed carcinogenic compounds into the lungs.

Local authorities must assess PM10 concentrations against the 18ug/m3 annual average objective hence the assessment considered whether the PM10 Objective levels would be breached. Planning have been monitoring PM10 in this area since 2009. This has enabled a trend to be established over an eleven-year period. The applicants modelled survey is a mathematical prediction based on many varying parameters more weight must be given to Planning's air quality monitoring data which.

If the site is to be developed out for residential use the City of Edinburgh Council would be obliged to continue monitoring and assess the levels in accordance with current government standards. If objective levels continue to be breached it will make working on the Action Plan to improve the AQMA much more difficult. Action planning with stakeholders particularly Forth Ports in this case would need to be undertaken robustly, to try to ensure concentrations are reduced. The applicant should become a stakeholder and engage with the council with any future air quality action planning.

Environmental Protection are therefore concerned with the PM10 levels impacting this site, it is recognised mitigation options are limited to deal with this pollutant within the proposed development site. The applicant has not conducted on site air quality monitoring as recommended and the mitigation measures recommended by the applicant's own air quality impact assessment have not been designed into the final submitted drawings based on the information assessed by Environmental Protection. There should be a mechanical ventilation system which draws 'fresh' air in from the roof level. There is no evidence of this in the drawings. It should also be noted that this mitigation method was for Nitrogen Dioxide traffic related pollution not the particulates. The level of particulates will not reduce much with the heights being considered so high-level air intakes will make little difference. The applicant's air quality impact assessment does not even consider the introduction of filters therefore any roof mounted air intake would be pumping polluted air into the proposed habitable rooms if it was installed.

The results from the applicant's own air quality impact assessment indicate that levels of NO2 are at risk of exceeding the EC annual mean Limit Value at elevations within the proposed development that face directly onto Baltic Street at ground and first floor levels. It then goes on to state that air pollution from local road traffic is predicted to decrease significantly with increased height above ground level. The effect of local air pollution on residential units could be significantly reduced by installing Mechanical Ventilation Heat Recovery (MVHR) systems within affected dwellings, provided the air intakes are at roof level and where the residential units are held under positive pressure. Environmental Protection would not support this method of mitigation but would accept that it is a form of mitigation that could reduce impacts if designed, installed with filtration and maintained in perpetuity which is something that cannot be conditioned through planning even if the system was designed and implemented.

It is also noted that the proposed development will introduce a street canyon along Constitution Street which is an important factor with regards local air quality. Atmospheric dispersion may be adversely affected by the inhibiting effect of taller buildings close to the road, which can reduce local wind speeds and consequently prevent dilution of exhaust emissions. This is sometimes referred to as a 'canyon' effect, where the height of buildings on both sides of the carriageway exceeds the combined width of the road and pavements. St Johns Road is an example of an existing street canyon. Environmental Protection would always recommend against the creation of street canyons.

Furthermore, it is noted that the applicant proposes installing a gas fired combined heat and power system (CHP). Large or even widespread smaller gas boilers can lead to increased levels of the background NO2 levels. Once these are installed and operational there is very little that can be done by the Local Authority to reduce their

impacts. That is why they make up the background NO2 levels. The site is near to a NO2 AQMA and was advised to take energy provision into consideration at the pre planning stage. It is welcomed the low level of parking, but they have not in Environmental Protections opinion maximised the possibility of maximising onsite renewable energy provisions. The applicant was advised on the use of ground/air sourced heat pumps, potential for use of dock water for this and on photovoltaics/solar panels linked to energy storage at the pre-planning stage. The Climate Emergency and Zero Carbon ambitions were also highlighted at the pre-planning stage.

The applicant has assessed the possible transport impacts the proposal will have on especially on the Bernard Street AQMA which has been declared due to traffic related pollution. As stated above the site is well located with regards access to amenity, employment and sustainable transport. Environmental Protection satisfied with the schemes level of car parking. It is noted that the current industrial operations on the site have a degree of commercial vehicle activity that would be removed if this is consented and could have a positive impact. On the other hand, there are a number of committed developments in the immediate area with high levels of car parking that could collectively have a detriment impact on the local air quality when they are all developed out.

Nuisance dust is a separate issue, this is the type of dust that is visible and will be visible in clouds of dust unlike PM's that are invisible to the naked eye. It should be noted that Environmental Health Officers have investigated dust complaints due to thick dust clouds being generated by the off-loading of aggregates from vessels on the Port. SEPA may hold further details on these incidents. There are several operational cement batching plants in the Port which are regulated by the Scottish Environmental Protection Agency (SEPA) under the Pollution Prevention and Control regime (PPC). It is also noted that SEPA have raised concerns with this proposed application.

Environmental Protection has concerns regarding residential use on this site. This site is located adjacent to the some of the likely sources of the pollutants and will introduce new residential properties into middle of an area already exceeding the statutory objective levels for PM10.

Odours

The application site is located approximately 1km from the Seafield Waste Water Treatment Work (WWTW) the applicant was asked to provide a study into the possible impacts WWTW will have on the proposed development site. The applicant has not provided any information on this however an assessment was submitted for the neighbouring consented site which is closer to the WWTW and it was accepted that there would be no adverse impacts. Therefore, odours from the WWTW are not a big concern for this proposed development site.

Contaminated Land

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.

In conclusion, Environmental Protection recommend the application is refused. This is due to the potential noise impacts may have on the development site. The site is in the middle of the Salamander Street AQMA for PM10 levels exposing future tenants to excessive levels of pollutants likely to adversely affect their health. The applicant has not applied mitigation measures recommended by their consultants. Environmental Protection remain concerned with the level of amenity that would be afforded to future tenants and the likelihood that complaints will be received regarding neighbouring industrial operators.

Therefore, overall Environmental Protection strongly recommend that this application is refused and should be noted that there is not enough information to even consider developing conditions if approved.

Conditions

1. *Prior to the commencement of construction works on site:*

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

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

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.

2. *The operational scrap metal yard must fully cease operation prior to commencement of the development.*

Affordable Housing

Housing Management and Development are the consultee for Affordable Housing. Housing provision is assessed to ensure it meets the requirements of the city's Affordable Housing Policy (AHP).

o Policy Hou 6 Affordable Housing in the Edinburgh Local Development Plan states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing.

o 25% of the total number of units proposed should be affordable housing.

o The Council has published Affordable Housing Guidance which sets out the requirements of the AHP, and the guidance can be downloaded here:

<https://www.edinburgh.gov.uk/affordable-homes/affordable-housing-policy/1>

2. Affordable Housing Provision

This application is for a development consisting of up to 18 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (4) homes of approved affordable tenures.

The applicant has submitted an 'Affordable Housing Statement' setting out the proposed approach to the delivery of affordable housing. The current proposal is that affordable housing will account for all 18 (100%) of the new homes and will consist of flatted apartments with a range of one, two and three-bedrooms. This is very welcome.

The developer has identified a Registered Social Landlords (RSL) that will deliver the affordable homes. The RSL has submitted a letter of support.

The applicant has confirmed that the affordable housing will be delivered as social rent or mid-market rent. The tenure of the affordable housing must be agreed by the Council. The Council aims to secure 70% of new onsite housing for social rent and we ask that the applicant enters an early dialogue with us and the RSL to ensure that this is delivered.

The affordable housing should be a representative mix of any market housing that is provided across the site and fully compliant with latest building regulations. The affordable housing should be "tenure blind" with a design that is informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides. The applicant should continue to work with Council and RSL's to achieve this.

The affordable homes will be close to regular public transport links and local amenities. Future occupants will have access to secure cycle parking and landscaped areas.

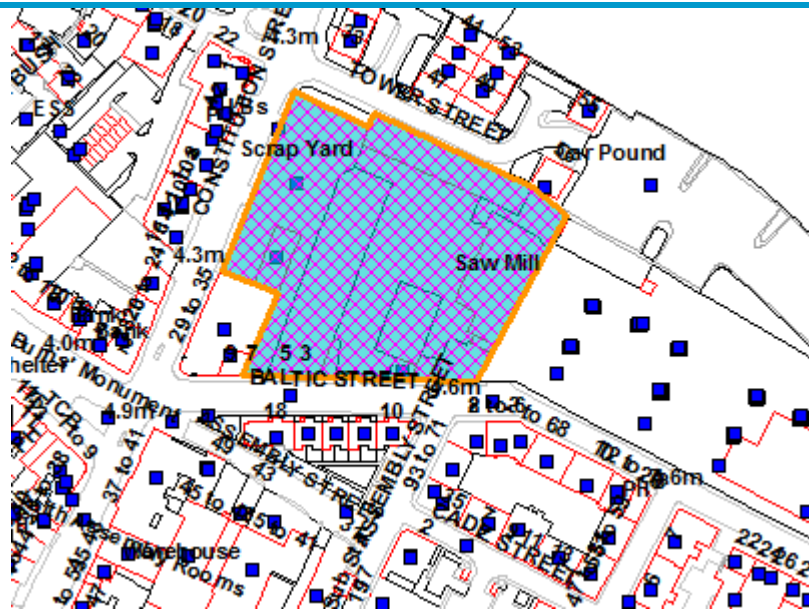
3. Summary

The applicant has made a commitment to provide 25% on site affordable housing and this will be secured by a Section 75 Legal Agreement. This approach which will assist in the delivery of a mixed sustainable community:

The applicant has submitted an "Affordable Housing Statement", setting out their approach to the delivery of affordable housing. It is proposed that all 18 homes (100%) will be delivered as affordable homes which is very welcome.

