

Notice of meeting and agenda

Development Management Sub-Committee

10.00 am Wednesday, 2nd June, 2021

Virtual Meeting - via Microsoft Teams

This is a public meeting and members of the public are welcome to view the meeting via the webcast.

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1. Order of business

- 1.1 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 31 May 2021** (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 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 of Previous Meeting of Development Management Sub-Committee 19 May 2021 – submitted for approval as a correct record 9 - 14

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 2F4 3 Albert Street, Edinburgh EH7 5HL - Change of use from residential to short stay lets use - application no 21/01109/FUL – Report by the Chief Planning Officer 15 - 24
- 4.2 2F1 5 Albert Street, Edinburgh EH7 5HL - Change of use from residential to short stay let use - application no 21/01108/FUL – Report by the Chief Planning Officer 25 - 34
- 4.3 84N Barnton Park View, Edinburgh - Conversion of existing lock-up garage (formerly a railway bridge) into a three bedroom dwelling - application no 18/02021/FUL – Report by the Chief Planning Officer 35 - 54
- 4.4 1F1 37 and 33 1F Queensferry Street, Edinburgh EH2 4QS - Change of use from offices and workshops to form two short term lease properties and associated alterations - application no 21/00750/FUL – Report by the Chief Planning Officer 55 - 66
- 4.5 1F1 37 and 1F 33 Queensferry Street, Edinburgh EH2 4QS - Internal alterations to form two properties for short term residential accommodation use - application no 21/00749/LBC – Report by the Chief Planning Officer 67 - 76

5. Returning Applications

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

5.1 None.

6. Applications for Hearing

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

6.1 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	106 – 162 Leith Walk, Edinburgh EH6 5DX - Retention of and refurbishment of existing sandstone frontage building and change of use of units within it to Class 1 (shops), Class 2 (Financial, Professional and Other Services) , Class 3 (Food and Drink) and Class 4 (Business), demolition of industrial warehouse buildings and erection of two flatted buildings comprising a total of 148 flats, and provision of associated infrastructure, car parking, open space and landscaping – application no 20/05553/FUL	77 - 154
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- | | | |
|------------|--|-----------|
| 7.2 | 109, 110 and 111 Princes Street and 144-150 Rose Street (Debenhams) - Proposed redevelopment + change of use of existing premises to form hotel with rooftop bar/restaurant, active uses at lower floors including restaurant/bar/retail/flexible meeting/event/venue space, health suite/gym, together with ancillary uses, associated works/alterations/demolitions (use classes 1/2/3/4/7/11 and sui generis) – application no 20/05554/FUL | 155 - 192 |
| 7.3 | 109, 110 and 111 Princes Street, 112 Princes Street and 144-150 Rose Street (Debenhams) - Application for listed building consent proposing the selective demolition of department store structure (Debenhams) behind retained listed facade, external and internal alterations including extensions, to form hotel and associated uses together with ancillary works – application no 20/05442/LBC | 193 - 212 |

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.

Andrew Kerr

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 Hal Osler, Councillor Cameron Rose and Councillor Ethan Young

Information about the Development Management Sub-Committee

The Development Management Sub-Committee consists of 11 Councillors and usually meets twice a month.

Further information

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

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

If you have any questions about the agenda or meeting arrangements, please contact Committee Services, City of Edinburgh Council, Business Centre 2:1, Waverley Court, 4 East Market Street, Edinburgh, EH8 8BG, 0131 529 4240, email committee.services@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/meetings.

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Minutes

Development Management Sub-Committee of the Planning Committee

10.00 am, Wednesday 19 May 2021

Present:

Councillors Gardiner (Convener), Child (Vice-Convener), Booth, Mary Campbell, Gordon, Griffiths, Mitchell, Mowat, Osler, Rose, and Ethan Young.

1. Minutes

Decision

To approve the minute of the Development Management Sub-Committee of 5 May 2021 as a correct record.

2. General Applications and Miscellaneous Business

The Sub-Committee considered reports on planning applications listed in Sections 4, 5 and 7 of the agenda for this meeting.

Requests for Presentations

Councillor Rose requested a presentation in respect of - Item 4.3 – 12A Cumberland Street North East Lane, Edinburgh (application no. 20/03874/FUL) and Item 4.4 – 12A Cumberland Street North East Lane, Edinburgh (application no. 20/03873/LBC).

Decision

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

Dissent

Councillor Gordon requested that his dissent be recorded of the decision on item 7.2 - 50 Marine Drive, Edinburgh (At Land to the West Of).

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

3. 12A Cumberland Street North East Lane, Edinburgh

Details were provided of an application for planning permission for the erection of mews house at 12A Cumberland Street North East Lane, Edinburgh - application no 20/03874/FUL.

The Chief Planning Officer gave details of the proposals and the planning considerations involved and recommended that the application be granted.

Motion

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.

- moved by Councillor Gardiner, seconded by Councillor Child.

Amendment

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, with the removal of condition 2 which indicated that permission was not given for the proposed zinc roof covering or the element of zinc cladding shown to the rear wall of the development.

- moved by Councillor Booth, seconded by Councillor Osler.

Voting

For the motion: - 9 votes

For the amendment: - 2 votes

(For the motion: Councillors Child, Mary Campbell, Gardiner, Gordon, Griffiths, Mitchell, Mowat, Rose and Ethan Young.

For the amendment: Councillors Booth and Osler.)

Decision

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.

(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 the City of Edinburgh Council for Proposal of Application at Currie High School, 31 Dolphin Avenue, Currie</p>	<p>Construction of a new community high school, swimming pool and sports facilities within the grounds of the existing school plus associated external landscaping and car parking. Demolition of the existing school building - application no 21/01226/PAN – Report by the Chief Planning Officer</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"> To note that the Council was moving to the 20 minute neighbourhood model. To request that the developer liaise with the community to maximise benefits of the new facility. <p>The developer to continue to liaise with the local school and the local stakeholders to allow safe public access and to maintain connectivity with the new school in the community.</p>
<p>4.2 – Report for forthcoming application by Hart Builders (Edinburgh) Ltd for Proposal of Application Notice at Silverlea Old Peoples Home, 14 Muirhouse Parkway, Edinburgh</p>	<p>Residential development comprising of around 140 flats and colonies with associated roads, parking and greenspace - application no 21/01797/PAN – Report by the Chief Planning Officer</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"> To note that the Council was making progress on the sustainability agenda. That this development should be well connected and promote active travel including cycling and walking. To ensure that greenspaces were well connected.

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.3 – 12A Cumberland Street North East Lane, Edinburgh</p>	<p>Erection of mews house - application no 20/03874/FUL – Report by the Chief Planning Officer</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. (On a division.)</p>
<p>4.4 – 12A Cumberland Street North East Lane, Edinburgh</p>	<p>Erection of a mews building - application no 20/03873/LBC – Report by the Chief Planning Officer</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>4.5 – 41 & 43 Lanark Road, Edinburgh</p>	<p>Change of use from public house and ancillary property to form short stay commercial visitor accommodation and associated alterations (in retrospect) - application no 19/06157/FUL – Report by the Chief Planning Officer</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>4.6 – 41 and 43 Lanark Road, Edinburgh</p>	<p>Internal and external alterations to buildings (in retrospect) - application no 19/06158/LBC – Report by the Chief Planning Officer</p>	<p>To GRANT listed building consent subject to the conditions and reasons as set out in section 3 of the report by the Chief Planning Officer.</p>
<p>4.7 - 24 Parkgrove Avenue, Edinburgh</p>	<p>Erection of dwelling - application no 21/00526/FUL – Report by the Chief Planning Officer.</p>	<p>To REFUSE planning permission for the reasons given section 3 of the report by the Chief Planning Officer.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>4.8 – 9 Sciennes Road (Royal Hospital for Sick Children), Edinburgh</p>	<p>External alterations to Category A listed Mortuary Chapel building - application no 21/00331/LBC – Report by the Chief Planning Officer</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>Note: The Architectural Society of Scotland was continuing to liaise with the developers regarding the application 18/02719/FUL for the Royal Hospital, however, this correspondence was not relevant to this Listed Building Consent.</p>
<p>4.9 – Springfield Lea, Place, Terrace and Bo'ness Road, Echline, South Queensferry, M90 (at land bounded by)</p>	<p>Springfield Lea, Place, Terrace and Bo'ness Road, Echline, South Queensferry, M90 (at land bounded by) - Residential development and associated works including formation of vehicular and pedestrian access, suds, infrastructure provision and hard and soft landscaping - application no 20/05023/FUL – Report by the Chief Planning Officer</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>The Committee was asked to note that in terms of affordable housing, 39 units would be RSLs and 5 units would be golden share and any education contribution would be based on the final make up of units.</p>
<p>5.1 – Newhouse Farmhouse, Long Dalmahoy Road, Kirknewton</p>	<p>Alter an approved residential layout, extend site area, form sewage treatment works and erect 8 (eight) houses (amendment to 17/02707/FUL) (as amended) – application no 19/04036/FUL – Report by the Chief Planning Officer</p>	<p>To note that the legal agreement had been signed.</p>

Agenda Item No. / Address	Details of Proposal/Reference No	Decision
<p>7.1 – 195 Kingsnowe Road North, Edinburgh</p>	<p>Demolition of existing Public House and construction of 10 townhouses and one detached dwellinghouse with associated gardens and car parking (as amended) – application no 18/04268/FUL – Report by the Chief Planning Officer</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>7.2 – 50 Marine Drive, Edinburgh (At Land to the West Of)</p>	<p>Erection of changing facilities, storage, retail outlet and café serving hot and cold food and drinks to eat in or take away. Operational times were 10am to 8pm daily over April to September with the structure being dismantled and removed for winter storage – application no 20/05834/FUL – Report by the Chief Planning Officer</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 and an additional condition that the consent would be for a temporary period of 3 years and thereafter the land be restored to its original condition.</p> <p>Note: The following matters would be addressed by Property through the lease agreement:</p> <ol style="list-style-type: none"> 1) Hours of operation. 2) Cycle parking. 3) Servicing of buildings. 4) Bin storage and use. 5) Access arrangements. 6) The logistics for setting up the site. 7) Transport of shipping containers. 8) Re-turfing of grass. 9) Maintenance of building <p>Dissent</p> <p>To note that Councillor Gordon requested that his dissent be recorded in respect of this application.</p>

Development Management Sub Committee

Wednesday 2 June 2021

**Application for Planning Permission 21/01109/FUL
At 2F4 3 Albert Street, Edinburgh, EH7 5HL
Change of use from residential to short stay lets use.**

Item number

Report number

Wards

B12 - Leith Walk

Summary

The change of use to short-term holiday/commercial visitor accommodation (SCVA) is not acceptable in principle in this location. It will result in an unacceptable loss of amenity for neighbouring residential properties. The proposal does not comply with the adopted Local Development Plan. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LHOU07, LEN06, NSG, NSLBCA, NSBUS, OTH, CRPLEI,

Report

Application for Planning Permission 21/01109/FUL At 2F4 3 Albert Street, Edinburgh, EH7 5HL Change of use from residential to short stay lets use.

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 flatted 2nd floor property on the south side of Albert Street near the junction with Leith Walk.

The surrounding area is residential tenements.

This application site is located within the Leith Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description Of The Proposal

The application is for planning permission for the change of use of a residential flat to short-term holiday/commercial visitor accommodation (SCVA).

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 proposed use is acceptable;
- b) the proposals preserve or enhance the character and appearance of the conservation area; and
- c) comments raised have been addressed.

a) Principle of the Proposal

The application site is situated in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP). It should be noted that the LDP does not include any policies which protect against the loss of residential accommodation.

The main policy that is applicable to the assessment of short-stay commercial visitor accommodation (SCVA) is LDP 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.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to SCVA will have regard to:

- 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 proposals for a change of use will be assessed in terms of their likely impact on neighbouring residential properties. Factors which will be considered include background noise in the area and proximity to nearby residents.

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.*

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.

There has been a number of appeal decisions which have helped to assess whether short-stay visitor accommodation is acceptable or not. These appeals are material planning considerations. The main determining issues in these cases relate to the following:

- The location of the property and, in particular, whether it is part of a common stair shared by residents. Typically, appeals are successful where the property has its own private access;

- The frequency of movement and likely disturbance for neighbours, and whether this is likely to be more than a full-time tenant occupying the flat. Generally, the smaller the flat the less likelihood of disturbance to neighbours;
- The impact on the character of the neighbourhood. Again, this often relates to the size of the property and whether anyone renting it for a few days is likely to shop or use local services any differently from a long-term tenant;
- The nature of the locality and whether the property is located within an area of activity such as being on a busy road or near shops and other commercial services. As such, residents would be accustomed to some degree of ambient noise/ disturbance.

Recent appeal decisions 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.

It is noted that Albert Street is quite a busy location and residents would be accustomed to some degree of ambient noise/disturbance from outside. However, the property is accessed through a shared communal door and stairs, with residential properties located all around it. As the flat is on the second floor, users of the short-term letting accommodation would also have to pass by other flats within the stair and move baggage along landings and up and down the stairwell.

The change of use proposed would mean that there would be direct interaction between users of the short term letting accommodation and long term residents of the surrounding residential properties.

The proposed use would enable new individuals to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is also no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than long standing residents.

Environmental Protection have stated it recommends the application is refused due to concerns regarding the proposals potential impact upon residential amenity.

As a result of these factors, there is the potential for disturbance to the living conditions of neighbouring occupiers and a detrimental impact on residential amenity.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Whilst there is not a specific LDP policy relating to the jobs created through the required care, maintenance and upkeep of SVCA properties, the economic benefits, including that of tourism, are a material planning consideration. However, these considerations do not outweigh the detrimental impacts on residential amenity in this instance.

The proposal is therefore contrary to LDP policy Hou 7 as it cannot be demonstrated that the proposal will not have a materially detrimental impact on the living conditions of nearby residents.

b) Leith 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 which preserves or enhances the special character and appearance of the conservation area and which is consistent with the relevant character appraisal.

The Leith Conservation Area Character Appraisal states:

"Leith Walk is one of the most important routes in the city. Its continuity as it stretches gradually downhill from the city centre is so prominent that it is clearly visible from many high vantage points around the city. It links the old fortified town of Edinburgh and its sea port, as other European capital cities are linked with their ports".