The applicant has identified an RSL that will deliver the affordable housing as social rent or mid-market rent.

Location Plan



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END

Development Management Sub Committee

Wednesday 28 October 2020

**Application for Listed Building Consent 20/00466/LBC
at 1 - 5 Baltic Street, And 7-27 Constitution Street,
Edinburgh.**

Internal and external alterations to Category B- listed gas works buildings and conversion to mixed use development, partial demolition including removal of remnants of gasometer building and northern extension to retort house, removal of other 20th century extensions and formation of new openings with associated fabric repairs. Reinstatement and alteration to boundary walls (as amended)

Item number

Report number

Wards

B13 - Leith

Summary

This proposal will deliver new uses for the retained listed buildings on the site whilst preserving their main features of architectural and historic interest. The works comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as they preserve the character and setting of the listed building and preserve the character and appearance of the Leith Conservation Area. The internal alterations do not involve the loss of any features which contribute to the special interest of the listed building and the external works preserve the frontages and involve acceptable changes to the exterior of the listed buildings. The demolition of buildings as set out is acceptable.

Links

[Policies and guidance for this application](#)

HES, HESDEM, HESSET, HESUSE, HESINT, HESEXW, HESWIN, HESBND, HEPS, HESEXT, LDPP, LEN02, LEN03, LEN04, LEN06, CRPLEI,

Report

Application for Listed Building Consent 20/00466/LBC at 1 - 5 Baltic Street, And 7-27 Constitution Street, Edinburgh.

Internal and external alterations to Category B- listed gas works buildings and conversion to mixed use development; partial demolition including removal of remnants of gasometer building and northern extension to retort house, removal of other 20th century extensions and formation of new openings with associated fabric repairs. Reinstatement and alteration to boundary walls (as amended)

Recommendations

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

Background

2.1 Site description

The site lies to the north of Baltic Street, south of Tower Street and east of Constitution Street. It has an area of approximately 1.05 hectares. The eastern part of the site comprises an old gas works site which has a number of existing buildings and structures. These include a former retort house, an original gasholder, a later gasholder, an office, a former purifying building, and a later warehouse. The western part of the site comprises the existing Daltons scrapyard. The total area of buildings on the site is approx. 8846 square metres. Main access is from Baltic Street and Constitution Street.

The buildings within the old gasometer site are category B listed. They fall within group listing (LB26744) listed 14 December 1970. They comprise: the later gasholder to the west of the site, offices, original gasometer and Retort House to the east of the site, a Coal Store in the centre of the site, and the Purifying Building to the northern site boundary. The A listed Corn Exchange lies just out with the application site boundary to the south west (LB27140) listed 14 December 1970. To the south of the site fronting Baltic Street is an arch which is included within the category A listing of the Corn Exchange building. The Purifying Building is on the Buildings at Risk Register.

A Heritage Statement has been included with the application and this notes the significance of the buildings as follows:

- The eastern façade of the Retort House and Original Gasometer, by virtue of their architecture, rarity as substantial surviving buildings from the earliest days of the gas industry, and their relative state of preservation have the highest significance. A section of screen wall adjacent to the Corn Exchange and the south east courtyard, where three well preserved buildings from different periods of the development of the gasworks can be viewed in their original spatial relationship are also deemed to be of high significance.
- The Office Building has a quite different historical significance from the rest of the site. It is domestic in scale and design and although its interior is in poor condition, it is still intact. This building has medium significance.
- Coal Store. The present-day form of the Coal Store is the result of a series of additions and demolitions over an extended period but remains a substantial and relatively rare survival from Leith's industrial past. It therefore has medium significance and is worthy of retention.
- Purifying Building. The Purifying Building is the last remaining part of a group of processing buildings which defined the northern boundary of the gasworks site, adjacent to the platform of South Leith railway station. It has been abandoned for many years and has been on the Buildings at Risk Register since 2011. It is of medium significance.
- Western Gasometer Building. The Western Gasometer building was the largest and most prominent building on the site until its substantial demolition in the late 1970s to allow it to be used as a builder's yard. The cathedral like roof, an important feature of the original structure, was removed entirely. The monumental character of this building in the Leith townscape has been lost. It is deemed to have some significance but is basically a remnant.

The Heritage Statement also gives an understanding of the historical development of the site. The Leith Gas Light Company was formed in 1823, and by 1829 owned the eastern feu of the site and submitted petitions to the Leith Dean of Guild for the gas works. They later purchased land to the west of this and soon the whole site rapidly developed especially with the development of the South Leith Station to the north to bring coal easily into the site. The site was fully developed by the mid-18th century and maps from that period show the site almost completely covered by buildings. However, this was not big enough for the needs of a growing population and the gasworks were moved to Granton in the early 20th century. Since then various uses and changes have taken place on the site and what remains today is only part of what once covered it.

The group listing for the site was amended in August 2019. This addressed the significance of the surviving buildings, reiterating their special architectural and historic importance as a highly significant industrial site for the production of gas in Scotland. The surviving historic buildings are an important reminder of an industrial process that is now largely redundant.

The amended listing excludes the interior of all structures (except the office building), flat roofed and harled extensions to west of the office block, modern metal extension and roller doors to west of northeast range and single storey brick building adjoining the east and north of northwest range, north boundary brick wall and brick walling adjacent to site entrance.

In the wider area, there are listed buildings at 37-43 Constitution Street and 49 Assembly Street which are category A listed (LB27147) listed 14 December 1970, and 2 Bernard Street/28 Constitution Street which are category B listed (LB26886, listed 14 December 1970).

The site is characterised by coursed and random sandstone rubble walls and pitched roofs finished in industrial materials. The block is enclosed and there is no pedestrian or public links through the site.

To the north of the site is Tower Street which has commercial/industrial type buildings and car parking, with Forth Ports beyond. To the south are mainly tenemental residential properties. To the east of the site is an industrial/ commercial area which is to be developed for housing. To the west are a mix of commercial and residential properties which have a maximum height of seven storeys. The predominant materials in the area are polished ashlar to public elevations and a variety of coursed rubble, brick render and industrial materials. Roofing material ranges from dark grey slate, red artificial slates, corrugated metal or asbestos panels, seamed metal or flat asphalt roofs.

This application site is located within the Leith Conservation Area.

2.2 Site History

1-5 Baltic Street was originally the premises of the Leith Gas Light Company (formed in 1823) and successor businesses, processing coal into gas which was stored on site within the on-site gasometers before being piped into the surrounding locality. Since the early 20th Century 1-5 Baltic Street has been occupied by a timber merchant and more recently a builders' merchant with associated trade counters.

7-27 Constitution Street was originally occupied by a naval yard, but later was the site of a granary and coal yard. It has operated as a scrapyards since the Victorian buildings were demolished in the early 1970s.

19 August 1999 - Installation of traffic calming measures approved (application number 99/01033/FUL).

31 January 2020 - Planning application was submitted to demolish some existing buildings, convert existing buildings and develop new build accommodation for student housing, affordable housing, offices, digital co working space and cafe (application number 20/00465/FUL).

31 January 2020 - Conservation Area consent application submitted to demolish unlisted buildings within the conservation area (application number 20/00463/CON).

11 February 2020 - Partial demolition of wall on Tower Street granted consent (application number 19/05902/CON).

14 February 2020 Planning permission was granted for installation of gates to Tower Street opening (application number 19/05903/FUL).

History of nearby sites

5 August 2019 - Planning permission granted for a flatted development of 212 flats and ground floor commercial units and associated works on the adjacent site to the immediate east at 1 Bath Road (application number 18/08206/FUL).

19 March 2020 - Planning application pending determination for a residential development and associated works on the nearby site to the north east of the site at 57 Tower Street and 1 Bath Road. (application number 20/01313/FUL).

04 September 2020 - PAN submitted for the demolition of existing buildings and erection of mixed-use flatted residential and commercial development with associated access, car parking, greenspace and ancillary works at Bath Road/ Salamander Street (application number 20/03799/PAN).

Main report

3.1 Description Of The Proposal

The overall proposals comprise a mixed-use development comprising student accommodation, affordable housing, offices and digital co-working space with a café. Accommodation is provided in six blocks; three new build and three conversion. Five of the blocks are arranged around a courtyard; one block fronts Constitution Street.

The student accommodation consists of 66 HMO apartments to accommodate a total of 558 student bedrooms. The student flats would each have between 4 and 11 bedrooms. Two warden's flats are to be provided in the listed building to the south east of the site. Shared common spaces are provided such as common rooms, laundry rooms and music practice rooms.

The affordable housing comprises eight one bedroomed flats; six two bedroomed flats and four three bedroomed flats. The office units which are located below the affordable housing each have a floor area of averaging 79sqm. The digital co-working space is envisaged as being used by both students and local businesses.

The height of the proposed new buildings would be five and six storeys. All are five storeys with the exception of the building proposed at the junction of Constitution Street and Tower Street and part of the proposed new building in the centre of the site. There would be a three storey high section of building fronting Constitution Street adjoining the existing Corn Exchange.

A central courtyard area is proposed with connections to Baltic Street, Constitution Street and Tower Street from the eastern site boundary. Pedestrian access points are proposed to/from the south, west and east site boundaries.

Materials proposed for new build elements are: zinc cladding to roofs and facades, panelling and brick. Infilling areas are proposed to be brick. The materials proposed for the repair/ development of existing listed structures are brick to walls, slate to roofs.

The works involve demolition and alterations to the listed buildings and structures within the site as follows:

Retort House and original Gasometer

Works involve the removal of a modern profiled steel extension to the west elevation of the Retort House. A number of wide historic openings lie behind the modern structure and these will be filled with glazed panels matching the design of the glazing in the new buildings. The proposed new windows to the first floor will be modern, distinguishing them from the original windows. The space created behind these openings will provide light to a proposed common room. The original openings will be opened up and infilled with a dark metal glazing system. The bricked up arched windows and doors on the south elevation of the west hall of the Retort House will be re-opened. The western elevation of the original gasometer building will retain the historic window pattern and colour.

The removal of the two storey lean-to northerly extension of the building is also required to provide a safe access for a fire engine to the centre of the proposed development. This is not an original part of the Retort House.

A new opening is proposed for the ground floor in the north elevation of the Retort House to provide access to an escape stair and a new electricity substation to serve the development.

New window openings will be formed to the east facade. The scale of the windows would match the smaller original ground floor level windows. Dark metal facings are proposed. New windows will follow the pattern established by earlier changes to the building, with dressed stone surrounds and slimline double glazed astragalled sash and case windows painted green.

The existing modern roof will be removed and replaced with slate. The centre valley will be infilled with a new flat roof in metal profiled cladding. The flat roof will not be visible from ground level within the site.

The western section of the Retort House accommodation will have three floors, and this results in the requirement of a dormer structure in metal cladding to the west pitch of the roof to house the additional floor. This will be detailed as a continuous box and will be contemporary in form.

Office building and perimeter wall (Baltic Street)

It is proposed that the office building be converted to two warden flats; this enables the retention of the form of the Edwardian offices and will preserve the interior fixtures and fittings.

The remaining perimeter wall which is connected to the office will be retained; the modern brick extension to the wall to the west will be removed.

A lean-to building abutting the north elevation will be used for cycle storage; historic windows will be re used. The roof will be a flat sedum roof and will sit below the wallhead so will not be visible from outside the site.

The later rendered extensions to the west elevation will be removed.

The Coal Store

A modern wall connected to the southern part of the outcrop of buildings facing Baltic Street will be demolished. This will be replaced with a low stone wall with railings above.

The existing corrugated roof covering will be removed and replaced with slate. Existing window openings (currently bricked up) will be re-opened. Two larger new openings are required to the ground floor in a simple rectangular form and with contemporary detailing and the arched windows on the north and south elevations will be reopened and reused using dark metal glazing system. The redundant windows and wallhead will be re infilled with brick. The 1970's brick column at the south west corner will be retained.

The building will be converted to student accommodation and three floors are proposed. The new upper floor requires the addition of a dormer window within the roof structure (similar design principles as Western Retort House).

Purifying Building

The modern brick, profiled steel and asbestos lean-to which encases the north and east elevations will be removed. Part of the original boundary wall which connected the purifying building to the north gable of the western gasometer building will also be demolished.

Several new windows are proposed to the north elevation of the building. These will be provided in a modern style. A small number of windows will be infilled in facing brick set back from the facade.

The proposed replacement for the granary building is built hard against the west gable of the purifying building. The east gable will be joined to the proposed new building by a glazed link.

The removal of a section of wall which separates the scrapyards site from the gasworks site is necessary to enable development of the site as a whole.

Western Gasometer and commercial facade and screen wall to Baltic Street

The two storey commercial western facade to Baltic Street of the western Gasometer building will be retained. The proposed new building is to be set back from it. The remaining sections of the Western Gasometer building will be demolished.

Perimeter walls to 7-27 Constitution Street

The remaining fabric of the ground floor of the now demolished granary building is to be demolished. The screen wall which connects the retained commercial facade to the Corn Exchange will be retained.

The retained ground floor commercial facade will be incorporated as new ground floor shop fronts within the new affordable housing block for the site.

It is proposed that the retained stonework be painted.

Previous Scheme

- The revised scheme proposes the replacement of a retail use within the units along Constitution Street with an office use;
- Elevations facing Constitution Street and Tower Street have been revised together with proposed changes to the use of materials including use of stone instead of brick;
- The arched windows to the Retort House have windows resized and positioned;
- The bike store fronting Baltic Street has been altered to create a communal area;
- the revision to the treatment of the retained façade of the Western Gasometer on Baltic Street, to activate the frontage;
- A new 2.1 metre wide footpath is now to be provided to the north boundary of the site running in an east west direction;
- The substitution of traditional slate for metal on the roofs of the restored listed buildings;
- Redesign of the dormer windows proposed for the west elevation of the Retort House, reducing its scale and visual impact;
- The removal of metal flashings from the skewers of certain of the listed buildings;
- Changes to the façade treatment of the two storey section of the affordable housing block on Constitution Street;
- Reduction in size of the new windows within the blind arches on the east elevation of the Retort House;
- Changes to the NW corner of the Tower Street elevation, reflecting the relocation of a bin store from Constitution Street to Tower Street;
- Areas of ground floor finished floor levels increased to +5.6mAOD;
- incorporation of more porous surface materials and water garden planting; and
- the carved keystone bearing a triple anchor motif from the arched opening to the former granary building will be re-used in the scheme.

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

Townscape Study;
Townscape Study appendices;
Heritage Statement;
Planning statement;
Design and Access Statement;
Structural condition report and
Townscape views.

These are available to view on the Planning Portal.

3.2 Determining Issues

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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

In determining applications for listed building 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 proposals preserve the character of the listed buildings;
- b) the proposals preserve or enhance the character or appearance of the conservation area;
- c) all public comments received have been addressed.

a) Character of the Listed Building

In determining applications for planning permission or listed building consent, the Council is required to have special regard to the desirability of preserving the buildings, their setting or any features of special architectural or historic interest that they possess.

Paragraph 4 of Historic Environment Policy for Scotland 2019 (HEPS) identifies that:

The documents that should be referenced for the management of the historic environment are Scottish Planning Policy, Our Place in Time: The Historic Environment Strategy for Scotland, the associated primary and secondary legislation and Historic Environment Scotland's Managing Change series of guidance notes.

HEPS outlines how we should undertake our duty of care whenever a decision affects the historic environment. It contains a number of policies including a policy statement that decisions affecting the historic environment should be informed by an inclusive understanding of its breadth and cultural significance. Other policies stress that detrimental impacts should be avoided. Where appropriate opportunities for enhancement should be sought.

Historic Environment Scotland (HES) guidance note Managing Change: Use and Adaptation of Listed buildings, sets out the principles that apply to converting historic buildings to new uses. Other HES Managing Change guidance which applies to this case includes Demolition, Interiors, Extensions, Boundary Wall Alterations and Setting.

Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the use and adaptability of listed buildings is applicable. It states that *for a building to remain in use over the long term, change will be necessary. This reflects changes over time in how we use our buildings and what we expect from them. A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm.*

The Purifying Building, Retort House and offices have been empty for over a number of years, and the Purifying Building has been on the Buildings at Risk register since 2011. The gasometer building (western) has been severely altered and is of low significance. The current proposals represent a scheme which causes the least possible harm whilst creating a new use for the site and buildings.