There are no internal or external works proposed.

The proposal complies with LDP policy Env 6 and the conservation area character appraisal.

c) Public comments

Non Material Objections

- Too many Air BnB properties - This is not a material planning consideration;
- Loss of residential properties- Current adopted policies do not protect against the loss of residential dwellings.

Material Support

- Would support tourism and the economy- This is addressed in section 3.3a

Non Material Support

- Would add to the mix of uses within the building- This is not a material planning consideration.

Conclusion

The change of use to short-term holiday/commercial visitor accommodation (SCVA) is not acceptable in principle in this location. It will result in an unacceptable loss of amenity for neighbouring residential properties. The proposal does not comply with the adopted Local Development Plan. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

Reasons:-

1. The proposal is contrary to adopted Edinburgh Local Development Plan policy Hou 7 (Inappropriate Uses in Residential Areas) as it would have a detrimental effect on the living conditions of nearby residents by virtue of increased noise and disturbance to the detriment of residential amenity.

Informatives:-

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 meets 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

One objection comment and two support comments were received. The points raised shall be addressed in section 3.3 of this 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 10 March 2021

Drawing numbers/Scheme 01,02,

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer
E-mail: robert.mcintosh@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

Relevant Non-Statutory Guidelines

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

Non-statutory guidelines '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 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 Planning Permission 21/01109/FUL At 2F4 3 Albert Street, Edinburgh, EH7 5HL Change of use from residential to short stay lets use.

Consultations

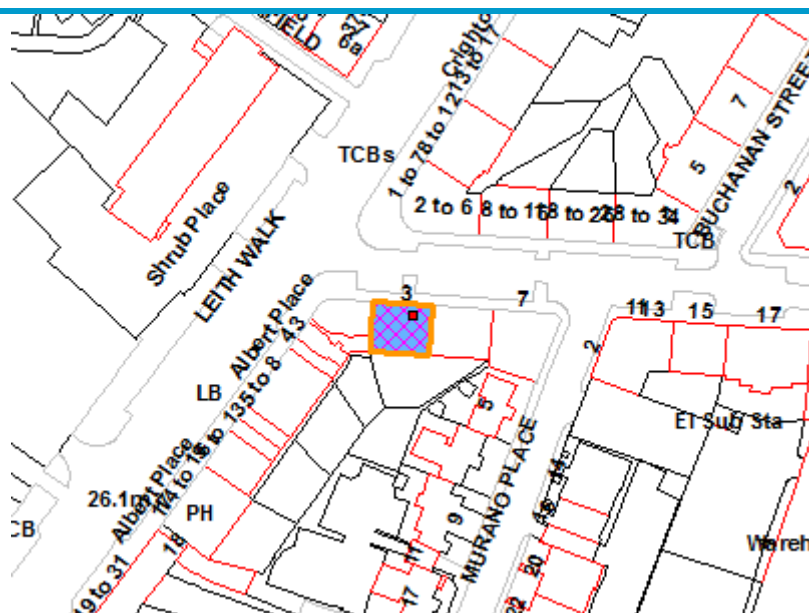
Environmental Protection

The main issues we have with short-term lets is the impacts they can have on neighbouring residential amenity. This can be from a regular flow of visitors entering and exiting the property with suitcases. This property has a shared common stair that could be a source of noise if used regularly to haul suitcases up and down. The other noise concern we have is the noise being generated by guests can vary, but nevertheless there can be guests that stay over who can cause issues with playing loud music, banging around, shouting, or making noise outside if smoking.

From our records there are many residential properties in the common stair, neighbouring the applicant's unit above, below and through the walls.

Environmental Protection do have concerns with this proposal and therefore cannot fully support it and recommend refusal.

Location Plan



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END

Development Management Sub Committee

Wednesday 2 June 2021

**Application for Planning Permission 21/01108/FUL
at 2F1 5 Albert Street, Edinburgh, EH7 5HL.
Change of use from residential to short stay let use.**

Item number

Report number

Wards

B12 - Leith Walk

Summary

The change of use to short-term holiday/commercial visitor accommodation (SCVA) is not acceptable in principle in this location. It will result in an unacceptable loss of amenity for neighbouring residential properties. The proposal does not comply with the adopted Local Development Plan. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LHOU07, LEN06, NSG, NSLBCA, NSBUS, OTH, CRPLEI,

Report

Application for Planning Permission 21/01108/FUL at 2F1 5 Albert Street, Edinburgh, EH7 5HL. Change of use from residential to short stay let use.

Recommendations

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

Background

2.1 Site description

The application site relates to a one bedroom, 2nd floor, flatted property in a tenement on the south side of Albert Street near the junction with Leith Walk.

The surrounding area is largely residential tenements.

This application site is located within the Leith Conservation Area.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

The application is for planning permission for the change of use of a residential flat to short stay let use.

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 proposed use is acceptable;
- b) the proposals preserve or enhance the character and appearance of the conservation area and
- c) comments raised have been addressed.

a) Principle of the Proposal

The application site is situated in the urban area as defined in the adopted Edinburgh Local Development Plan (LDP). It should be noted that the LDP does not include any policies which protect against the loss of residential accommodation.

The main policy that is applicable to the assessment of short-stay commercial visitor accommodation (SCVA) is LDP 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.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to SCVA will have regard to:

- 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 proposals for a change of use will be assessed in terms of their likely impact on neighbouring residential properties. Factors which will be considered include background noise in the area and proximity to nearby residents.

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.*

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.

There has been a number of appeal decisions which have helped to assess whether short stay visitor accommodation is acceptable or not. These appeals are material planning considerations. The main determining issues in these cases relate to the following:

- The location of the property and, in particular, whether it is part of a common stair shared by residents. Typically, appeals are successful where the property has its own private access;

- The frequency of movement and likely disturbance for neighbours, and whether this is likely to be more than a full-time tenant occupying the flat. Generally, the smaller the flat the less likelihood of disturbance to neighbours;
- The impact on the character of the neighbourhood. Again, this often relates to the size of the property and whether anyone renting it for a few days is likely to shop or use local services any differently from a long-term tenant;
- The nature of the locality and whether the property is located within an area of activity such as being on a busy road or near shops and other commercial services. As such, residents would be accustomed to some degree of ambient noise/ disturbance.

Recent appeal decisions 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.

It is noted that Albert Street is quite a busy location and residents would be accustomed to some degree of ambient noise/ disturbance from outside. However, the property is accessed through a shared communal door and stairs, with residential properties located all around it. As the flat is on the second floor, users of the short-term letting accommodation would also have to pass by other flats within the stair and move baggage along landings and up and down the stairwell.

The change of use proposed would mean that there would be direct interaction between users of the short-term letting accommodation and long term residents of the surrounding residential properties.

The proposed use would enable new individuals to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is also no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than long standing residents.

Environmental Protection has recommended the application is refused due to concerns regarding the proposals potential impact upon residential amenity.

Therefore, there is the potential for disturbance to the living conditions of neighbouring occupiers and a detrimental impact on residential amenity.

Paragraph 220 of the LDP acknowledges that tourism is the biggest source of employment in Edinburgh, providing jobs for over 31,000 people. Whilst there is not a specific LDP policy relating to the jobs created through the required care, maintenance and upkeep of SVCA properties, the economic benefits, including that of tourism, are a material planning consideration. However, these considerations do not outweigh the detrimental impacts on residential amenity in this instance.

The proposal is contrary to LDP policy Hou 7 as it cannot be demonstrated that the proposal will not have a materially detrimental impact on the living conditions of nearby residents.

b) Leith 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 which preserves or enhances the special character and appearance of the conservation area and which is consistent with the relevant character appraisal.

The Leith Conservation Area Character Appraisal states:

"Leith Walk is one of the most important routes in the city. Its continuity as it stretches gradually downhill from the city centre is so prominent that it is clearly visible from many high vantage points around the city. It links the old fortified town of Edinburgh and its seaport, as other European capital cities are linked with their ports".

There are no internal or external works proposed.

The proposal complies with LDP policy Env 6 and the conservation area character appraisal.

c) Public comments

Material Objections

- Impact on residential amenity, noise and disturbance- This is addressed in section 3.3 a.

Non Material Objections

- Too many Airbnb properties - This is not a material planning consideration;
- Loss of residential properties- Current adopted policies do not protect against the loss of residential dwellings.
- Safety and security of flats- This is not a material planning consideration.
- Loss of community- This is not a material planning consideration.
- Covid 19 risk - This is not a material planning consideration.

Material Support

- Would support tourism and the economy- This is addressed in section 3.3 a

Non Material Support

- Have to expect Airbnb in central areas- This is not a material planning consideration.
- Owner provides a good service- This is not a material planning consideration.

Conclusion

The change of use to short-term holiday/commercial visitor accommodation (SCVA) is not acceptable in principle in this location. It will result in an unacceptable loss of amenity for neighbouring residential properties. The proposal does not comply with the adopted Local Development Plan. There are no material considerations that 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 adopted Edinburgh Local Development Plan policy Hou 7 (Inappropriate Uses in Residential Areas) as it would have a detrimental effect on the living conditions of nearby residents by virtue of increased noise and disturbance to the detriment of residential amenity.

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 meets 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 three objection comments and three support comments. The points raised shall be addressed in section 3.3 of this 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 10 March 2021

Drawing numbers/Scheme 01,02,

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer

E-mail: robert.mcintosh@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

Relevant Non-Statutory Guidelines

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

Non-statutory guidelines '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 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 Planning Permission 21/01108/FUL At 2F1 5 Albert Street, Edinburgh, EH7 5HL Change of use from residential to short stay let use.

Consultations

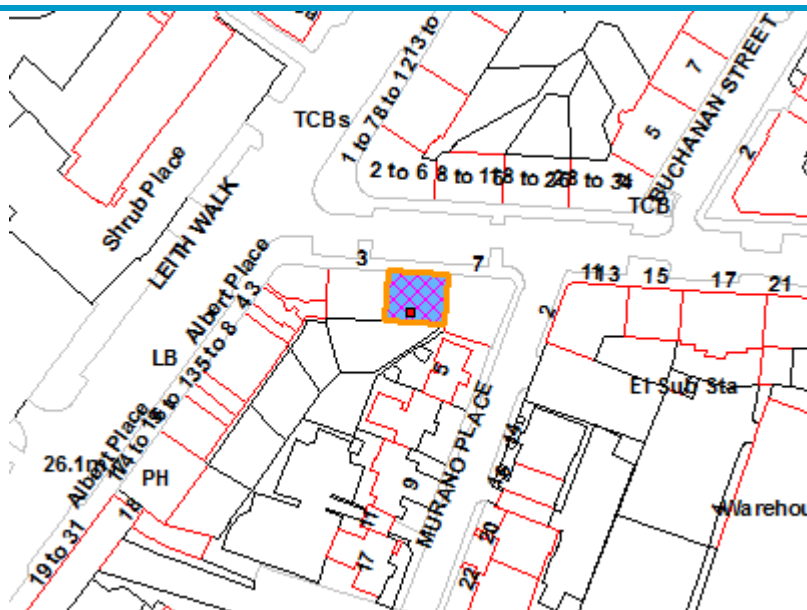
Environmental Protection

The main issues we have with short-term lets is the impacts they can have on neighbouring residential amenity. This can be from a regular flow of visitors entering and exiting the property with suitcases. This property has a shared common stair that could be a source of noise if used regularly to haul suitcases up and down. The other noise concern we have is the noise being generated by guests can vary, but nevertheless there can be guests that stay over who can cause issues with playing loud music, banging around, shouting, or making noise outside if smoking.

From our records there are many residential properties in the common stair, neighbouring the applicant's unit above, below and through the walls.

Environmental Protection do have concerns with this proposal and therefore cannot fully support it and recommend refusal.

Location Plan



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END

Development Management Sub Committee

Wednesday 2 June 2021

**Application for Planning Permission 18/02021/FUL
at 84N Barnton Park View, Edinburgh.
Conversion of existing lock-up garage (formerly a railway
bridge) into a three bedroom dwelling.**

Item number

Report number

Wards

B01 - Almond

Summary

The proposed development is acceptable in principle. The proposal's design and appearance are acceptable in its context and will sit comfortably in this location. Neighbouring privacy and amenity are retained to a good standard and future occupiers will enjoy an appropriate level of amenity and space within the property.

The proposal accords with the Edinburgh Local Development Plan and Edinburgh Design guidance. Subject to conditions approval is recommended.

Links

[Policies and guidance for this application](#)

LDPP, LDES01, LDES03, LDES04, LDES05, LEN09, LEN10, LTRA02, LTRA03, NSG, NSGD02, LEN12, LEN15, LEN16, LHOU01, LHOU03, LHOU05, LTRA02, LTRA03, NSG, NSGD02,

Report

Application for Planning Permission 18/02021/FUL at 84N Barnton Park View, Edinburgh. Conversion of existing lock-up garage (formerly a railway bridge) into a three bedroom dwelling.

Recommendations

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

Background

2.1 Site description

The site is a former railway bridge, with its arch enclosed and in use as a lock up, situated at the end of an access road that serves a number of domestic garages, located behind a three storey, brick built, residential development on Barnton Park View. Barnton Court and its grounds lie immediately to the west. The site is flanked by mature trees to the south and to the north, the latter leading onto the Royal Burgess Golf Course.

The site is restricted to the bridge and two angular parcels of land to the east and west of the structure.

2.2 Site History

There is no relevant planning history for this site.

Main report

3.1 Description of the Proposal

The application seeks planning permission for the conversion and extension of an existing lock-up garage (a remnant railway bridge) to a three-bedroom house, with open plan living space and car parking. The extended building would be two storeys in height, with an increase in building footprint at the ground floor level.

Proposed materials include external walls of zinc cladding at the east and west elevations, with untreated larch cladding at the side elevations facing north and south. Entrance and garden doors would include weathered steel detailing. Roof materials include zinc cladding, roofing membrane and the property has grey framed glazing. Retaining walls of the former bridge will be retained as part of the proposal.

An area of private decking at the first floor is located at the east elevation. Private garden space would be provided in the curtilage of the property to the north, south and west around the building and boundary treatments include a mixture of hedging and 1.1-metre-high fencing.