An Engineering Report submitted with the application states that none of the buildings are considered to be habitable in their current condition, with all buildings requiring maintenance plus additional refurbishment to bring them up to the necessary current standards required for habitable spaces. The changes are assessed below in more detail.

Demolition of buildings

Policy Env 2 of the adopted Edinburgh Local Development Plan (LDP) states that proposals for the total or substantial demolition of a listed building will only be supported in exceptional circumstances, taking into account 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 continual use.

- the building is no longer of special interest;
- the building is not capable of meaningful repair;
- the demolition of the building is essential to delivering significant benefits to economic growth or the wider community;

- the repair of the building is not economically viable, and it has been marketed at a price reflecting its location and condition to potential restoring purchasers for a reasonable period.

These principles reflect HES's Managing Change Guidance on Demolition of Listed Buildings.

The western gasometer building is proposed for demolition with only the two storey commercial frontage to Baltic Street being retained.

The Heritage statement sets out the history of the buildings on the site. It states that a series of substantial demolitions took place in the late 1970s to facilitate the conversion of the site to trade counter use. This required the creation of a roadway into the centre of the site from Baltic Street and the reduction of the western gasometer building with the roof and the whole of the smaller extension removed and the wallhead reduced from 18metres to 5.6metres. In doing so, all of the 5m tall round arched windows were removed. The cathedral like roof was removed completely. The internal buttresses were cut down to the height of the new wallhead. A new roof was added to allow the internal space to be used as an industrial unit. The western part of the coal store was demolished at the same time.

The tests set out in Historic Environment Scotland's Managing Change guidance on Demolition must be applied.

The key test in this case are whether the buildings proposed to be demolished are of special architectural or historic interest. If they are, then the other tests would have to be applied to justify demolition. The applicant's Heritage Statement assesses the significance of these buildings.

The applicant has also submitted a financial appraisal of converting the western gasometer building. This has also been assessed and concluded that conversion of the western gasometer would not be economically viable.

The site's listed status is a principal factor which has determined how the site can be best developed without adversely affecting the character and setting of the listed buildings. The developer has stated that without redevelopment of the western gasometer building it would be impossible to acquire the scrapyards site. It would be necessary to develop far more densely on the remainder of the site, and could involve proposals to demolish the purifying building and the coal store.

The proposed removal of the gasometer building should be seen within the context of being part of a larger development and this provides a sustainable new use for the great majority of this group of listed buildings. In addition, the acquisition and development of the adjacent scrapyards site at 7-27 Constitution Street within the development scheme is positive in the context of the overall design layout of the wider area.

Historic Environment Scotland has confirmed they are satisfied that there is justification for demolition on the grounds that Historic Environment Scotland's (HES) Managing Change in the Historic Environment guidance note on the Demolition of Listed Buildings states that if one of the following situations applies then the loss of a listed building is likely to be acceptable, as long as this is clearly demonstrated and justified. HES consider that while the proposals include the demolition of the remnant parts of the former large west range gasometer house, they acknowledge that compelling evidence is submitted to show that retention of this building is not economically viable in relation to the wider proposed regeneration scheme, including restoration and adaptation of other listed former gasworks buildings on the site. They note that there would be a significant conservation deficit if the former west range gasometer house was retained. HES consider that given this building is much altered, and in the interests of progressing a worthy wider heritage-based regeneration scheme, they are content with the proposed demolition. They are pleased that the distinctive Baltic Street classical facade of this range would be retained and restored, to form the street frontage to the proposed replacement building (Building B).

Based on the information submitted, the demolition of the building and structures are considered acceptable. In assessing against the statutory tests in Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, their demolition would preserve the special interest of the remaining listed buildings and their setting.

Alterations to Main Listed Buildings

Policy Env 4 (Listed Buildings - Alterations and Extensions) in the Edinburgh Local Development Plan (LDP) states that proposals to alter a listed building will be permitted where those alterations are justified; will not result in unnecessary damage to historic structures or result in a diminution of the building's interest; and any additions would be in keeping with other parts of the building.

In addition, HES's Managing Change Guidance sets out principles for altering listed buildings.

The report sets out all the proposed alterations to the listed buildings to be retained on the site. The principles that have been applied are based on sound conservation practice - retention of historic fabric of significance where possible and alterations which are sympathetic to the historic and architectural context but are of their own time. Where, for instance, floor levels are increased to make best use of interior spaces, modern dormers have been created which complement the character of the host building. New openings and bricked up openings are signified by a modern treatment so the history of the site can continue its journey. Traditional detailing has still been sought where this is important e.g. slate rather than metal was agreed for visible roof slopes and metal skews will be replaced by stone skews but this has been balanced with more modern materials such as metal roofs for sections of roofs not visible to the public eye.

The removal of some of the later extensions and additions will allow a greater appreciation of the character of the buildings remaining from the old gasworks.

Internally, the works to restore the office building ensure this important historic fabric is retained.

HES has no adverse comments in relation to the proposals and state the alterations to the listed buildings do not affect their special interest and are acceptable. HES recommend that a full specification of repair and restoration works for the listed buildings be obtained, including works of making good following proposed removals. This should include masonry repair, lime mortar work, slate specification, and restoration work for the Baltic Street high boundary walls, including the Dalton's arch adjoining the Corn Exchange, and the distinctive former board room oriel window. They also suggest that larger scale drawings for proposed replacement timber framed windows and doors be obtained, and material samples for significant replacement/new work be reviewed and agreed in advance of works commencing. These are covered by condition.

The proposed alterations to the listed buildings will result in the preservation of their special interest and bring the buildings into use.

Setting

LDP Policy Env 3 (Listed Buildings - Setting) states that development within the curtilage or affecting the setting of a listed building will only be permitted if not detrimental to the appearance or character of the building or its setting.

In terms of setting, the proposed development seeks to sensitively respond to the historic and architectural character of the site and its buildings, whilst enabling the site to be regenerated in a positive physical way. The proposals will enhance the setting of the listed buildings, introducing a new use for them, and being sympathetic to their architectural character and appearance. New public realm is to be created to respond to the historic environment and brings the existing category B listed buildings back into an attractive and beneficial use. All new buildings will complement the industrial heritage of the site.

The setting of the A listed Corn Exchange listed building will be preserved. New buildings are set back from the main dome and its importance will not be diminished by the new development proposals within the site. The stepdown in height of the new build elements along Constitution Street assist in retaining the importance significance of the listed building in the streetscape.

HES broadly support the approach towards this important urban site, which features a mix of repaired and reused historic buildings, together with new build within a landscaped series of courtyards with increased connectivity across the site.

The setting of the listed buildings will be preserved.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve the setting and character of the listed building.

b) Character and Appearance of Conservation Area

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

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

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

The site lies within the Leith Conservation Area. The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value. The character of the Leith Conservation Area comprises a broad range of buildings and a variety of architectural styles. The site lies just within the Old Leith and Shore sub area of the Leith Conservation Area. Historically this area was the centre of port activities. Constitution Street forms the eastern boundary of this area.

The proposed formation of new street elevations to Constitution Street and Tower Street will infill historic gap sites and will complete the perimeter street block pattern consistent with the conservation area character. New-build heights are generally in keeping with the surrounding townscape and the industrial character of retained gaswork buildings. The scale, form, roof profiles and materials are compatible with the essential character of the area. The use of sandstone on a significant part of the building frontage, which has been significantly increased since Scheme 1, also reflects the conservation area's character.

Overall, the development will enhance the character of the conservation area by re-invigorating a site that is currently unused and in danger of falling into disrepair. It will retain and re-use buildings in commercial use.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposals preserve and enhance the character and appearance of the conservation area, in compliance with LDP Policy Env 6.

c) Public Comments

Public Comments - Support

The site is currently an eyesore;
Massive improvement;
Retains and enhances character of the historic buildings;
Conservation Area character enhanced;
Well landscaped courtyard area.

Community Council comments

Leith Harbour and Newhaven Community Council is supportive of the application. They consider it to be a high quality scheme, which is sympathetic and imaginative in terms of its design, providing a positive contribution to the conservation area, with steep roof pitches which are attractive. They consider student housing is a good solution to adapt difficult listed buildings.

Conclusion

This proposal will deliver new uses for the retained listed buildings on the site whilst preserving their main features of architectural and historic interest. The works comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as they preserve the character and setting of the listed building and preserve the character and appearance of the Leith Conservation Area. The internal alterations do not involve the loss of any features which contribute to the special interest of the listed building and the external works preserve the frontages and involve acceptable changes to the exterior of the listed buildings. The demolition of buildings as set out is acceptable.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis, reporting, publication, preservation, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. Prior to the commencement of development and following consultation with the City's Archaeologist the applicant shall submit and gain approval from Planning Authority a public archaeological and historic interpretation scheme for the site.
3. Prior to the commencement of works on site, 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 the written approval of the Planning Authority.
4. Prior to the commencement of works on site, specification and detailed drawings of adequate scale, indicating the arrangement of material junctions on external elevations and details of replacement timber framed windows and doors shall be submitted for the written approval of the Planning Authority. The details shall be implemented as approved.

5. The keystone (with triple anchor motif) in the wall to be demolished along Constitution Street should be retained and re-used within the proposed café or other sheltered location within the site. Full details of this shall be submitted to and approved by the Planning Authority prior to development commencing.
6. A full specification of repair and restoration works for the listed buildings shall be submitted, including works of making good following proposed removals, for the further approval of the Planning Authority prior to works commencing. This should include masonry repair, lime mortar work, slate specification, and restoration work for the Baltic Street high boundary walls, including the Dalton's arch adjoining the Corn Exchange, and the former board room oriel window. The details shall be implemented as agreed.

Reasons:-

1. In order to retain and/or protect important elements of the existing character and amenity of the site.
2. In order to retain and/or protect important elements of the existing character and amenity of the site.
3. In order to enable the planning authority to consider this/these matter/s in detail.
4. In order to enable the planning authority to consider this/these matter/s in detail.
5. In order to retain and/or protect important elements of the existing character and amenity of the site.
6. In order to retain and/or protect important elements of the existing character and amenity of the site.

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.

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:

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 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 application was advertised on 14 February 2020. Comments have been received from 31 objectors, one in support and one making general comments. It should be noted that the 31 objection comments and the one making general comments do not raise issues which relate to this listed building application but to planning matters relevant to application 20/00465/FUL.

The application was readvertised on 11 September 2020. This generated one objection which raises points relating to the planning application submission, and a support comment, again in relation to the planning application.

Leith Harbour and Newhaven Community Council support the proposals.

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**

Local Development Plan

The site is within the Leith Waterfront Development Area in area EW 1b Central Leith Waterfront.

Proposals will be expected to:

- locate any major office development within the strategic business centre identified on the Proposals Map;
- create a publicly-accessible waterside path connecting east and west;
- help meet the Council's open space standards through financial contributions to major improvements to or creation of off-site spaces;
- design new housing to mitigate any significant adverse impacts on residential amenity from existing or new general industrial development; and
- review the flood risk assessment that has already been provided for this site.

A route is safeguarded for the tram and a stop along Constitution Street.

Leith Docks Development Framework 2005

The Framework sets out an overall vision for the wider area to provide an extension of Leith and the city which integrates the old and new areas in a mixed, balanced and inclusive waterfront community while responding to contemporary aspirations, concerns and ideas regarding urban planning.

The LDDF anticipated that residential development would be the dominant use throughout the majority of the development parcels.

Date registered

31 January 2020

Drawing numbers/Scheme

1,2a,3,4a-40a,41-48,49a,50,51a,52,53a,54,55a,56-62,,
63a,64,65,66a,67a,68-87,

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

Contact: Karen Robertson, Senior planning officer
E-mail: karen.robertson@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant Government Guidance on Historic Environment.

Managing Change in the Historic Environment: Demolition sets out Government guidance on the principles that apply to the demolition of listed buildings.

Managing Change in the Historic Environment: Setting sets out Government guidance on the principles that apply to developments affecting the setting of historic assets or places.

Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings sets out Government guidance on the principles that apply to enable the use, the reuse and adaptation of listed buildings.

Managing Change in the Historic Environment: Interiors sets out Government guidance on the principles that apply to alterations to the interiors of listed buildings.

Managing Change in the Historic Environment: External Walls sets out Government guidance on the principles that apply to altering the external walls of listed buildings.

Managing Change in the Historic Environment: Windows sets out Government guidance on the principles that apply to altering the windows of listed buildings.

Managing Change in the Historic Environment: Boundaries sets out Government guidance on the principles that apply to altering boundary treatments of listed buildings.

The Historic Environment Policy for Scotland 2019 outlines Government policy on how we should care for the historic environment when taking planning decisions.

Managing Change in the Historic Environment: Extensions sets out Government guidance on the principles that apply to extending listed buildings.

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 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 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to listed buildings will be permitted.

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

The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value

Appendix 1

Application for Listed Building Consent 20/00466/LBC At 1 - 5 Baltic Street, And 7-27 Constitution Street, Edinburgh

Internal and external alterations to Category B- listed gas works buildings and conversion to mixed use development; partial demolition including removal of remnants of gasometer building and northern extension to retort house, removal of other 20th century extensions and formation of new openings with associated fabric repairs. Reinstatement and alteration to boundary walls (as amended)

Consultations

Historic Environment Scotland 28 February 2020

The listing for the site (LB26744) was amended last August. This addressed the significance of the surviving buildings, reiterating their special architectural and historic importance as a highly significant industrial site for the production of gas in Scotland. The surviving historic buildings are an important reminder of an industrial process that is now largely redundant. The amended listing excludes the interior of all structures, flat roofed and harled extensions to west of the office block, modern metal extension and roller doors to west of northeast range and single storey brick building adjoining the east and north of northwest range, north boundary brick wall and brick walling adjacent to site entrance.

We broadly welcome the design approach to embrace the traditional character of the early to late 19th century former gasworks buildings and their courtyard setting, and for complementary new build and landscaping. We are encouraged by the inclusion of the adjoining scrapyards site to the west (7-27 Constitution Street) to help unlock more of the regeneration potential, and are pleased to note that the submitted scheme includes proposals for the retention and restoration/adaptation of more listed buildings than previously envisaged at pre-application stage, including the former purifying/processing building on the north site boundary (Building G) which is currently derelict and on the national Buildings at Risk Register, and the central former coal store building (Building A).

While the proposals also include the demolition of the remnant parts of the former large west range gasometer house, we acknowledge that compelling evidence is submitted to show that retention of this building is not economically viable in relation to the wider proposed regeneration scheme, including restoration and adaptation of other listed former gasworks buildings on the site. We note would be a significant conservation deficit if the former west range gasometer house was retained. Given that this building is much altered, and in the interests of progressing, in our view, a worthy wider

heritage-based regeneration scheme we are content with the proposed demolition. We are pleased that the distinctive Baltic Street classical facade of this range would however be retained and restored, to form the street frontage to the proposed replacement building (Building B).

With regard to the detailed listed building works, we have the following specific comments:

North east range former retort building (Building E) - We accept the need to remove the adjoining north two-storey building (processing building/small office) to facilitate access to the site, including access for fire service vehicles. We do not consider that this would unduly affect the overall special interest of the listed building group.

South east range former offices (Building E) - We welcome retention of the first-floor board room oriel window and special decorative interior. The current submitted elevation and roof plan drawings omit the existing ridge chimney stack (shown in the perspective drawing view 4), which contributes to the architectural interest of this building. We suggest that an updated elevation and roof plan drawings be obtained to show retention of the chimney. We also suggest that the timber panelled single door street entrance be retained, (at least as a feature) instead of altering this as a window.

Northwest range former purifying building (Building G) - The submitted elevation drawings suggest removal of the existing gable skew. As a traditional feature, we would prefer that this be retained and therefore suggest that amended drawings be obtained to show this.

General - We recommend that a full specification of repair and restoration works for the listed buildings be obtained, including works of making good following proposed removals. This should include masonry repair, lime mortar work, slate specification, and restoration work for the Baltic Street high boundary walls, including the Dalton's arch adjoining the Corn Exchange, and the distinctive former board room oriel window.

We also suggest that larger scale drawings for proposed replacement timber framed windows and doors be obtained, and material samples for significant replacement/new work be reviewed and agreed in advance of works commencing.

To conclude, we broadly support the approach towards this important urban site, which features a mix of repaired and reused historic buildings, together with new build within a landscaped series of courtyards with increased connectivity across the site. We would be happy to discuss the proposals further if helpful.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building consent, together with related policy guidance.

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Historic Environment Scotland- further comments 10 September 2020

HES are content with the amended LBC application details. This include revisions to address the suggestions we made in our consultation reply letter of 28 February 2020, specifically:

South east range former offices (Building E) - Updated elevation drawing and roof plan now showing the existing ridge chimney stack to be retained.

East elevation, North Assembly St - Retention of timber panelled single door street entrance to former office building, as shown in updated elevation drawings. It would be desirable to also update the Townscape Views document (View 3 - Salamander St, looking west) in sync with the elevation drawings.

Northwest range former purifying building (Building G) - Retention of existing gable skews as shown in the updated elevation drawings.