Garden space at the north and south of the property, between the former bridge abutments, would be elevated and sloping, with a high point of four metres at the external decking level and a gradual incline to ground level.

Two trees within the site boundary at its western point are proposed for removal to facilitate the ground floor extension and creation of garden space.

3.2 Determining Issues

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

Do the proposals 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 development design is acceptable and will not be detrimental to neighbourhood character;
- c) the proposal results in any neighbouring amenity issues;
- d) the proposal provides an adequate amenity for the future occupiers;
- e) the proposal raises any issues in respect of transportation and parking;
- f) the proposal will impact on nearby trees;
- g) the site is of archaeological significance;
- h) any other matters must be considered and
- i) public comments raised have been addressed.

(a) Principle

Policy Hou 1 within the Edinburgh Local Development Plan (LDP) lends priority to the delivery of housing on suitable land in the urban area. Clause d) of the policy states that "*Housing development will be permitted on other suitable sites within the 'Urban Area', provided proposals are compatible with other policies in the Plan.*"

The majority of the site, including the main bridge structure that would be adapted, is designated as urban area within the LDP; therefore the principle of housing development on this site is acceptable subject to compliance with other relevant policies.

A small section to the north of the site is designated as 'Green Belt' and is part of a 'Local Nature Conservation Site'. LDP Policies Env 10, Env 15 and Env 16 are applicable to this proposal.

Green Belt

LDP Policy Env 10 - Development in the Green Belt and Countryside seeks to control the type and scale of development within the green belt to enable it to fulfil its important role in terms of landscape setting and countryside recreation.

LDP Policy Env 10 contains a number of criteria for assessing applications. In this regard, criterion c) is most relevant. This criterion states that for development relating to an existing building or intensification of the use, the proposals will be expected to be appropriate in terms of scale, design and traffic impact. These issues are explored further below.

In assessment of the proposals against Env 10, the area of the site which is designated as green belt will have no new development on it and is proposed to be garden space. Although this will form part of a curtilage of a dwellinghouse, the proposal will have no adverse impact on the green belt or the landscape setting of the city. The proposal is for the alteration of an existing structure and this is appropriate in terms of the high quality and uniquely designed dwelling. The proposal complies with LDP Policy Env 10

Local Nature Conservation Site and Protected Species

LDP Policy Env 15 - Sites of Local Importance does not permit development on a Local Nature Conservation Site if it is likely to have an adverse impact on the flora, fauna, landscape, and geological features.

LDP Policy Env 16 - Species Protection states that permission will not be granted for development that would have an adverse impact on protected species unless a full survey has been carried out of the current status of the species and its use of the site.

There is no new development on the section of the site within the Local Nature Conservation site. As such, there will be no adverse impact on the flora, fauna, landscape, and geological features afforded to the Local Nature Conservation Site.

The applicant submitted an ecological survey; evidence of badgers passing through the site was found. However, there are no badger setts within a 50 metre radius of the site, and the badger path was unlikely to have been used for at least one year.

An informative is recommended regarding the protection of any badgers which may pass through the site during the development's construction stage.

The development will not have an adverse impact on protected species; therefore, the proposal complies with LDP Policy Env 16.

The proposal complies with LDP policies Hou 1, Env 10, Env 15 and Env 16.

(b) Development Design

LDP Policy Des 1 - Design Quality and Context states that planning permission will not be granted for inappropriately design development proposals or for proposals that would be damaging to the character or appearance of the area around it.

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

LDP Policy Des 4 - Development Design - Impact on Setting states that planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, having regards to height and form; scale and proportions, including spaces between buildings; position of buildings and other features on the site; and materials and detailing.

LDP Policy Des 9 (Urban Edge Development) seeks to conserve the city boundary where sites are at the green belt boundary.

The surrounding neighbourhood has a settled townscape character, mainly comprising a range of flatted dwellings between two and five storeys in height with varying architectural design. There are also detached and semi-detached dwellings with gardens to the front and back, again varying in design. Overall, the neighbourhood character is predominantly residential, set within a mature soft landscape.

The proposed conversion of this building would bring a historic structure into residential use. The building's position is established in the urban pattern. The site's layout, including the proposed garden boundaries, would be acceptable and proportionate to the scale of development. The property would be two storeys, with the proposal introducing a new upper floor to the bridge structure and an enlarged ground floor footprint at the east and west elevations. Surrounding properties closest to the application site are between three storeys to the east and six storeys at the west. The proposed property would sit at the end of a cul-de-sac to the rear of the three storey building with the six storey property behind. The proposed building would integrate well into the streetscape. The proposed two-storey development is acceptable in terms of its height within the context of its surroundings.

The proposal retains existing features, including the bridge retaining walls and stone walls. The addition of zinc cladding, larch cladding and glazing would introduce a considerable degree of change to the former bridge. However, the balance and blend of original and modern materials would provide an architectural juxtaposition that would form an appropriate and striking design. It would be in accordance with the aims of LDP Policy Des 4 and LDP Policy Des 3.

The proposal would form a garden space within the area of green belt that is located in the application boundary. There would be no material diminution of the landscape setting of the city and the proposal conserves the character of the green belt boundary.

The proposed design is acceptable, and the development complies with LDP Policies Des 1, Des 3, Des 4 and Des 9.

(c) Neighbouring Amenity

LDP Policy Des 12 (Alterations and Extensions) seeks to protect the amenity and privacy of neighbours where alterations and extensions to existing buildings are proposed.

Criterion b) of LDP Policy Hou 5 (Conversion to Housing) further seeks to ensure changes of use to housing will be compatible with nearby uses.

The non-statutory Edinburgh Design Guidance (EDG) states that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. In this case, the applicant proposes to re-use and enhance an existing building and there will be no material change to the built pattern in the area. However, the effect of introducing a change of use to residential must be considered in the context of neighbouring amenity.

The existing bridge structure is off set to the north west of neighbouring apartments to the south. The distance of the decking at the east elevation to apartments at number 86 Barnton Park View would be approximately 13 metres and at an oblique angle. The decking is also partially screened by the existing bridge wall. There would be no unacceptable impact on privacy and the introduction of a residential use to this location does not adversely affect neighbouring residential amenity. Given the distance to neighbouring properties, there would be no adverse impact on daylight or sunlight to these.

The proposed use would have no greater impact on traffic levels and noise and disturbance, and indeed could be less intrusive, given its residential setting.

The proposed change of use and alteration of this building would not impact on any protected views or on the outlook or amenity of neighbouring residents. The proposal accords LDP Policies Des 12 and Hou 5, in addition to the Edinburgh Design Guidance.

(d) Amenity for the Future Occupiers

LDP Policy Des 5 (Development Design-Amenity) requires future occupiers to have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy, or immediate outlook.

Criterion a) of LDP Policy Hou 5 - Conversion to Housing requires new development to create an attractive residential environment for future residents in housing development.

LDP Policy Hou 3 (Private Green Space in Housing Development) requires the adequate provision of green space to meet the needs of future residents.

The proposal would provide a small, angular garden area to the west of the building, sloping garden space to the north and south of the building and an external deck at the east elevation. The private external space would provide an acceptable standard and quantity of open space for future residents in compliance with criterion c) of LDP Policy Hou 5 and Policy Hou 3..

The Edinburgh Design Guidance requires a minimum internal floor area of 81 sqm for a three-bedroom unit. The proposed internal floor space would measure 143 sqm. and exceeds the recommended area for a three-bedroom unit and this is acceptable.

Ground floor rooms are lit with a combination of windows and roof lights. One of the three bedrooms relies on roof lights only to receive natural light; however, this is the only habitable room that has such an arrangement and this is acceptable in the context of the other ground floor rooms which all have windows or roof lights and will benefit from reasonable levels of daylight.

Although some windows at the gable ends are in close proximity to the retaining walls of the existing bridge; the nature of these windows is acceptable in the context of adapting this structure and the design demonstrates that the ground floor rooms would have an appropriate level of amenity for future occupiers. The upper floor would receive a good level of natural daylight via windows at the south and west elevation elevations and a large area of glazing at the north elevation.

In terms of floorspace, external amenity space, privacy and daylight provision, the proposal complies with LDP Policies Des 5, Hou 5, Hou 3 and the Edinburgh Design Guidance.

(e) Transport and Parking

The Council's parking standards permits a maximum of 1 car parking space within Zone 2 for a new dwelling house. The proposal has one car parking space located within a garage. The proposal complies with LDP Policy Tra 2 - Private Car Parking.

The provision of two cycle parking spaces is required for a three-bed room unit within Zone 2. Cycle parking can be located internally within the garage of the proposed development and complies with LDP Policy Tra 3 - Private Cycle Parking.

The development of a single residential unit would have no measurable impact on traffic numbers using the local road network. Refuse collection would be available from the street and Transport raises no concerns.

The proposal would have no adverse impact on road safety or on congestion and complies with LDP Policies Tra 2 and Tra 3.

(f) Impact on Trees

LDP Policy Env 12 - Trees specifies that trees should not be removed unless necessary for good arboricultural reasons. The Edinburgh Design Guidance states that a tree survey is required in the form specified in BS 5837:2012 for all trees with a stem diameter of 75mm or more at 1.5 metres above ground on the site or within 12 metres of its boundary. Trees should then be categorised in accordance with their quality and suitability for retention.

Two trees are located within the site's red line boundary and are identified for removal to facilitate the proposed development. These trees are in close proximity to the existing garage, covering part of the west elevation, and their removal is acceptable in this circumstance. The trees are not covered by a tree protection order, nor is the site within a conservation area. The removal of these two trees does not diminish the character of the area, having regard to the nearby green belt boundary. The introduction of boundary hedge planting around the garden spaces would provide appropriate mitigation in terms of soft landscaping.

The applicant's design statement notes that the site is bounded to the north by rows of mature trees. The area to the east is an existing paved area and unlikely to impact upon existing trees or roots. The area to the west is an open grassed space; extending the building in this direction may have an impact on trees within 12 metres of the application site boundary. It should be noted that these trees are not afforded any statutory protection. Nonetheless, a condition securing the implementation of tree protection measures is recommended to ensure trees are protected.

The proposal is acceptable in the context of LDP Policy Env 12.

(g) Archaeology

This site has been identified as part of an area of archaeology significance. It is accepted that the proposal would have significant adverse impacts upon the fabric of the structure. However, in archaeological terms, the impacts are acceptable providing a condition is attached requiring the applicant to secure the implementation of a programme of archaeological work in accordance with a written scheme of investigation.

This complies with LDP Policy Env 9 - Development of Sites of Archaeological Significance.

(h) Any other matters raised

Environmental Health

Environmental Protection note in consultation comments that due to the site's historical use as a railway bridge, there is a possibility of land contamination. Therefore, a site investigation will be required and it recommended that a condition to this effect is attached to any planning permission.

Ecology

The applicant submitted an ecology assessment upon request. The survey confirms no protected species (bat) would be impacted by the proposed works to the structure. Evidence of a badger path crossing the bridge was found, however this was unused and assessed to be over a year old. A recommendation to safeguard badgers during the construction stage was made in the report and the council's Ecology Officer has suggested an informative for inclusion in any planning permission.

Neighbour Notification Process

There is a concern regarding the neighbour notification process. It has been confirmed that the notification process has been carried out in accordance with statutory requirements.

(i) Public Comments

This application received a total of 44 letters of representation; all were objections.

Material Representations - Objection

- Design of the building is not in-keeping with the character of the area - addressed in Section 3.3 b);
- Proposed materials not in-keeping with the character of the area - addressed in section 3.3 b);
- Impact on the visual appearance of historic bridge - addressed in section 3.3 b);
- Amenity for occupiers of the development is poor - addressed in section 3.3 d);
- Impact on neighbouring amenity in terms of daylight and overshadowing - addressed in section 3.3 c);
- Impact on neighbouring amenity in terms of privacy and outlook - addressed in section 3.3 c);
- Impact on parking and traffic - addressed in section 3.3 e);
- Impact on trees - addressed in section 3.3 f);
- Impact on conservation and local wildlife - addressed in section 3.3 h);
- Concerns over refuse - addressed in section 3.3 e);
- Insufficient neighbour notification process - addressed in section 3.3(h).

Non- Material Representations - Objection

- Noise, dust and pollution caused by construction vehicles;
- Parking and traffic disruption caused by construction vehicles;
- Access to utilities affected during construction;
- Potential damage to paved area and cobbled road due to heavy construction vehicles;
- Potential structural damage to neighbouring flats caused by construction;
- Title deeds do not allow parking and storage on site; impact of this during construction;
- Health and safety implications for pedestrians during construction;
- Potential illegal activity due to building materials being left on site;

- Residents who have tended the grounds for decades claim land ownership rights under ' Prescription and Limitation Scotland" Act 1973;
- Concern raised over siting and potential removal of existing garden bench owned by residents within site boundary;
- Access rights;
- Impact on access for emergency vehicles and other services such as maintenance vehicles and window cleaning vehicles;
- Land ownership of two garages erected stated incorrectly in Design and Access Statement;
- Concern raised over potential implications for neighbours if development would cease before completion;
- Residents comment about cost of council tax for living on a potential building site.

Community Council - Objection

Material Comments

- No species survey - addressed in section 3.3 h);
- Design of the building - addressed in Section 3.3 b);
- Impact on parking and traffic - addressed in section 3.3 e);

Non- Material Comments

- Content of the applicants design statement.

Report Summary

The proposed development is acceptable in principle and would deliver a new housing unit to this part of the city by adapting a historic bridge structure. The proposal's design and appearance are acceptable in its context and would sit comfortably in this location. Neighbouring privacy and amenity are protected to a satisfactory standard and future occupiers would enjoy an appropriate level of amenity and space within the property.

The proposal accords with the Edinburgh Local Development Plan and Edinburgh Design guidance. Subject to conditions approval is recommended.

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 take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
3. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".

Reasons:-

1. In order to protect the health of the building's occupants.
2. In order to safeguard the interests of archaeological heritage.
3. In order to protect trees surrounding the application site.

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. Badger Protection: On commencement of development, no holes, foundations, ditches etc. should be left overnight, in which Badgers could slip into and become trapped. Either shallow slopes should be included, such holes covered over, or timbers placed in them to create an escape route.
5. It is recommended that the car garage is equipped with an electric vehicle charging station of minimum standard 7kW (16 amp) or better.