As per our letter of 28 February, we recommend that a full specification of repair and restoration works for the listed buildings be obtained, including works of making good following proposed removals. This should include masonry repair, lime mortar work, slate specification, and restoration work for the Baltic Street high boundary walls, including the Dalton's arch adjoining the Corn Exchange, and the distinctive former board room oriel window.

We also again suggest that larger scale drawings for proposed replacement timber framed windows and doors be obtained, and material samples for significant replacement/new work be reviewed and agreed in advance of works commencing.

We request that our above comments be considered as supplementary to our main consultation reply letter of 28 February which sets out our views on the overall scheme.

City Archaeology

The site comprises the former 19th and 20th century Edinburgh and Leith Gasworks site and comprises a B listed group of surviving gasworks industrial and commercial buildings and boundary walls. The site historically occurred on the medieval beach and foreshore immediately outwith the medieval port and to the east of the 16th century and later Timberbush fortification and harbour. Archaeological evidence indicates that this foreshore area was being reclaimed from the 15th century onwards.

Historic mapping between the 16th (Petworth 1559-60 Siege of Leith) and Naish's 1709 Naval Survey indicate that site was starting to be reclaimed with Gen. Roy's map suggesting that this process had been completed with the foreshore now formed by the northern limits of this site. This appear to be born out by archaeological result form the current Tram construction work on Constitution Street which has unearthed 17th century midden dumps and levelling deposits outside Daltons Scrapyard at a depth in excess of 1.2m below current road surface.

The first major development on the site is the construction in the 1790s of a Naval Yard across the area. This was followed by the construction of the Leith Gasworks in the

1820s firstly across the eastern third of the site. The gas works expanded across the site during the 19th century, a detailed account of which is in Edinburgh 2020: Leith 1-5 Baltic Street & 7-27 Constitution Street. 00466 contained in the accompanying Heritage Statement undertaken by Sundial Properties in support of this application.

As such the site has been identified as not only containing historic industrial buildings of Regional significance but also occurring within an area of archaeological significance both in terms of its buried potential but also its upstanding industrial heritage. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and CEC's Edinburgh Local Development Plan (2016) Policies ENV2, ENV3, ENV4, ENV5, ENV6, ENV8 & 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 and Boundary walls - Outwith the Western Gasometer building, discussed below, it is welcomed this scheme's design approach to the site's and Leith's important industrial heritage as it will see the retention and reuse of the majority of the site's main industrial buildings. However, although retained, the proposals will see significant impacts to the historic fabric of these important industrial buildings and structures. The loss of the 20th century extensions to these listed buildings is not considered significant to warrant the refusal of consent.

It is essential that a permanent record of these historic buildings and boundary walls is undertaken prior to demolition/alteration, in conjunction with the programme of conservation and repair as outlined in HES's response (HES Ref 300043173) to the LBC application dated the 28th February 2020.

In terms of the required archaeological mitigation this will necessitate the undertaking of a detailed historic building survey (internal and external elevations and plans, photographic and written survey and analysis) prior to and during any demolition and or alterations. This will also be linked to the earlier photographic work undertaken in 1970 by the RCAHMS and with an appropriate programme of archaeological works to deal with any associated buried remains.

Western Gasometer Building - The proposals also seek to demolish entirely the surviving 19th century Western Gasometer House. Such a loss must be considered as having a significant and adverse archaeological and heritage impact upon this B-listed group of buildings and potentially contra to Policies ENV 2, ENV8b & ENV9.

However, having assessed the submitted Heritage Statement it is clear, that the applicants have considered carefully its retention and economic viability of doing so. However, it is with reluctance that I concur with their report that to successfully deliver the proposed development and see the restoration and adaptation of the sites other listed buildings that this building will required to be demolished. This decision is added in this instance also by the fact that only the shell of the lower storey of this once imposing building survives today.

To mitigate its loss and to ensure that a permanent record of it is undertaken, it is essential that a detailed historic building survey is undertaken prior to and during any

works. This will also be linked with an appropriate programme of archaeological works to deal with any associated buried remains.

Buried Archaeology

The proposals will require significant ground-breaking works regarding the construction of the various phases of development. Such works will have significant impacts upon any surviving archaeological remains, expected to range from 19th/20th century industrial gas-works through to medieval /post-medieval deposits. It is essential that if permission is granted for this scheme, that a programme of archaeological mitigation is undertaken prior to demolition or development.

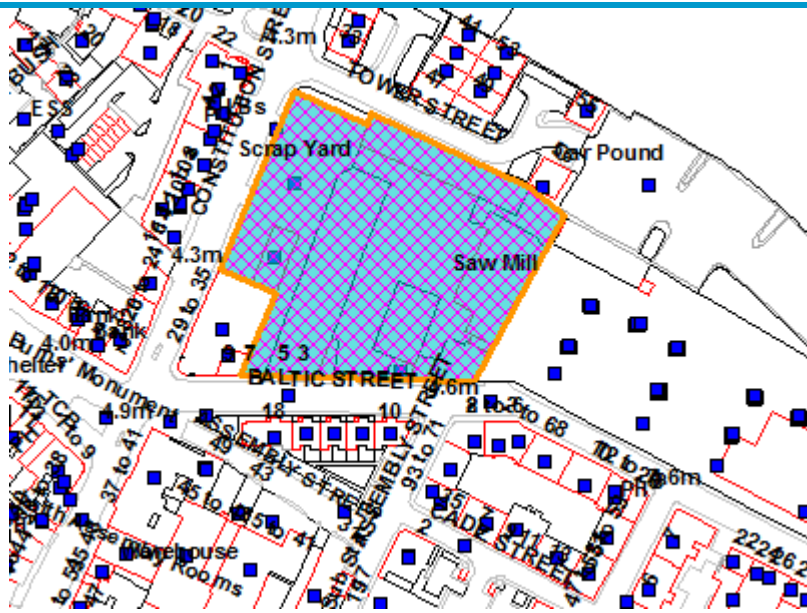
In essence this strategy will require the undertaking of phased programme of archaeological investigation, the first phase of which will be the undertaking of archaeological evaluation (min 10%). The results from Edinburgh 2020: Leith 1-5 Baltic Street & 7-27 Constitution Street.00466. This initial phase of work will allow for the production of appropriate more 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.

If consented, it is essential therefore that a condition be applied to any consent if granted to secure this programme of archaeological works based upon the following CEC condition:

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

The work must 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.

Location Plan



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END

Development Management Sub Committee

Wednesday 28 October 2020

Application for Conservation Area Consent 20/00463/CON at 1 - 5 Baltic Street and 7-27 Constitution Street, Edinburgh Proposed demolition of buildings and structures (as amended).

Item number

Report number

Wards

B13 - Leith

Summary

The proposed demolition will result in the loss of buildings and structures which are not of significance; their loss will not have any adverse impact on the character and appearance of the Leith Conservation Area. With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and appearance of the conservation area. The proposals accord with Local Development Plan Policy Env 5 (Conservation Areas - Demolition).

Links

[Policies and guidance for this application](#)

LDPP, LEN05, NSLBCA, OTH, CRPLEI, HES, HEPS, HESCAC, HESCON,

Report

Application for Conservation Area Consent 20/00463/CON at 1 - 5 Baltic Street and 7-27 Constitution Street, Edinburgh Proposed demolition of buildings and structures (as amended).

Recommendations

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

Background

2.1 Site description

The site lies to the north of Baltic Street, south of Tower Street and east of Constitution Street. It has an area of approximately 1.05 hectares. The eastern part of the site comprises an old gas works site which has a number of existing buildings and structures. These include a former retort house, an original gasholder, a later gasholder, an office, a former purifying building, and a later warehouse. The western part of the site comprises the existing Daltons scrapyards. The total area of buildings on the site is approximately 8846 square metres. Main access is from Baltic Street and Constitution Street.

The buildings within the old gasometer site are category B listed. They fall within group listing (LB26744) listed 14 December 1970. They comprise: the later gasholder to the west of the site, offices, original gasometer and Retort House to the east of the site, a Coal Store in the centre of the site, and the Purifying Building to the northern site boundary. The A listed Corn Exchange lies just out with the application site boundary to the south west (LB27140) listed 14 December 1970. To the south of the site fronting Baltic Street is an arch which is included within the category A listing of the Corn Exchange building. The Purifying Building is on the Buildings at Risk Register.

The group listing for the site was amended in August 2019. This addressed the significance of the surviving buildings, reiterating their special architectural and historic importance as a highly significant industrial site for the production of gas in Scotland. The surviving historic buildings are an important reminder of an industrial process that is now largely redundant. The amended listing excludes the interior of all structures (except the office building), flat roofed and harled extensions to west of the office block, modern metal extension and roller doors to west of northeast range and single storey brick building adjoining the east and north of northwest range, north boundary brick wall and brick walling adjacent to site entrance.

In the wider area, there are listed buildings at 37-43 Constitution Street and 49 Assembly Street which are category A listed (LB27147) listed 14 December 1970, and 2 Bernard Street/ 28 Constitution Street which are category B listed (LB26886) listed 14 December 1970.

The site is characterised by coursed and random sandstone rubble walls and pitched roofs finished in industrial materials. The block is enclosed and there is no pedestrian or public links through the site.

To the north of the site is Tower Street which has commercial/ industrial type buildings and car parking, with Forth Ports beyond. To the south are mainly tenemental residential properties. To the east of the site is an industrial/ commercial area which is to be developed for housing. To the west are a mix of commercial and residential properties which have a maximum height of seven storeys. The predominant materials in the area are polished ashlar or public elevations and a variety of coursed rubble, brick render and industrial materials. Roofing material ranges from dark grey slate, red artificial slates, corrugated metal or asbestos panels, seamed metal or flat asphalt roofs.

This application site is located within the Leith Conservation Area.

2.2 Site History

1-5 Baltic Street was originally the premises of the Leith Gas Light Company (formed in 1823) and successor businesses, processing coal into gas which was stored on site within the on-site gasometers before being piped into the surrounding locality. Since the early 20th Century 1-5 Baltic Street has been occupied by a timber merchant and more recently a builders' merchant with associated trade counters.

7-27 Constitution Street was originally occupied by a naval yard, but later was the site of a granary and coal yard. It has operated as a scrapyard since the Victorian buildings were demolished in the early 1970s.

19 August 1999 - Installation of traffic calming measures approved (application number 99/01033/FUL).

31 January 2020 - Planning application was submitted to demolish some existing buildings, convert existing buildings and develop new build accommodation for student housing, affordable housing, offices, digital co working space and cafe (application number 20/00465/FUL)

31 January 2020 - Listed Building application submitted to demolish, convert and construct new development for student housing, affordable housing, offices, digital co working space and a cafe (application 20/00466/LBC)

11 February 2020 - partial demolition of wall on Tower Street granted consent (application number 19/05902/CON).

14 February 2020 - Planning permission was granted for installation of gates to Tower Street opening (application number 19/05903/FUL).

History of nearby sites

5 August 2019 - Planning permission granted for a flatted development of 212 flats and ground floor commercial units and associated works on the adjacent site to the immediate east at 1 Bath Road (application number 18/08206/FUL).

19 March 2020 - Planning application pending determination for a residential development and associated works on the nearby site to the north east of the site at 57 Tower Street and 1 Bath Road. (application number 20/01313/FUL).

04 September 2020 - PAN submitted for the demolition of existing buildings and erection of mixed-use flatted residential and commercial development with associated access, car parking, greenspace and ancillary works at Bath Road/ Salamander Street. (application number 20/03799/PAN).

Main report

3.1 Description of The Proposal

The application for conservation area consent relates to the proposed demolition of buildings and structures within the Leith Conservation Area and excluded from the listing (LB26744) for the former Edinburgh and Leith Gasworks site, 1-5 Baltic Street, and the unlisted buildings and structures within the west adjoining Dalton's scrapyard site, 7-27 Constitution Street.

These specifically relate to the existing building within the scrapyard site, and part of the perimeter wall along Constitution Street and Tower Street. Within the old gasworks site, the proposed demolition includes the flat roofed and harled extensions to the west of the office block, modern metal extension and roller doors to west of the northeast range and single storey brick building adjoining the east and north of northwest range, north boundary brick wall and brick walling adjacent to site entrance on Baltic Street. However, as conservation area consent only applies to the demolition of a whole building or structure (including a wall) within a conservation area, the removal of extensions and partial removal of walls does not require this consent.

Supporting documents:

A Structural Condition Overview and Heritage Statement have been submitted in support of the application.

3.2 Determining Issues

Section 14 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - In considering whether to grant consent, special regard must be had to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses. For the purposes of this issue, preserve, in relation to the building, means preserve it either in its existing state or subject only to such alterations or extensions as can be carried out without serious detriment to its character.

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

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) Loss of the Building

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

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

Historic Environment Scotland's, "Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent" (April 2019) outlines criteria to assess the acceptability of the demolition of unlisted buildings within conservation area, including:

- 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 by the planning authority to achieve its retention, restoration and sympathetic conversion to some other compatible use before proposals to demolish are seriously investigated;
- where demolition may be thought 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, consent to demolish should be given only where there are acceptable proposals for the new building.

LDP Policy Env 5 (Conservation Areas - Demolition of Buildings) only supports the demolition of unlisted buildings in conservation areas which are considered to make a positive contribution to the character of the area in exceptional circumstances. If the building does not make a positive contribution, its removal is considered acceptable in principle so long as the replacement building enhances or preserves the character of the conservation area.

The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value.

The character of the Leith Conservation Area comprises a broad range of buildings and a variety of architectural styles. The site lies just within the Old Leith and Shore sub area of the Leith Conservation Area. Historically this area was the centre of port activities. Constitution Street forms the eastern boundary of this area.

In terms of its importance within the conservation area, the unlisted buildings to be demolished are not highly visible from the street, they are of little historic significance and therefore do not contribute in a positive way to the character of the Leith Conservation Area. The walls to be demolished along part of Constitution Street and part Tower Street are of some significance. The most important and significant part of the remaining structures are the commercial frontages along Constitution Street; the proposal will involve their retention. The loss of the walling is not considered to be detrimental to the character or appearance of the conservation area. Their removal will allow the development of the site in positive way.

Historic Environment Scotland (HES) do not object to the proposal for demolition and are satisfied that this forms part of a worthy heritage-based regeneration scheme for the former Gasworks site and scrapyards site. They state that the proposed demolition includes unlisted buildings and structures which appear to be generally of lesser or insignificant townscape value to the Leith Conservation Area. These are mostly modern sheds or remnant parts/walls of older warehouses with no historic or architectural merit.

The City Archaeologist does not object to the demolitions but has requested a condition in relation to recording the building prior to/during demolition.

Consequently, the location and lesser significance of the buildings and structures means that their loss would not have a detrimental impact on the conservation area.

In summary, the loss of the buildings and structures will not have an impact on the character and appearance of the conservation area and therefore their demolition is acceptable.

b) Replacement Development

The HES interim guidance and the similar advice in LDP Policy Env 5 (Conservation Areas - Demolition) sets out that consent should generally only be given where there are acceptable proposals for the new building.

As detailed under planning application 20/00465/FUL, the proposals for the site involve the re-use of significant listed buildings and a scheme which will bring new uses as part of a high quality development. The proposed demolitions would enable the development of the site in a coherent and positive way.

c) Public Comments

One letter raises issues which do not relate specifically to this application but to the full planning application. Leith Harbour and Newhaven Community Council write in support of positive proposals in the Leith Conservation Area.

Conclusion

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the character and appearance of the conservation area. The proposals accord with Local Development Plan Policy Env 5 (Conservation Areas - Demolition).

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

3.4 Conditions/reasons/informatives

Conditions:-

1. No demolition or development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis, reporting, publication, preservation, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. Prior to the commencement of development and following consultation with the City's Archaeologist the applicant shall submit a public archaeological and historic interpretation scheme for the site for the further approval of the Planning Authority.
3. The keystone (with triple anchor motif) in the wall to be demolished along Constitution Street shall be retained and re-used within the proposed café or other sheltered location within the site. Full details of this shall be submitted to and approved by the Planning Authority prior to development commencing.
4. 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.

Reasons: -

1. In order to safeguard the interests of archaeological heritage.
2. In order to safeguard the interests of archaeological heritage.
3. In order to retain and/or protect important elements of the existing character and amenity of the site.
4. In order to retain and/or protect important elements of the existing character and amenity of the site.

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. The applicant should note that as this application involves the demolition of unlisted buildings in a conservation area, 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:

The application has been assessed 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 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 application was advertised on 14 February 2020 and 11 September 2020.

A comment was received to scheme 1 raising objections in relation to the full planning application.

Leith Harbour and Newhaven Community Council support the proposals.

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**

Local Development Plan

The site is within the Leith Waterfront Development Area in area EW 1b Central Leith Waterfront.

Proposals will be expected to:

- locate any major office development within the strategic business centre identified on the Proposals Map;
- create a publicly-accessible waterside path connecting east and west;
- help meet the Council's open space standards through financial contributions to major improvements to or creation of off-site spaces;
- design new housing to mitigate any significant adverse impacts on residential amenity from existing or new general industrial development; and
- review the flood risk assessment that has already been provided for this site.

A route is safeguarded for the tram and a stop along Constitution Street.