Grants are also available for the installation of EV charge points more information can be found at:-

<http://www.energysavingtrust.org.uk/scotland/Organisations/Transport/Electric-vehicles/Electric-Vehicle-Charge-Point-Funding>

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

Neighbours were notified of the application on 17 May 2018 and 44 letters of representations were received, all objecting. These include comments from Cramond & Barnton Community Council.

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

Background reading/external references

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

**Statutory Development
Plan Provision**

A majority of the site lies within the Urban Area as defined in the 2016 Edinburgh Local Development Plan.

A part of the site lies within Green Belt and a Local Nature Conservation Site as designated in the 2016 Edinburgh Local Development Plan.

Date registered

8 May 2018

Drawing numbers/Scheme

01,02,03A-06A,07,08A,

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Murray Couston, Planning Officer

E-mail:murray.couston@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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

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

LDP Policy 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 10 (Development in the Green Belt and Countryside) identifies the types of development that will be permitted in the Green Belt and Countryside.

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

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

Relevant Non-Statutory Guidelines

Non-Statutory guidelines 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.

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

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

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

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 5 (Conversion to Housing) sets out the criteria for change of use of existing buildings to housing.

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

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

Relevant Non-Statutory Guidelines

Non-Statutory guidelines 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.

Appendix 1

Application for Planning Permission 18/02021/FUL At 84N Barnton Park View, Edinburgh, Conversion of existing lock-up garage (formerly a railway bridge) into a three bedroom dwelling.

Consultations

Archaeology Consultation Response

84N Barnton Park View

Further to your consultation request I would like to make the following comments and recommendations concerning the above application for the conversion of existing lock-up garage (formerly a railway bridge) into a three bedroom dwelling.

This application affects the late Victorian (1896) railway bridge constructed as part of branch line of the former Caledonian Railway terminating immediately to the west at Cramond Bridge Station. The bridge was constructed over part of Bonneyfield Farm, first depicted on Knox's 1812 plan of the area. The 1849 1st edition plan shows the farm as a dispersed series of buildings with one possibly located on this site.

This former railway bridge is regarded as being of local archaeological and historic significance. This application must be considered therefore under terms the Historic Environment Scotland Policy Statement (HESPS) 2016 and Archaeology Strategy, Scottish Planning Policy (SPP), PAN 02/2011 and Edinburgh Local Development Plan (2016) policies ENV8 & ENV9.

The proposals to convert this historic Victorian railway bridge will have significant adverse impacts upon the fabric of this structure. Although significant and adverse, it has been concluded in archaeological and heritage terms such impacts are considered acceptable. However it is essential that should the Planning Authority grant consent, that a programme a historic building recording is undertaken combining detailed survey of surviving structure (phased plans and elevations, photographic and written survey) in order to provide an accurate record of the bridge combined with an archaeological watching brief during conversion work.

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

'No demolitions 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 and reporting) 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.

Environmental Protection Consultation Response

Date: 18/06/2018

TOWN AND COUNTRY PLANNING (SCOTLAND) ACT 1997

18/02021/FUL | Conversion of existing lock-up garage (formerly a railway bridge) into a three bedroom dwelling. | 84N Barnton Park View, Edinburgh

Planning application 18/02021/FUL is for the conversion of a former railway bridge, which is currently used as a lock up garage, into a three-bedroom dwelling.

The application site occupies the space between a 6-storey mid-rise block of flats to the West (Barnton Court) and a series of 3-storey blocks with ancillary garages to the East. The Royal Burgess golf course is located to the North, with the adjacent boundary edged with rows of mature trees.

Due to the sites historical use as a railway bridge, there is a possibility of land contamination. Therefore, a site investigation will be required.

The site is located in an established residential area and there are no other Environmental Health issues of concern. Although an informative has been recommended for an electric vehicle charging point.

Environmental Protection has no objection to this application subject to the following condition.

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.*

Informative

1. It is recommended that the car garage is equipped with an electric vehicle charging station of minimum standard 7kW (16 amp) or better.

Grants are also available for the installation of EV charge points more information can be found at;

<http://www.energysavingtrust.org.uk/scotland/Organisations/Transport/Electric-vehicles/Electric-Vehicle-Charge-Point-Funding>

Authority Consultation Response

maximum of 1 car parking space per unit.
A minimum of 3 cycle parking spaces (for 4 rooms or more).

One car parking space is being provided. It is noted that the cycle parking can be accommodated within the garage.

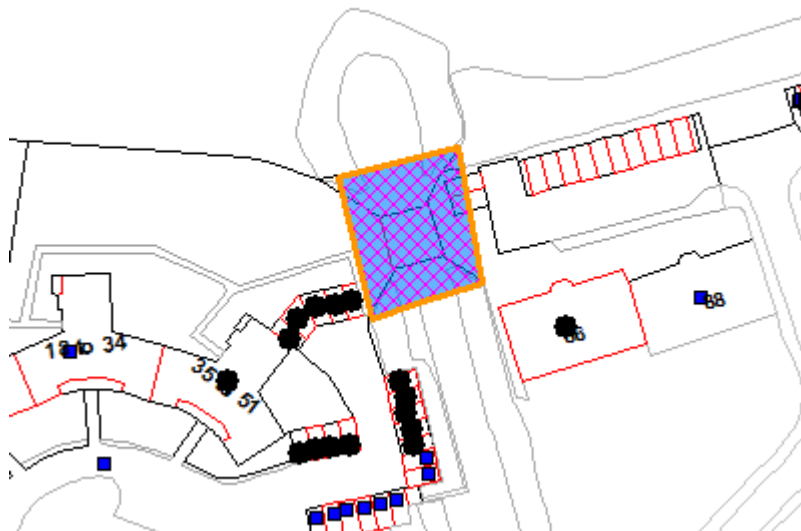
Therefore the development meets the current parking standards.

Note;

The section of the carriageway adjacent is not adopted by the Council for maintenance purposes, being served by an adopted footway only.

No comments have been raised on the matter of refuse collection

Location Plan



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END

Development Management Sub Committee

Wednesday 2 June 2021

**Application for Planning Permission 21/00750/FUL
At 1F1 37 And 33 1F Queensferry Street, Edinburgh, EH2
4QS**

**Change of use from offices and workshops to form two
short term lease properties and associated alterations.**

Item number

Report number

Wards

B11 - City Centre

Summary

The change of use to short-term holiday/commercial visitor accommodation (SCVA) is not acceptable in principle in this location. It will result in an unacceptable loss of amenity for neighbouring residential properties. The proposal does not comply with the adopted Local Development Plan. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LEN01, LEN04, LEN06, LHOU07, LTRA02, LTRA03, HES, HESINT, HESUSE, NSG, NSLBCA, OTH, CRPNEW, NSBUS,

Report

Application for Planning Permission 21/00750/FUL At 1F1 37 And 33 1F Queensferry Street, Edinburgh, EH2 4QS

Change of use from offices and workshops to form two short term lease properties and associated alterations.

Recommendations

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

Background

2.1 Site description

The application site relates to No. 37, 1F1 and No. 33, 1F, Queensferry Street, Edinburgh. These are first floor properties which have been converted into offices/workshops and are connected by an access door. They are located above commercial properties on the ground floor, with residential dwellings located above. The offices are accessed through two communal stairs, belonging to No. 37 and No. 33.

The buildings are category B listed, listed 14 December 1970, LB reference 29576.

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

2.2 Site History

18 February 2021 - Planning permission granted for the change of use from workshop (class 4) to tattoo studio (class 2) (Application number: 21/00065/FUL).

Main report

3.1 Description Of The Proposal

The application is for planning permission for the change of use from offices and workshops to form two short term lease properties, sui generis, and associated alterations.

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 proposed use is acceptable;
- b) the proposals preserve the character and setting of the listed building;
- c) the proposals preserve or enhance the character and appearance of the conservation area and will not harm the Outstanding Universal Value of the defined World Heritage Site;
- d) the development raises any issues in respect of car and cycle parking; and
- e) comments raised have been addressed.

a) Principle of the Proposal

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

The main policy that is applicable to the assessment of short-stay commercial visitor accommodation (SCVA) lets is LDP 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.

The non-statutory Guidance for Businesses states that an assessment of a change of use of dwellings to SCVA will have regard to:

- 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 proposals for a change of use will be assessed in terms of their likely impact on neighbouring residential properties. Factors which will be considered include background noise in the area and proximity to nearby residents.

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"*.

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

There has been a number of appeal decisions which have helped to assess whether short stay visitor accommodation is acceptable or not. These appeals are material planning considerations. The main determining issues in these cases relate to the following:

- The location of the property and, in particular, whether it is part of a common stair shared by residents. Typically, appeals are successful where the property has its own private access;
- The frequency of movement and likely disturbance for neighbours, and whether this is likely to be more than a full-time tenant occupying the flat. Generally, the smaller the flat the less likelihood of disturbance to neighbours;
- The impact on the character of the neighbourhood. Again, this often relates to the size of the property and whether anyone renting it for a few days is likely to shop or use local services any differently from a long-term tenant;
- The nature of the locality and whether the property is located within an area of activity such as being on a busy road or near shops and other commercial services. As such, residents would be accustomed to some degree of ambient noise/ disturbance.

Recent appeal decisions 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 two first floor properties have been linked in the past with the insertion of a door in the dividing wall. It has been utilised as five offices. Directly below the offices are commercial buildings, whilst directly above the offices are residential properties.

The offices have two accesses through the communal stairs for No. 33 and No. 37. Each proposed SCVA would be accessed through its own shared communal stair.

It is acknowledged that Queensferry Street is a busy central location and residents would be accustomed to some degree of ambient noise/ disturbance from outside. However, the residential properties nearby and within these stairs are largely located on the second floor, which are isolated to a degree from the noise associated with the ground floor uses and the street traffic around. It is likely that the office accommodation is mostly used during business hours and could be relatively empty and quiet in the evening and weekends.

The change of use proposed and the use of the two stairs for the proposed SVCAs would mean that there would be direct interaction between users of the short term letting accommodation and long term residents of the surrounding residential properties.

The proposed use would enable new individuals to arrive and stay at the premises for a short period of time on a regular basis throughout the year in a manner dissimilar to that of permanent residents. There is also no guarantee that guests would not come and go frequently throughout the day and night and transient visitors may have less regard for neighbours' amenity than long standing residents. Concerns raised by objectors, who live within the stair, emphasise concerns relating to buzzers being pressed for access, the noise of suitcases going up and down and visitors arriving at unsociable hours.

This would be significantly different from the ambient background noise that residents are no doubt used to. The proposed change of use could instead bring noise and disturbance directly into the stairwells and properties in which they live.

Environmental Protection have stated it cannot fully support the application due to concerns regarding the proposals potential impact upon neighbouring residential amenity.

On the balance of probability, there could be the potential for disturbance to the living conditions of neighbouring occupiers and a detrimental impact on residential amenity.

The proposal is contrary to LDP policy Hou 7 as it cannot be demonstrated that the proposal will not have a materially detrimental impact on the living conditions of nearby residents.

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:

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

The office/workshop areas are relatively small and will not prejudice or inhibit the activities of any nearby employment use.

The proposal complies with LDP policy Emp 9.

b) Impact on 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."

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

Historic Environment Scotland's (HES) guidance note Managing Change in the Historic Environment: Re-use and Adaptation of Listed buildings, sets out the principles that apply to altering historic buildings. It stresses that changes may be required to find a new use for a listed building. The guidance advises that changes to specific assets and their context should be managed in a way that protects the historic environment and that careful consideration is required to avoid harming the building's special interest. It recognises that listed buildings will be adapted for new uses and that small-scale alterations will be required.

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Interiors states that *"Alteration to a historic building should protect its character. In general, the principal spaces in a building are more sensitive to change as these are the spaces that normally make the most significant contribution to its character"*

The Council's Listed Buildings and Conservation Area guidance (LBCA) states *"Where the interior is of particular architectural or historical importance, subdivision will not be permitted. The degree of change to the plan form which may be acceptable will normally be dependent on previous alterations and use"*.

The two units have been subject to a degree of intervention when they have been converted into office use. This application proposes only relatively minor alterations to the existing non-original dividing walls and the blocking up of the non-original doorway which links the two units.

The proposal will preserve the character and setting of the listed building and accord with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. It also complies with Env 4 of the LDP and HES managing Change guidance.

c) New Town Conservation Area and World Heritage Site

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 which preserves or enhances the special character and appearance of the conservation area and which is consistent with the relevant character appraisal.

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

"The overwhelming retention of buildings in their original design form, allied to the standard format of residential buildings, contributes significantly to the character of the area. There is a standard palette of traditional building materials including blonde sandstone, timber windows and pitched slated roofs".

There are no external alterations proposed to the building. The surrounding area is vibrant and has a large variety of different uses. The proposal complies with LDP policy Env 6 and the New Town Conservation Area Character Appraisal.

Due to the small-scale nature of the proposal, there is no requirement to assess the impact on the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site.

d) Transport

Policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) of the LDP sets out the requirement for private car and cycle parking. The car and cycle parking standards are contained in the Edinburgh Design Guidance.

The Roads Authority have no objections to the proposal. The zero parking provision is acceptable and complies with the parking standards in the Edinburgh Design Guidance. The application properties are well served by public transport and are within walking or cycling distance of local amenities and many tourism venues.

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

e) Public comments

Material Objections

- Impact on amenity/noise and disturbance - addressed in section 3.3(a);
- Impact on privacy - addressed in section 3.3(a);
- Proposal is contrary to Hou 7 - addressed in section 3.3(a);
- Proposal is contrary to Env 6 - addressed in section 3.3(c);

Non-material Considerations

- Over provision of holiday lets and impact on housing market - each application must be assessed on its own merits in accordance with the Development Plan;
- Anti-social behaviour/security - this is a matter for the police;
- Impact on values and let ability of flats - this is not a material planning consideration;

Conclusion

The change of use to short-term holiday/commercial visitor accommodation (SCVA) is not acceptable in principle in this location. It will result in an unacceptable loss of amenity for neighbouring residential properties. The proposal does not comply with the adopted Local Development Plan. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

Reasons:-

1. The proposal is contrary to adopted Edinburgh Local Development Plan policy Hou 7 (Inappropriate Uses in Residential Areas) as it would have a detrimental effect on the living conditions of nearby residents.