Leith Docks Development Framework 2005

The Framework sets out an overall vision for the wider area to provide an extension of Leith and the city which integrates the old and new areas in a mixed, balanced and inclusive waterfront community while responding to contemporary aspirations, concerns and ideas regarding urban planning.

The LDDF anticipated that residential development would be the dominant use throughout the majority of the development parcels.

Date registered

31 January 2020

Drawing numbers/Scheme

1,3,49a,50,51a,52,53a,54,55a,58-62,63a,66a,67a,68-69,

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

Contact: Karen Robertson, Senior planning officer
E-mail:karen.robertson@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

Other Relevant policy guidance

The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value

Relevant Government Guidance on Historic Environment.

The Historic Environment Policy for Scotland 2019 outlines Government policy on how we should care for the historic environment when taking planning decisions.

HES Interim Guidance on Conservation Area Consent sets out Government guidance on the principles that apply to the demolition of unlisted buildings in conservation areas

Planning Advice Note 71 on Conservation Area Management recognises conservation areas need to adapt and develop in response to the modern-day needs and aspirations of living and working communities.

Appendix 1

Application for Conservation Area Consent 20/00463/CON At 1 - 5 Baltic Street, And 7-27 Constitution Street, Edinburgh Proposed demolition of buildings and structures (as amended).

Consultations

Historic Environment Scotland 28 February 2020

The application for conservation area consent relates to the proposed demolition of buildings and structures excluded from the listing (LB26744) for the former Edinburgh and Leith Gasworks site, 1-5 Baltic Street, and the unlisted buildings and structures within the west adjoining Dalton's scrapyards site, 7-27 Constitution Street. This application forms part of the mixed use development scheme for both sites, subject of associated application for planning permission 20/00465/FUL and application for listed building consent 20/00466/LBC. Please see our separate consultation reply letters for these associated applications.

We have no adverse comments regarding the CAC application, being satisfied that this forms part of a worthy heritage based regeneration scheme for the former Gasworks site and scrapyards site. The proposed demolition includes unlisted buildings and structures which appear to be generally of lesser or insignificant townscape value to the Leith conservation area. These are mostly modern sheds or remnant parts/walls of older warehouses with no historic or architectural merit. While we note that an interesting historic masonry arch with keystone, within the Constitution Street boundary wall of the scrapyards site, is to be salvaged and rebuilt as a feature within the proposed café, we suggest that its reuse as an external feature within the development would be more appropriate.

It would also be desirable to obtain an updated site plan which specifically identifies the buildings and structures that are subject to the CAC application. This should make it clear that the CAC application does not include the southern section of the Constitution Street boundary wall of the scrapyards site (the remnant ground floor facade of the former commercial building), which is to be retained and incorporated as new shop fronts.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on conservation area consent, together with related policy guidance.

Further Information

This response applies to the application currently proposed. An amended scheme may require another consultation with us.

Guidance about national policy can be found in our 'Managing Change in the Historic Environment' series available online at www.historicenvironment.scot/advice-and-support/planning-and-guidance/legislation-and-guidance/managing-change-in-the-historic-environment-guidance-notes/. Technical advice is available through our Technical Conservation website at www.englished.org.

As this application involves the demolition of unlisted buildings 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 us 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.

Further response from Historic Environment Scotland 10 September 2020

Our Advice

As mentioned in our consultation reply letter of 28th February 2020, the application for conservation area consent relates to the proposed demolition of buildings and structures excluded from the listing (LB26744) for the former Edinburgh and Leith Gasworks site, 1-5 Baltic Street, and the unlisted buildings and structures within the west adjoining Dalton's scrapyard site, 7-27 Constitution Street.

This application forms part of the mixed use development scheme for both sites, subject of associated application for planning permission 20/00465/FUL and application for listed building consent 20/00466/LBC. Please see our separate consultation reply letters for these associated applications.

We have no adverse comments regarding the amended CAC application. We remain satisfied that this forms part of a worthy heritage-based regeneration scheme for the former Gasworks site and scrapyard site. The proposed demolition includes unlisted buildings and structures which appear to be generally of lesser or insignificant townscape value to the Leith Conservation Area. These are mostly modern sheds or remnant parts/walls of older warehouses with no historic or architectural merit.

Regarding the historic masonry arch with keystone, within the Constitution Street boundary wall of the scrapyard site, we previously suggested its re-use as an external feature within the development, instead of its re-use within the proposed café. We now understand from the applicants that the keystone with triple anchor motif may relate to a former use of the site as a naval yard. Given this significance and its eroded condition, we therefore agree that its salvage and re-use within the proposed café or other sheltered location within the site would be more appropriate. This could perhaps include an interpretation board or plaque highlighting the significance of the keystone.

We also acknowledge the updated site plan (Demolition - Context Plan Ground Floor), now showing retention of the remnant ground floor facade of the former commercial building on Constitution St, which is to be incorporated as new shop fronts.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on conservation area consent, together with related policy guidance.

City Archaeology

The site comprises the former 19th and 20th century Edinburgh and Leith Gasworks site and comprises a B listed group of surviving gasworks industrial and commercial buildings and boundary walls. The site historically occurred on the medieval beach and foreshore immediately out with the medieval port and to the east of the 16th century and later Timberbush fortification and harbour Archaeological evidence indicate that this foreshore area was being reclaimed from the 15th century onwards. Historic mapping between the 16th

(Petworth 1559-60 Siege of Leith) and Naish's 1709 Naval Survey indicate that site was starting to be reclaimed with Gen. Roy's map suggesting that this process had been completed with the foreshore now formed by the northern limits of this site. This appear to be born out by archaeological result form the current Tram construction work on Constitution Street which has unearthed 17th century midden dumps and levelling deposits outside Daltons Scrapyard at a depth in excess of 1.2m below current road surface.

The first major development on the site is the construction in the 1790's of a Naval Yard across the area. This was followed by the construction of the Leith Gasworks in the 1820's firstly across the eastern third of the site. The gas works expanded across the site during the 19th century, a detailed account of which is contained with in the accompanying Heritage Statement undertaken by Sundial Properties in support of this application.

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As such the site has been identified as not only containing historic industrial buildings of Regional significance but also occurring within an area of archaeological significance both in terms of its buried potential but also its upstanding industrial heritage. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and CEC's Edinburgh Local Development Plan (2016) Policies ENV2, ENV4, ENV5, ENV8 & 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.

As discussed in detail in my responses to the linked FUL (20/00465/FUL) and LBC (20/0466/LBC) applications the proposals will see significant impacts to the historic fabric of these important industrial buildings and structures which include the 20th century extensions to these listed buildings and internal and external boundary walls. In addition, demolition in the form of removal of floor, ground slabs, foundations etc could significantly impact upon the sites buried archaeological remains.

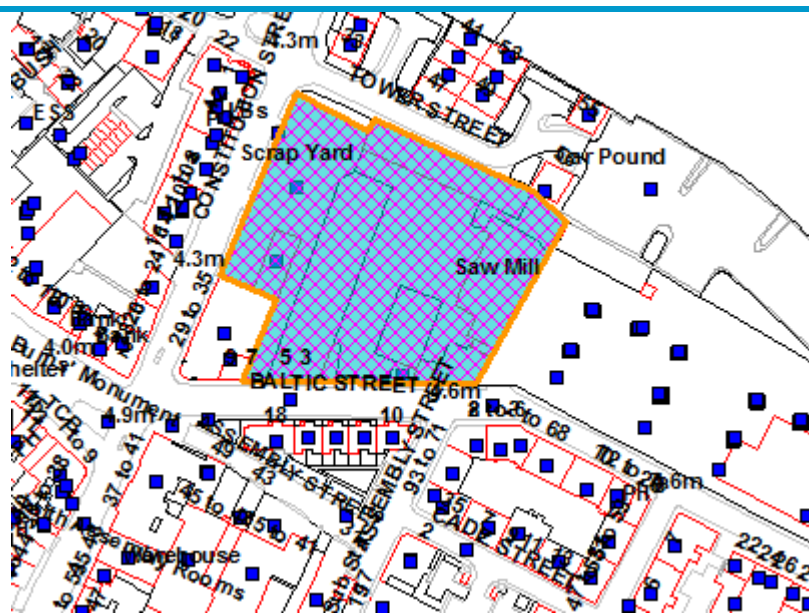
It is essential that no demolition nor alterations are undertaken until the permanent record of these historic buildings and boundary walls is undertaken as part of the overall archaeological mitigation strategy for the site. Similarly, no demolition nor associated ground-breaking works (e.g. removal of ground slabs/internal floors, services, foundations) shall occur until a programme of archaeological works has been agreed to fully excavate, record and analysis any buried archaeological remains.

It is recommended that following condition be applied to any granted consent to secure this programme of archaeological works;

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

The work must 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.

Location Plan



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