Informatives:-

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 meets 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

Five objection comments were received. A full assessment of the matters raised can be found in section 3.3 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

Date registered 22 February 2021

Drawing numbers/Scheme 01,02,03

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer
E-mail: robert.mcintosh@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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 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 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: Interiors sets out Government guidance on the principles that apply to alterations to the interiors of listed buildings.

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.

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.

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.

Appendix 1

Application for Planning Permission 21/00750/FUL At 1F1 37 And 33 1F Queensferry Street , Edinburgh, EH2 4QS

Change of use from offices and workshops to form two short term lease properties and associated alterations.

Consultations

Roads Authority

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

1.The applicant should consider the provision of cycle parking in a secure and undercover location

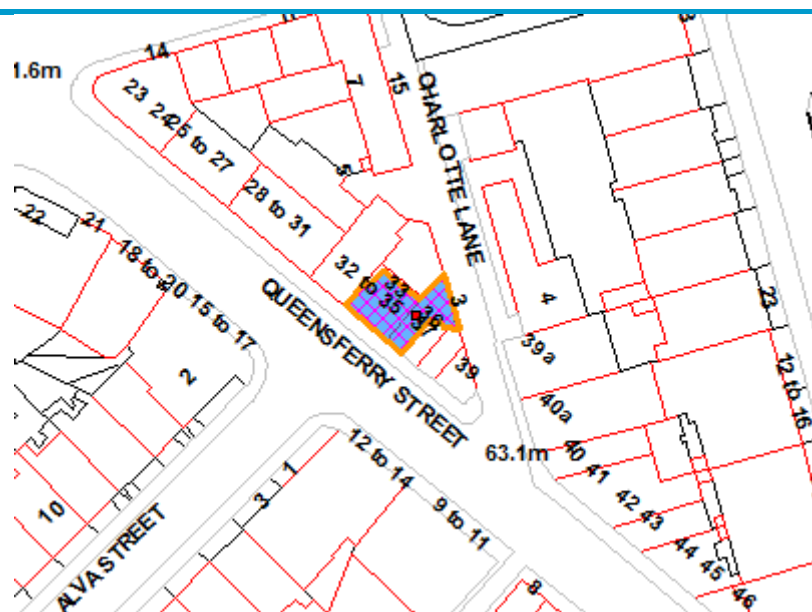
Environmental Protection

The main issues we have with short- term lets is the impacts they can have on neighbouring residential amenity. This can be from a regular flow of visitors entering and exiting the property with suitcases. This property has a shared common stair(s) that could be a source of noise if used regularly to haul suitcases up and down. The other noise concern we have is the noise being generated by guests can vary, but nevertheless there can be guests that stay over who can cause issues with playing loud music, banging around, shouting, or making noise outside if smoking.

From our records there are many residential properties in the common stair and neighbouring the applicant's unit.

Environmental Protection have concerns with this proposal and therefore cannot fully support it.

Location Plan



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Development Management Sub Committee

Wednesday 2 June 2021

**Application for Listed Building Consent 21/00749/LBC
at 1F1 37 and 1F 33 Queensferry Street, Edinburgh, EH2 4QS.
Internal alterations to form two properties for short term
residential accommodation use.**

Item number

Report number

Wards

B11 - City Centre

Summary

The proposed alterations comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as they preserve the character and setting of the listed buildings and preserve and enhance the character and appearance of the New Town conservation area.

Links

[Policies and guidance for this application](#)

LDPP, LEN01, LEN04, LEN06, HES, HESINT, HESUSE, NSG, NSLBCA, OTH, CRPNEW,

Report

Application for Listed Building Consent 21/00749/LBC at 1F1 37 and 1F 33 Queensferry Street, Edinburgh, EH2 4QS.

Internal alterations to form two properties for short term residential accommodation use.

Recommendations

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

Background

2.1 Site description

The application site relates to No. 37, 1F1 and No. 33, 1F, Queensferry Street, Edinburgh. These are first floor properties which have been converted into offices/workshops and are connected by an access door. They are located above commercial properties on the ground floor, with residential dwellings located above. The offices/workshops are accessed through two communal stairs, belonging to No. 37 and No. 33.

The buildings are category B listed, listed 14 December 1970, LB reference 29576.

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

2.2 Site History

18 February 2021- Planning permission granted for the change of use from workshop (class 4) to tattoo studio (class 2) (Application number: 21/00065/FUL).

Main report

3.1 Description of the Proposal

The application is for listed building consent for internal alterations to form two properties for short term residential accommodation use.

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 and appearance of the conservation area and
- c) comments raised have been addressed.

a) Impact on 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."

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

Historic Environment Scotland's (HES) guidance note Managing Change in the Historic Environment: Re-use and Adaptation of Listed buildings, sets out the principles that apply to altering historic buildings. It stresses that changes may be required to find a new use for a listed building. The guidance advises that changes to specific assets and their context should be managed in a way that protects the historic environment and that careful consideration is required to avoid harming the building's special interest. It recognises that listed buildings will be adapted for new uses and that small-scale alterations will be required.

Historic Environment Scotland's Guidance Note on Managing Change in the Historic Environment: Interiors states that *"Alteration to a historic building should protect its character. In general, the principal spaces in a building are more sensitive to change as these are the spaces that normally make the most significant contribution to its character"*

The Council's Listed Buildings and Conservation Area guidance (LBCA) states *"Where the interior is of particular architectural or historical importance, subdivision will not be permitted. The degree of change to the plan form which may be acceptable will normally be dependent on previous alterations and use"*.

The two units have been subject to a degree of intervention when they have been converted into office/workshop use. This application proposes only relatively minor alterations to the existing non original dividing walls and the blocking up of the non-original doorway which links the two units.

HES were consulted as part of the assessment of the application and provided no comments or objections.

The proposal will preserve the character and setting of the listed building and accords with section 59 of the Planning (Listed Buildings and Conservation Area) (Scotland) Act 1997. It also complies with LDP policy Env 4 and HES Managing Change in the Historic Environment guidance.

b) New Town 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 which preserves or enhances the special character and appearance of the conservation area and which is consistent with the relevant character appraisal.

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

"The overwhelming retention of buildings in their original design form, allied to the standard format of residential buildings, contributes significantly to the character of the area. There is a standard palette of traditional building materials including blonde sandstone, timber windows and pitched slated roofs".

There are no external alterations proposed to the building. The proposal complies with LDP policy Env 6 and the New Town Conservation Area Character Appraisal.

c) Public comments

None.

Conclusion

The proposed alterations comply with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as they preserve the character and setting of the listed buildings and preserve and enhance the character and appearance of the New Town conservation area.

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

3.4 Conditions/reasons/informatives

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:

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 meets 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

No representations have been received.

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 22 February 2021

Drawing numbers/Scheme 1,2,3,

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Robert McIntosh, Planning Officer

E-mail: robert.mcintosh@edinburgh.gov.uk

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

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

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.

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: 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.

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 21/00749/LBC At 1F1 37 And 1F 33 Queensferry Street, Edinburgh, EH2 4QS

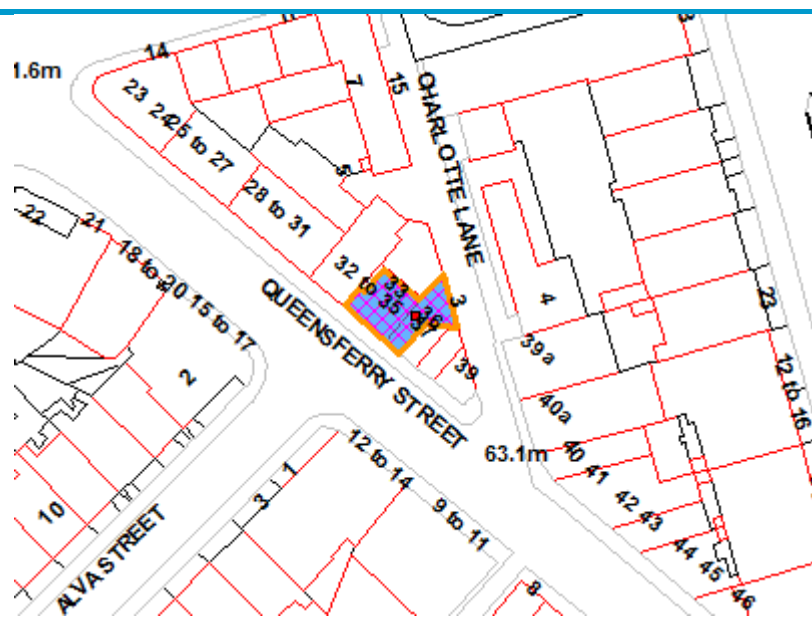
Internal alterations to form two properties for short term residential accommodation use.

Consultations

Historic Environment Scotland

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

Location Plan



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Development Management Sub Committee

Wednesday 2 June 2021

Application for Planning Permission 20/05553/FUL at 106 - 162 Leith Walk , Edinburgh, EH6 5DX. Retention of and refurbishment of existing sandstone frontage building and change of use of units within it to Class 1 (shops), Class 2 (Financial, Professional and Other Services) , Class 3 (Food and Drink) and Class 4 (Business), demolition of industrial warehouse buildings and erection of two flatted buildings comprising a total of 148 flats, and provision of associated infrastructure, car parking, open space and landscaping.

Item number

Report number

Wards

B12 - Leith Walk

Summary

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposed development, including the proposed external alterations to the red sandstone building, and in terms of their height, scale and massing, architectural form and style and positioning, the proposed new build flatted blocks and associated works, are respectful to the character and amenity of the area and will preserve the setting of neighbouring listed buildings and the character, appearance and setting of both the Leith Conservation Area and Pilrig Conservation Area.

The proposed external alterations to the existing red sandstone building to facilitate the reuse of the building for uses within classes 1-4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and the proposed new build flatted residential development are acceptable.

The development is acceptable in transportation terms and the parking provision; including cycle parking, meets the Council's standards.

Potential impacts on the amenity of future residents in terms of noise and odour can be addressed through conditions without prejudicing nearby existing employment uses. The proposal will not have a significant detrimental impact on the amenity of existing neighbouring properties, including residences.

Subject to developer contributions towards the tram and relevant transport infrastructure, there are no objections on transport grounds.

The matters raised in the representations have been considered in the assessment of this application.

There is an infringement of the Edinburgh Affordable Housing Guidance in terms of the proportion of social rent affordable units being provided, however this is acceptable in this case given that: (i) all the on-site affordable housing is proposed to be delivered by the Registered Social Landlord (RSL), who are supportive of the tenure mix; (ii) the two highest priority tenures of affordable housing is proposed; and, (iii) the mix is reflective of the number of units which are accessed from each of the separate stair core.

There is an infringement of the Edinburgh Design Guidance in terms of the proportion of flats which are single-aspect. However given that the proposal is a high density development which is of a similar character to existing neighbouring developments and is an effective use of an urban site, the infringement is minor and is acceptable.

There is an infringement of the Edinburgh Design Guidance in that 6 rooms within the private flatted block marginally fail to achieve the requirement for daylight. Given the urban context of the site, which is suitable for high density development, it is considered that this infringement to the EDG for daylight is minor and does not provide reasoned justification to refuse the application.

The proposal is in accordance with the Edinburgh Development Plan. It complies with sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act in respect of its impacts on Listed Buildings and the Conservation Area. There are no other material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES11, LEN03, LEN06, LEN09, LEN12, LEN16, LEN18, LEN20, LEN21, LEN22, LEMP09, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LRET03, LTRA03, LTRA04, LTRA07, LTRA08, LTRA09, LRS06, SUPP, SGLTC, SGDC, NSG, NSGD02, NSHAFF, CRPLEI, CRPPIL,

Report

Application for Planning Permission 20/05553/FUL at 106 - 162 Leith Walk, Edinburgh, EH6 5DX. Retention of and refurbishment of existing sandstone frontage building and change of use of units within it to Class 1 (shops), Class 2 (Financial, Professional and Other Services) , Class 3 (Food and Drink) and Class 4 (Business), demolition of industrial warehouse buildings and erection of two flatted buildings comprising a total of 148 flats, and provision of associated infrastructure, car parking, open space and landscaping

Recommendations

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

Background

2.1 Site description

The site covers approximately 1.2 hectares and consists of: (i) a 1930s two-storey red sandstone building at Nos.106-154 Leith Walk and fronting Leith Walk. That building contains a number of commercial units, many vacant, on the ground floor with vacant office/storage space above; (ii) a series of large industrial style units covering some 4,087 square metres, located to the rear (north west) of the sandstone frontage building. These buildings were previously in a variety of uses and except for one which is in storage use they are vacant; (iii) to the west of the industrial units is an area of open space containing some existing trees; and, (iv) pockets of grassed verges along the southern edge.

A wayleave over an existing water main, which is believed to be the line of the old Bonington Burn, bisects the site at a point near to its western end. This is identified as a no-build zone.

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

The northern boundary is created by the former railway abutment, arches and embankment, which are not within the site. There are a number of small businesses operating within the arches, and further business and industrial uses to the north. To the south is a modern flatted development in Stead's Place rising to six/seven storeys. To the west is a recently completed housing development and Pilrig Park beyond.

There is an informal link through the site up to the west boundary and beyond to Pilrig Park.

Vehicular access to the site is off Leith Walk at the south eastern corner of the site at a point immediately to the south of the red sandstone building. Immediately adjacent to the south of the vehicular access is the vehicular access to the neighbouring Steads Place residential development.

On the opposite (east) side of Leith Walk there are a number of buildings with various commercial uses on the ground floor and residential use mostly on the upper floors.

Within the area stone is the predominant material on building frontages, with slate roofs. Heights range from single storey to four-and-a-half storeys.

The site is also adjacent to several listed buildings and structures:

- 7 Stead's Place (Category B) LB27792;
- 165 Leith Walk (Category C) LB26807;
- 169-177 (Odd Nos) Leith Walk and 1 Smith's Place (Category B) LB26819;
- 3-5 Smith's Place (Category B) LB26871;
- 7-9 Smith's Place (Category B) LB26885;
- 11 Smith's Place (Category B) LB26897;
- 13-15 Smith's Place (Odd Nos) (Category B) LB26909;
- 17 Smith's Place (Former Chemical works) (Category B) LB26921;
- 19 Smith's Place (Category A) LB26934;
- 12-16 (even Nos) Smith's Place Category B) LB26970;
- 6-10 (even Nos) Smith's Place (Category B) LB26958;
- 4 Smith's Place (Category B) LB26946;
- 185-193 (Odd Nos) Leith Walk (Category B) LB26832.

The red sandstone frontage building is located within the Leith Conservation Area. This application site is located within the Leith Conservation Area.

2.2 Site History

4 February 2019 - planning permission refused for the demolition of existing buildings and erection of a mixed use development including 53 affordable housing flats, student accommodation (471 bedrooms), hotel with 56 rooms (Class 7), restaurant(s) (Class 3) and space for potential community and live music venue (Class 10 & 11), retail (Class 1), public house (sui generis) or commercial uses (Class 2 & 4). Includes associated infrastructure, landscaping and car parking. (application number 18/04332/FUL).

Reasons for refusal were:

- Demolition of red sandstone building would harm the conservation area.
- New build proposal would harm the conservation area and its setting.
- Insufficient cycle parking.
- Harm to amenity of neighbouring residences from loss of daylight.
- Student accommodation not appropriate in this location.

20 December 2019 - an appeal to the DPEA was dismissed. The Reporter concluded that:

- The proposed development is neither innovative nor locally distinctive.
- Height and scale of the proposal would be overbearing and incongruous in this part of Leith town centre and the conservation area and overwhelm the smaller scale and mixed townscape.
- Harm to the conservation area and setting of the nearby listed building. Thereby the proposal does not meet the statutory tests established in sections 64(1) and 59(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.
- Harm to the amenity on neighbouring residential properties in respect of daylighting matters, resulting in conflict with policy Des 5.

4 February 2019 - conservation area consent refused for complete demolition in conservation area. (application number 18/04349/CON). Reason for refusal was:

- The red sandstone building makes a positive contribution to the conservation area. The design of the proposed replacement building (the subject of application 18/04332/FUL) does not outweigh the loss of the sandstone building.

20 December 2019 - an appeal to the DPEA was dismissed. The Reporter concluded that the replacement buildings would not preserve or enhance the character and appearance of the conservation area and thereby there is currently no acceptable redevelopment proposal that might justify demolition.

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

Site Brief:

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

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

Main report

3.1 Description of the Proposal

The proposal is for:

(i) External alterations to the existing two-storey sandstone building on the site frontage comprising:

- installation of replacement windows;
- installation of kitchen extract ducting and terminals;
- removal of graffiti;
- steam cleaning of the sandstone and brick masonry;
- rebuilding of missing gate pier at Leith Walk site entrance.

(ii) The change of use of the ground floor units contained within the red sandstone building to Class 1 (Shops), Class 2 (Financial Professional and Other Services) and Class 3 (Food and Drink) uses and the change of use of the upper floor of the building to Class 4 (Business) use.

(iii) The demolition of the industrial warehouses on the rear of the site and the redevelopment of the rear part of the site (the part behind the red sandstone building) of two flatted blocks comprising 152 flatted residences comprising of 110 private, build to rent (BTR) flats and 38 affordable flats. and the erection/formation/provision of associated landscaping, open space, car parking and infrastructure.

Proposal (iii) includes: (i) erection of a block at the northern end of the site. At its highest, this block is 6-storey in height. This block contains all of the 110 private flats; and, (ii) erection of a block on the southern part of the site, containing all of the 38 affordable flats. The split between the private and affordable is as follows:

Private		Affordable	
	number of units		number of units
1 bed	45	1 bed	19
2 bed	43	2 bed	11
3 bed	22	3 bed	8
Total	110	38	148

The design of both flatted buildings is reflective of traditional tenemental form. The roof form of both buildings is pitched and clad in natural slates. The external wall material is facing brick. Elevational treatment is relatively contemporary and includes wide openings at ground floor level. The framing of windows and external doors are grey in colour. Roads are laid out as mixer courts and are surfaced in a combination of grey block pavements and setts.

Vehicular access is taken off Leith walk from the existing access adjacent to Stead's Place. This leads directly to a lane immediately to the rear (west) of the red sandstone building. Accessed off that lane is an east-west orientated mixer court road between the two flatted blocks and which they both front onto. It is designed as a shared surface primarily functioning as a cycleway/footway, but it also is designed for use by refuse vehicles/emergency vehicles. This shared surface connects to a proposed cycleway/footway in the vicinity of the south western corner of the site which extends up to the western boundary of the site, where it links to an existing pedestrian/cycle path which connects to Pilrig Park nearby to the west.

The only parking proposed is two disabled parking spaces equipped with electric vehicle charging points.

Cycle stores are contained within the two residential buildings. This comprises one communal cycle store within the affordable building and two communal stores within the private building. A total of 326 cycle parking spaces are provided.

Two communal refuse/bin stores are contained within the private building and one communal refuse/bin store is contained within the affordable building.

An existing area of open space on the western part of the site is to be repurposed as a private communal open space for the private flatted block. The private communal open space for the affordable block is to the immediate south of that block between it and the south boundary of the site.

A full landscaping scheme for the site has been submitted.

Previous Scheme:

A proposal for the change of use of the units within the sandstone building to include class 10 (Non-Residential Institutions) class 11 (Assembly and Leisure) and Sui Generis uses, has been removed from the proposal.

The proposal included 9 vehicle parking spaces for the affordable flatted block.

The car parking was arranged differently.

152 private flats were proposed, which is 4 more than currently proposed. The reduction in units is a result of an increase in number of dual aspect ground floor flats in the scheme.

The form, design and finishing materials of the new build flatted blocks has changed.

The design and materials of external surfaces, including roads has changed.

A proposal to remove/replace shop frontages of the existing sandstone building has been deleted.

The original proposal did not include the reinstatement of a missing portion of one of the gate piers at the Leith Walk entrance.

Permitted Development:

Under the provisions of Section 26 of Part III (Control Over Development) of the Town and Country Planning (Scotland) Act 1997, the following works/repairs delineated/detailed on application drawings/documents do not involve development on land and therefore have not been assessed:

- removal of redundant ventilation equipment;
- replacement of missing sandstone block;
- removal of steel bars to rear window openings;
- raking out and repointing of masonry in lime-based pointing;
- infilling of holes in granite surrounds with natural stone to match;
- reinstatement of missing vent grilles of existing vent outlets in existing stairrisers.

Supporting Documents:

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

- Planning Statement;
- Pre-application Consultation Report;
- Design and Access Statement;
- Transport Assessment;
- Drainage Assessment (including flood risk);
- Surface Water Management Plan;
- Daylight and Sunlight Analysis;
- Sustainability Statement (inc. Energy Strategy);
- Geotechnical and Geo-environmental Report;
- Economic Impact Assessment;
- Built Heritage & Townscape Visual Impact Assessment;
- Archaeology Desk Based Assessment;
- Noise Impact Assessment;
- Topographical Survey;
- Light Pollution Statement;
- Affordable Housing Statement;
- Waste Strategy;
- Extended Phase 1 Habitat Survey;
- Bat Survey;
- Light Pollution Assessment.

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

3.2 Determining Issues

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

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 the proposed uses are acceptable on this site;
- (b) the proposals preserve the setting of nearby listed buildings;
- (c) the proposals preserve the character, appearance and setting of Leith Conservation Area and the setting of Pilrig Conservation Area;
- (d) the proposed density, layout, scale, form and design are acceptable;
- (e) the proposals are not detrimental to the amenity of neighbours and provides sufficient amenity for the future occupiers of the development;
- (f) the proposals affect transport and road safety;
- (g) the proposals have impacts on infrastructure including transportation and education;
- (h) the proposals meet sustainability criteria;
- (i) other material planning matters have been addressed;
- (j) the proposals have any equalities or human rights impacts;
- (k) public comments have been addressed.

(a) Uses of site

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

The Edinburgh Local Development Plan (LDP) indicates that Edinburgh needs more housing to provide homes for an increasing population and economic growth.

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

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

Of the 148 flats proposed, 110 will be for private build to rent (BTR) and 38 will be affordable including 23 social rent (60%) and 15 mid-market rent (40%). Hillcrest Homes has been identified as the Registered Social Landlord for all of the affordable units. In accordance with LDP policy Hou 6 (Affordable Housing), 25% affordable housing provision will be secured through a suitable legal agreement.

Subject to compliance with other policies in the LDP, housing is acceptable at this location and the intention to provide a mixture of private and affordable units is supported.

Town Centre Uses:

The Leith Walk section of the application site which includes the existing vacant red sandstone building, is located within the Leith Town Centre. LDP Policy Ret 3 (Town Centres) and the Leith Town Centre Supplementary Guidance (SG) apply.

The ground floor of the red sandstone building contains approximately 1349 sqm of space comprising a variety of vacant units which have authorised uses including shops (class 1), food and drink (class 3), a public house and two hot food takeaways (both sui generis) use. The upper floor comprises some 749 square metres of vacant office space.

Policy Ret 3, criterion a) stipulates that development should not lead to "significant adverse effects on the vitality and viability" of any other town centres.

Policy Ret 3, Criterion d) states the proposal should "reinforce the retail vitality and improve the appearance, including public realm".

In considering the proposed use classes within the red sandstone building, Leith Town Centre SG Policy LTC 3 allows for a wider range of uses including, Class 1 (Shops), Class 2 (Financial, professional or other services), and Class 3 (Food and drink uses) or appropriate commercial or community uses at this location. The proposal includes the restoration of the red sandstone building to a condition facilitating the reuse of the commercial units on its ground floor for Classes 1-3 uses and the use of the first floor for class 4 (Business) uses. All of these proposed uses are acceptable at this location and will reinforce the vitality of the town centre and when the building is in operation it will improve the appearance and public realm of the town centre and thereby the proposal complies with Policy Ret 3.

Aim 3 of the Leith Town Centre Supplementary Guidance is to create a vibrant mix of shopping and other town centre services for residents and visitors, and maximise Leith's large resident population and ensure that the town centre meets their shopping needs and demands, balanced against the benefits of extending economic activity and footfall into the evening.

The proposal accords with this aim and the occupiers of the proposed new build flats on the site to the west of the red sandstone building will provide additional expenditure for town centre businesses.

The proposal will preserve the quality of floorspace for town centre uses through the provision of refurbished units suitable for a range of occupiers, including shops. This stretch of the town centre is not in a defined frontage where shop uses are generally more protected, and it therefore is not necessary to restrict the change of use of the existing shop units within the building to non-shop uses. Once a Class 1, 2 or 3 use has commenced operation within any of the ground floor units and a Class 4 use commences operating within any part of the first-floor level, that use is then established. Any future material change of use of any unit within the building will require a planning application to be made and planning permission granted for it.

The SG highlights the opportunity to capitalise on the wide pavements and clustering of food and drink with outdoor seating permits located between Stead's Place and Iona Street applying an appropriate policy that allows greater flexibility in changes to food and drink uses. The proposed uses; which includes class 3 uses will allow for this.

In conclusion, in terms of the town centre designation, the proposed uses within the red sandstone building are acceptable in principle.

Employment Space:

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

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

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

The site is identified as being within Area A of the development brief. It states that, 'Flexible small business space should be provided to partly replace lost industrial and office units'. The development brief assumes the demolition of all the buildings on the site including the red sandstone building. Given that the red sandstone building is to be retained for future commercial reuse and given the opportunity to meet other Local Plan objectives including delivering housing, a significantly smaller provision of business space than is currently on site may be acceptable.

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

An Economic Impact Assessment has been submitted. This summarises that the estimated cost of development is nearly £27 million over a 2-year period. The main impacts will be those generated by construction, operation and additional housing / people. On a jobs basis it assumes 55-70 full time construction jobs in years 1-2 (per annum) and 26 full-time operating jobs in year 2 increasing to 41 additional jobs in year 4 and each year onwards. The cumulative impact of the proposal would be £2.6-£6.2 million.

Economic Development has commentated on the proposals, noting that if the existing uses were all fully occupied, then there would be the potential for 211 full time equivalent jobs (FTE) and £11.63 million of GVA (gross value added) per annum (2018 prices). A comparison with the proposed development would be an estimated 166 FTE jobs and £8.25 million of GVA. This is hypothetical and does not take into any consideration the state of the buildings or the continuing acceptability of the location for industrial units. Most redevelopments of non-residential space into residential space will see decreased economic impact. However, this has to be balanced against the positive economic impacts from expenditure from the future residents, with the potential to support approximately 20 FTE jobs and approximately £0.68 million of GVA per annum.

The response from Economic Development in relation to class 4 business is that the development as proposed, would retain and refurbish the sandstone building. This could therefore be estimated to support a similar level of economic activity as the existing building if fully occupied: 146 FTE jobs and £7.57 million of GVA per annum (2018 prices).

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

Conclusion:

The most appropriate location for any business/commercial space to be located is within the town centre along the Leith Walk frontage. The refurbishment of the red sandstone building will facilitate the reuse of the units within it for use for a range of appropriate town centre uses. The positive economic impacts from the reuse of the units and expenditure from the future residents of the flats justifies the loss of the industrial units on the rear of the site.

(b) 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 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 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.

The site is located close to a number of listed buildings, which are listed in the Background section of this report, and includes the B listed 7 Stead's Place (reference LB27900, listed 17/01/1992). This is a former small country house dating from around 1750. The building is hemmed in by surrounding development, including an adjoining garage and terraced housing. The immediate setting of the principal elevation consists of a retaining wall, car park and modern flatted development. As such the setting of that building has already been significantly compromised by surrounding development. The proposed development, although higher than the existing buildings on the site will not have a detrimental impact on the setting of that neighbouring listed building.

Owing to their scale, proportion, positioning, form and design the proposals the subject of this application would not detract from the setting of the other nearby listed buildings listed in the Background section of this report.

Therefore, the proposals are acceptable in terms of the impact on the setting of nearby listed buildings.

(c) Character, appearance and setting of Leith Conservation Area and setting of Pilrig 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 or affecting its setting 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 existing red sandstone frontage building lies within Leith Conservation Area and the remainder of the site lied just out with Leith Conservation Area. Leith Conservation Area at this location exhibits a range of building types and architectural styles. In the Leith Walk sub-area the traditional tenement is acknowledged as the most prevalent building type. The character appraisal states:

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

Leith Conservation Area character appraisal does not comment on the value of the existing red sandstone building in townscape or architectural value terms.

It is considered that the red sandstone frontage building makes a valuable contribution to the character and visual amenity of Leith Conservation Area. However, it has been vacant for some time, the shop fronts are boarded up, masonry has been graffitied and vandalised and glazing is missing within some of the windows. It appears that the building requires repairs to make it wind and watertight. External repairs to the building which are like-for-like, do not require planning permission. It would not be reasonable to impose a condition on a grant of planning permission requiring repair works to be carried out. The responsibility for repairing the building rests with the owner.

The proposal includes a number of external alterations/works to the building to facilitate its reuse. In terms of their style, form, appearance and detailing the proposed external alterations to the red sandstone building, including replacement windows, kitchen extract ducting and terminals will not detract from the character and appearance of the building and/or will be a small enhancement to the appearance of the building. Thereby, the proposed external alterations will preserve or enhance the character and appearance of Leith Conservation Area.

The proposed cleaning of masonry and the removal of graffiti will also enhance the appearance of the building and Leith Conservation Area.

In the Design and Access Statement it states that approximately 60% of the shopfronts retain some of the original features and further investigation will be required to ascertain the extent of the existing features. The Design and Access Statement includes a shop front design guide/strategy for new shopfronts to the building. The intention is for this to act as a reference for when non-original shopfronts are replaced. The applicant clarifies that planning permission is not being sought in the current application to replace any of the shop fronts. In the interests of safeguarding the character and appearance of Leith Conservation Area, a condition should be imposed on a grant of planning permission requiring the retention of the original shop front components. Planning permission is required for the installation of any replacement shop fronts and any future planning applications for this would stand to be determined on their own merits. It would not be reasonable in planning terms for the planning authority to impose a condition on a grant of planning permission requiring the replacement of existing non original shop fronts in the building with ones that replicate the original.

The proposed new build development to the rear of the sandstone building would sit comfortably within the context of Leith Conservation Area. The height, scale and massing are appropriate and would not detract from the character of Leith Conservation Area.

Overall, the proposals would preserve the character, appearance and setting of Leith Conservation Area.

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

The proposed development would not harm any view of, to, or within Pilrig Conservation Area and thereby would not harm its setting.

(d) Density, layout, 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 Des 2 (Co-ordinated Development) presumes against development that would prejudice the effective development of adjacent land.

Proposed internal roads, footpaths/cycleways connect to existing roads, footpaths/cycleways on adjacent sites and therefore the proposed development is a comprehensive development and it will not compromise the effective redevelopment of the adjacent land and thus it complies with Policy DES 2.

The approved Development Brief identifies a pedestrian/cycle route along the top of the adjacent former railway embankment, which is out with the application site. The proposed layout shows a narrow strip of land on the western part of the site retained as open space, in order for steps to be erected on it to access the embankment at a future date if the proposed Leith Bridge project is ever implemented.

At a point near to the western end of the south boundary of the site, there are external steps up to the site from Springfield Street. A branch of the proposed primary east-west active travel route extends up to these steps, thus providing a connection to/from Springfield Street. If a resident of the development wanted to visit a resident of Springfield without using the steps there is alternative access via both Leith Walk and Pilrig Park, which accesses are nearby and are acceptable alternatives.

LDP Policy Des 3 (Development design - Incorporating and Enhancing Existing and Potential Features) supports development where existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

Existing features such as the gate piers at the Leith Walk entrance are to be repaired and re-used within the scheme.

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 requires that in established residential areas, care should be taken to avoid inappropriate densities which would damage local character, environmental qualities or residential amenity.

Taking the new build element alone, the two flatted blocks and associated external spaces have a combined area of approximately 1.065 hectares and therefore a density of 138 dwellings per hectare. This is comparable to other modern flatted development in this part of Leith and is acceptable.

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

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

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

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

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

The form of the two flatted blocks takes reference from the long continuous linear facades of tenement buildings within neighbouring streets. Projecting gables on the less formal rear elevation of the private block breaks up that elevation and helps create a varied roof line when viewed from wider views. The projecting gables reflect the rear of traditional tenement stairwells which project beyond the main building line.

The proposed scale and massing of new buildings are well-suited to the character of this part of Leith and the proposals respond well to the wider setting. The variety of building heights in the locality largely defines the visual character. The heights, scale and massing, position, form and style of the proposed two flatted blocks responds positively to neighbouring buildings including the red sandstone frontage building.

Vehicle access has been retained from Leith Walk, as promoted in the development brief. The proposed new buildings are positioned and orientated to define a series of new routes through the site. The development brief seeks to improve the pedestrian and cycle access through the site. The proposal is to formalise the link and provide lighting. The primary east-west active travel route through the site is between the proposed two flatted blocks. The proposed primary east-west active travel route is an attractive, safe and convenient route and on all these counts it is acceptable in planning terms.

The layout has been governed by the constraints of the site and some of the principles set out in the development brief. The development brief identifies two possible options for creating a safe connection between Leith Walk and Pilrig Park. The first option is to create a break in the Leith Walk frontage to allow a direct route through the site to Pilrig Park. This option was predicated on the red sandstone building being demolished and a link being included in the redevelopment of the frontage.

Given that the red sandstone building is being retained, no break in the frontage is proposed in the current application. The second option identified in the development brief is to use the embankment and arches for the route of the pedestrian path. A ramp or stairs would provide access to the embankment at the Leith Walk abutment or from somewhere further into the site. The applicant does not have title to the embankment or arches and therefore this could not be included as part of this current application. Neither of the two mooted options referred to in the development brief is essential to facilitate the proposed development, because as explained above the currently proposed primary east-west active travel route accessed off the existing access off Leith Walk is acceptable in planning terms and transportation terms. Notwithstanding, there is potential in the future for a pedestrian/cycle path to be formed through the red sandstone building, as is illustrated in the Design and Access Statement accompanying this application. To facilitate this, a ground floor unit or part of a unit would have to be removed. A future application for planning permission for this would stand to be determined on its own merits.

A servitude right of access runs along the southern boundary of the site, immediately adjacent to the rear private gardens and communal private garden of the affordable flatted block. This route is identified in application documents as a secondary east-west pedestrian route. Given that it is abutting the private communal space of the affordable block it is undesirable in amenity terms for it to be a key route or to be defined as a route. The primary active travel route should be between the two flatted buildings as is proposed. The secondary route has purposefully been designed to be visually perceived as a private access for the affordable block, including it being grassed with no surfaced pathway over it and an unlocked gate is to be erected at two points along its length in order to deter pedestrians from using this route. Accordingly, it will essentially form part of the private communal space of the affordable flatted block and thus justifiably can be counted towards the provision of private communal space within the scheme.

The only proposed car parking provision is two accessible spaces adjacent to the principal street. These will be served with electric car charging points.

The applicant has also had discussions with the Police Architectural Liaison Officer regarding Secure by Design to ensure compliance with secured by design principles.

In summary, the proposal retains and enhances the existing building fronting onto Leith Walk, retains the vehicle access point as per the development brief and includes an improved, more formal east-west orientated active travel link through the site connecting Leith Walk and Pilrig Park. The placement of the buildings frames the primary active travel route and create a new street frontage to the route which will enliven and animate the journey. The new flatted buildings have clearly defined fronts and backs and have been designed around the constraints of the site. The layout is acceptable and compliant with Policy Des 4.

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 lane is defined by the rear of the existing red sandstone building and the east of the affordable flatted block. To reinforce its lane character, it is landscaped entirely in block pavements and soft landscaping and parking is omitted from it. No windows of ground floor flats or doors of flats face onto the lane. The lane is wide enough to permit future commercial uses operating within units within red sandstone building to spill out to the rear of the building onto the area immediately to the rear, whilst allowing room for vehicles to access the two accessible parking spaces/refuse vehicle access. Whilst no openings are proposed in the rear elevation of the red sandstone building, the applicant illustrates in the Design and Access Statement the opportunity for future operators within the red sandstone building; which could include class 3 uses, to form rear openings in order to capitalise on the wide lane e.g. by provide outdoor seating for consumption of food and drink (subject to grant of an outdoor seating permit).

The character and landscape treatment of the east-west orientated street between the two flatted blocks is residential in character and contrasts with that of the lane. Active frontage and surveillance over that street is achieved by main door flats and windows facing onto it. Hard surfaces are broken up with pockets of soft landscaping and the overall landscaping of the public realm results in an attractive street scene.

The positions of the flatted buildings in relation to the lane and the principal east-west street helps to create an interesting sequence of streets and spaces in the development. The proposed layout encourages the use of cycling and walking.

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

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

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

The elevations and visuals show the proposed development in the context of Leith Walk and that the proposal ties in with the height of the adjacent tenements on the same side of Leith Walk.

At its highest, the private flatted block is five storeys in height, but its eastern part, which is closest to the two-storey red sandstone frontage building, drops down to three storeys. Neighbouring developments extend to 6 and 7 storeys, however due to site levels, the proposal is slightly higher.

LDP Policy Des 11 (Tall Buildings - Skyline and Key views) generally relates to tall buildings that will impact on key views. The proposed development is not of a height and scale out of keeping with the context of the surrounding area. The development does not impact any safeguarded key view cones.

The Design and Access Statement contains verified views, including from Leith Walk and Calton Hill and the proposal, will not be detrimental to the context of the area when viewed from these vantage points.

The height of the proposal, which is five storeys at its highest, is not out of context with the wider area. Owing to them being set back from the Leith Walk building both the proposed four-storey and five storey flatted blocks would not have an uncomfortable height relationship with the existing two-storey red sandstone frontage building. Overall, the heights of the proposed building are acceptable.

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

The design is relatively traditional tenemental form, with ordered fenestration. The use of double gables in places help define the architecture of the proposal. The relatively traditional form is complimented with modern architectural detailing including wide recessed openings at ground floor level. The slated pitched roofs of the proposed buildings references pitched slated roofed buildings in the Conservation area, albeit the pitches of the proposed new buildings are shallower, which serves to differentiate them from the traditional tenements.

The elevations have been designed with consideration to the location and references features of tenements within Leith. The primary material is brick and is not dissimilar to many modern developments found within the north of the city. The proposed use of brick on external walls will tie in with the brickwork rear elevation of the retained frontage building and is an appropriate material in the context of this site. Variety and interest are achieved with the incorporation of façade detailing including string courses and projecting and rusticated base courses.

The primary finishing materials of the proposed newbuilding flatted blocks is sympathetic to the character and appearance of the conservation area and are acceptable, subject to a condition for samples to be provided.

107 of the flats are single aspect which equates to 71% of the total number. The Edinburgh Design Guidance (EDG) recommends that no more than 50% of the total units should be single aspect. A proportion of the single aspect flats are north facing, and these are mostly within the upper floors of the private block. There are no single aspect north facing flats at ground floor level within the private block. To improve the aspect of the north facing single-aspect flats within upper floors of the private block, projecting gables incorporating side windows have been incorporated. It is considered that whilst this design solution itself does not reduce the overall proportion of proposed single aspect flats in the scheme, it nevertheless does improve the aspect of the flats where the gable projection is included and is an acceptable compromise for a site given the proposal is a high density development which is of a similar character to existing neighbouring developments and is an effective use of an urban site. In the circumstances of this case, this infringement is not significant enough to merit refusal of planning permission.

In summary, the proposed design and layout are acceptable.

Housing Mix:

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

A range of one, two and three bedroom units are proposed. Thirty-one units (20%) contain three or more bedrooms, which meets the requirements of the Edinburgh Design Guidance. Through an amendment made to the original scheme 16 ground floor flats within the flatted blocks (12 in the private block and 4 in the affordable block) have been reconfigured to be self-contained dual aspect units with front door access and private gardens. This change has broadened the mix of typology of units on the site and provides active frontages onto the primary street.

The Edinburgh Design Guidance includes recommended internal floor areas for flat sizes. The proposal complies with these recommended minimum sizes. The flat types and mix of sizes of units within the affordable housing block is proportionate to that of the private housing being provided on the site.

The Council's Affordable Housing Supplementary Guidance states that the Council aims to secure 70% of new onsite housing for social rent. The proposal is a tenure mix of 60% social rent and 40% mid-market rent on this site. The affordable housing will be owned and operated by Hillcrest Homes, a Registered Social Landlord (RSL), who has been involved throughout the design process and have provided a letter in support of the proposal. The tenure mix is reflective of the number of units which are accessed from each of the separate stair cores in the affordable block and is supported by the RSL. All the on-site affordable housing is proposed to be delivered by the RSL and the two highest priority tenures of affordable housing are proposed. The affordable housing statement contains the following statement made by Hillcrest Homes: 'The Social Rented homes will deliver a good mix of 1, 2 and 3 bed apartments. We are particularly pleased to be delivering family sized homes in this location. The Mid-Market homes will be accessible to those on low incomes but are unlikely to be allocated a Social Rented home, due to their financial position and the number of people on waiting lists for this tenure. Given the continuing strength of the for-sale market and the very high rent levels in the capital, we believe there will be strong demand for properties of this tenure in this vibrant area of the city'. Whilst the social rent aspect is lower than the 70% provision detailed in the affordable housing Guidance, given that this mix is reflective of the number of units per stair core and is supported by the RSL, all the affordable housing is to be delivered by the RSL and the two highest priority tenures of affordable housing is proposed, it is considered that the infringement of the Guidance in terms of the proportion of social rent units, is a relatively minor infringement. The Council's Housing Management and Development Section do not raise a concern with this or any other aspect of the proposed affordable housing.

The on-site provision of the affordable units; including timescale for delivery, will be required to be secured through a Section 75 legal agreement.

(e) Amenity and Open Space

Noise and Odour:

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

Noise from existing sources:

The noise impact assessment has highlighted that traffic noise will not have a significant impact on noise levels for any of the rooms in the proposed block closest to the Leith Walk. This is due to the distance the residential block is setback from Leith Walk.

The Noise Impact Assessment highlights a potential source of noise from building services from existing businesses operating within the arches under the neighbouring embankment. Noise from an extract fan at the rear of one of the commercial premises located under the railway arches - K&E Coachworks - was dominant at the northern boundary of the site. Environmental Protection has indicated that mitigation will be required to safeguard the amenity of the future residents of the development. The NIA recommends that attenuators be fitted on the supply and extract ducts to mitigate this to an acceptable level. A letter from the owner of the coachworks has been provided, indicating that any mitigation measures required could be resolved at the source. Accordingly, with a suitable condition, the noise can be mitigated.

Noise from building services associated with the new residential buildings is expected to be minimal, with the worst case being the option for a ground floor boiler plantroom. To protect the new residents, this would involve a naturally ventilated boiler room with a louvred door / wall section, and a noise limit has been set for this.

Consideration has been given to the noise, including amplified music, from the Leith Depo pub at Nos.138-140 Leith Walk, contained within part of the ground floor of the red sandstone building, but currently not operating. Noise egress to the new flats would not be a concern as there would be no sound transmission to the rear or via the roof. Mitigation measures have been proposed in the NIA to ensure that residential amenity is protected from noise from the public house: (i) To protect against noise emission from the front door, a door lobby of two doors separated by at least 2 metres would need to be formed; (ii) Secondary glazing installed to the glazed frontage, comprising new 10 mm minimum thickness glass in a solid frame, with a minimum 150 mm cavity between the new inner and existing outer glazing.

Environmental Protection advise that acoustic lobbies are required in the form of a door lobby of two doors separated by at least 2 metres for all external doors serving the red sandstone building. In addition, they advise that 10mm minimum thickness glass in a solid frame, with a minimum 150 mm cavity between the new inner and existing outer glazing be installed within the ground floor Leith Walk frontage within the red sandstone building. However, given the location of the proposed flats behind the red sandstone building it would not be necessary in planning terms or reasonable for the planning authority to insist on this mitigation for any of the commercial units within the sandstone building.

Noise from proposed new sources:

The ground floor units within the red sandstone building may be used for Class 3 (food and drink) uses. To protect future residents, noise limits for kitchen extract fans and building services plant on the rear of the red sandstone building are proposed. Environmental Protection has recommended a condition to ensure the mitigation measures are carried out. In addition, they recommend an informative is attached to any consent to ensure that plant noise is further considered when selecting equipment.

Some servicing may be required within the site to remove waste associated with the proposed uses within the red sandstone building. For example, the existing public house at Nos.138-140 Leith Walk, would likely, if reopened, generate large volumes of glass waste and when this is uplifted there could potentially be associated noise. Environmental Protection advise that they could recommend a condition to restrict the hours of deliveries and collections, but would need more information with regards the proposed location of the non-residential uses. However, the area surrounding the application site already has a reasonably noisy evening and night-time ambient noise climate which is commensurate with a city centre location. If noise nuisance were to arise as a result of operations of the public house or any of the other commercial uses within the sandstone building, this is best dealt with through environmental health legislation and licensing. Thereby, there is no requirement to control this by a planning condition, including restricting hours of deliveries/servicing.

Normal operations associated with Use Class 4 premises would be able to operate within a residential area without detriment to amenity when appropriately conditioned. However, Use Class 4 premises (below a floor area of 235m²) are permitted to change to Use Class 6 (storage and distribution) without planning applications being made. If the upper floor premises within the red sandstone building were to change to storage and distribution use, then there is the possibility that noise and vibration could impact upon residential amenity. Therefore, in order to ensure that the amenity of the surrounding residential properties is protected from noise and vibration, a condition should be imposed on a grant of planning permission restricting the use of the upper floor within the sandstone building to Use Class 4 only with no permitted change to Use Class 6.

Odour

The ground floor units of the red sandstone building 102-154 Leith Walk may be used for Class 3 uses, requiring kitchen extract fans which will rise internally through the first floor where they will penetrate the roof. Plans have been provided to show the potential use of the units within the red sandstone building for class 3 use and the location of extract, air intakes and mechanical plant service locations. A high-level termination point is necessary. The applicant has provided details of this, which has taken into consideration neighbouring buildings within 30m of the extract point. Environmental Protection recommend a condition is attached to ensure these cooking extraction measures are fully implemented. In addition, Environmental Protection recommend an informative is attached to any consent to ensure that plant noise is given further considered when selecting equipment.

Other matters:

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

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

Environmental Protection welcome the proposed use of photovoltaic panels. However, they recommended that the applicant investigate introducing more onsite renewable heat and energy production. This could be in the form of solar panels, ground/air sourced heat pumps linked to energy storage. The applicant is proposing an energy centre within the BTR block and have submitted the required supporting chimney height calculation as per the Clean Air Act

Other than explained above, the matters raised by Environmental Protection in relation to noise and odour are acceptable subject to the use of conditions.

Daylighting and Overshadowing:

A Daylight and Sunlight Assessment has been submitted.

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

Windows of residences on Jane Street to the north have been assessed applying the 25° line methodology (i.e. where new development does not rise above a 25° line drawn in section from the horizontal, at the mid-point of the existing window to be tested). The assessment confirms that these windows are not affected by the proposed development and thereby no further analysis is required for these windows. For the neighbouring existing flatted development to the south at Stead's Place, VSC modelling has again been carried out to show any potential impacts on daylighting. Gable windows and stair core windows have been excluded from the assessment as per the Guidance.

The assessment shows that daylight to all existing neighbouring residential buildings complies via the Vertical Sky Component (VSC) method or the Average Daylight Factor (ADF) method. Out of the 195 windows assessed, 83 of the windows will have reduced daylight levels. Whilst there are some impacts, these impacts are acceptable given the urban nature of the site.

Analysis has also been undertaken for the proposed development. It shows that all rooms within the proposed development comply with the No Sky Line (NSL) criteria except for 3 open plan living rooms and 3 bedrooms on the ground floor as follows (i) private flatted block: 3 living rooms marginally fail with NSL 53% - 64%. These rooms fail due to a combination of room depth and juxtaposition to the adjacent proposed affordable block; and, (ii) affordable block: 3 bedrooms marginally fail with NSL 56% - 68%. These rooms fail due to a combination of these rooms being recessed within the façade and being deeper plan compared to other bedrooms within the rear elevation of the affordable block. The results from the NSL confirms that 98% of the rooms achieve compliance with Policy Des 5a criteria with only 6 out of 408 rooms marginally failing to achieve the NSL requirement. Given the site constraints and urban landscape suitable for high density development, it is considered that this infringement to the Edinburgh Design Guidance for Daylight is minor and does not provide reasoned justification to refuse the application.

With regards to sunlight to existing neighbouring gardens and open spaces, this can be tested by checking whether new development rises above a 45° line drawn in section from the site boundary. The proposed development does not impact on direct sunlight to existing garden and amenity spaces with number of sunlight hours unaffected between pre and post development scenarios. This has been quantified through simulated solar exposure calculations in lieu of the 45° method due to the complexity of the surrounding buildings and site topography. Applying simulation software under these circumstances is approved under the BRE Guidance.

With regards to sunlight to new gardens and open spaces, half the area of gardens or open spaces should be capable of receiving potential sunlight for more than two hours during the spring equinox. The sunlight assessment concludes that sunlight to new garden/ amenity spaces within the proposed development comply with the Design Guidance with more than 50% of the areas receiving at least 2 hours of sunlight during the spring equinox. Of the 21 flats benefiting from private gardens, 18 achieve the required hours of sunlight as set out within the design guidance as a number are dual aspect and have access to north and south facing gardens. The 3 remaining flats have easy access to communal private garden space which meet the required sunlight criteria. Overall, the garden spaces meet the Edinburgh Design Guidance sunlight criteria in that more than half of the area of gardens or amenity spaces will be capable of receiving sunlight for more than 2 hours on the spring equinox.

To conclude, there are some impacts, however these impacts are acceptable given the urban nature of the site. The infringement to the Edinburgh Design Guidance for Daylight is minor and does not provide reasoned justification to refuse the application.

Privacy:

At its closest the affordable block will be 20 metres away from the existing flats on Stead's Place to the south. At its closest the private block will be 23 metres away from the existing flats on Stead's Place. To the north on Jane Street the existing flats are approximately 24.5 metres away. These are acceptable separation distances to the neighbouring properties.

Internally within the development, there are generally good separation distances with there being an 18 metres window to window distance between the two flatted buildings.

However, there are two pinch points between the two flatted blocks, where the distance reduces to around 15 metres and 10 metres. Where the distance reduces to around 15 metres, the building elevations are offset to avoid windows directly looking into each other. Where the distance reduces to 10 metres the flats within the buildings have been configured to avoid windows looking directly at each other. In these circumstances, the separation distances are acceptable for the proposed layout in this urban environment.

Outlook:

In terms of their height, scale, massing and positioning the proposed flatted buildings would not have an unduly dominant impact on existing neighbouring properties or a significant impact on their immediate outlook.

Open space and landscaping:

Landscaping has been considered as part of the proposal. A south facing private communal open space is proposed for the affordable block and a west facing private communal open space is proposed for the private block.

An area of approximately 0.2 hectare at the western end of the site is shown as open space on the LDP proposals map. This area is mainly occupied by trees. It slopes from south to north up to the former railway embankment. The western corner of the proposed private flatted block lies within this area of open space and the application also proposes the repurposing of the remainder of this area as private communal space for the private flatted block, except for a small part of it, which is to remain undeveloped and separate from the private shared garden, so that at a point in the future a stepped link can be formed on it up to the embankment. Presently this area of open space has limited amenity and leisure value. The North East Locality Open Space Action Plan does not indicate a deficiency of open space or homes out with the recommended walking distances to open space in this area. The site is close to Pilrig Park, with the farthest part of the site on Leith Walk being less than 300 metres away. Given these circumstances, the repurposing of the small area of public open space for use as a private communal space for the private flatted block, does conflict with LDP policy Env 18.

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

Counting all elements of open space within the site including pockets of landscaping and landscape verges, at least 20% of the site contains open space.

Pockets of public green space is distributed across the site, including between the two flatted blocks, adjacent to the site entrance off Leith Walk, and on the western extremity of the site. The majority of the ground floor flats have direct access to small private outdoor gardens. The private gardens help define the character of the street between the two buildings and distinguishes it from the lane.

Each block has its own private communal open space. Excluding the 21 ground floor flats with private gardens, the communal private open space associated with the two residential flatted blocks equates to some 1,560 square metres, which is 290 square metres more than the minimum required of 10 sqm per flat. Owing to their location in the development, the private communal open space benefits from being south and west facing and thus being afforded good levels of sunlight and more than the minimum advised in the Edinburgh Design Guidance.

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

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

The tree survey identifies twenty-eight individual trees within the site. These are located mostly within the open space on the western part of the site. A further group of trees occupies the embankment and four trees stand on the narrow verge alongside the southern site boundary.

The trees to be retained include four early mature trees within the open space on the western part of the site that is to be repurposed as private communal open space. Paths are proposed within the root protection areas of the four trees. Raised path construction method is to be utilised to safeguard the trees. A condition can be imposed to safeguard these four trees.

A total of twenty-eight trees on the site have been identified for removal, either due to their condition and limited life expectancy or inferior quality or due to conflicts with construction, or as part of the proactive management/restructuring of the tree provision on the site. Most of the trees fall within category C (low quality and value) and the remaining trees fall within category B (medium retention value and possess some landscape value).

None of the trees are covered by a Tree Protection Order or are within a conservation area. The location of the trees would not allow for comprehensive redevelopment and detailed planting has been proposed throughout the development including fifty-three new trees. The proposed landscaping including tree planting adequately compensates for the loss of fourteen trees on the site, and therefore the proposal complies with LDP Policy Env 12 (Trees).

Overall, the proposal is acceptable in terms of the level of amenity afforded to future residents is acceptable. The repurposing of a small area of open space to the west of the private block for private communal open space for that flatted block, is acceptable and does not conflict with policy Env 18 (Open Space Protection).

(f) Transport Matters:

Access and Traffic Generation:

A Transport Assessment (TA) has been submitted in support of the application. This has been assessed by transport officers and is considered an acceptable reflection of the estimated traffic generated by the development.

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

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

Owing to the tram line extension along Leith Walk to Newhaven, the access point will need altering to a left in / left out junction. As part of the Trams line extension, Leith Walk has been looked at in full including regards to on-street loading, parking, bus stops and integrating these with the tram line and active travel proposals. There is presently a bus layby and a loading bay on Leith Walk immediately adjacent to the existing building. The loading bay will be removed. A loading bay is to be provided further to the north and south on the same side of Leith Walk and a loading bay is also to be provided on the opposite (east) side of Leith Walk. The bus layby will be repositioned further north on Leith walk in the location of the existing loading bay.

Parking

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

The 2017 parking standards contain no minimum amounts for car parking. The standards allow for a maximum of 148 spaces for the proposed residential flats. A total of 2 parking spaces equipped for electric vehicle charging, set aside for disabled users.

Applications should include reasoned justification for the parking provision proposed. In the Transportation Statement (TA) it is stated that the parking provision is justified by the site's location and car ownership statistics in the area which reflect the site's highly accessible location. The TA concludes that site is located within an established mixed-use neighbourhood, with excellent access to walking, cycling and public transport networks. The site location meets with sustainable transport requirements at both local and national policies relative to major travel generating developments. The proposed development is very well situated to support travel by sustainable transport modes through the provision of direct links to the existing external transport infrastructure. The proposed development can integrate well with the existing transport networks in the Leith area and there will be no detrimental traffic or transport impacts.

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

Except for two (EV) equipped accessible spaces, the proposed residential development will essentially have no parking. The parking standards require 8% of the parking spaces to be accessible, two are provided which meets the standards.

Limiting vehicle activity within the site will help create a safe environment for pedestrians and cyclists. Restricting car ownership and use will contribute toward air quality improvements within Edinburgh. The proposed zero parking (other than 2 disabled parking spaces) is considered acceptable in the light of the current works to complete the tram line to Newhaven and the progression of a controlled parking zone for the area, anticipated late 2021. The provision of two car club vehicles is considered necessary to further support the proposed very low parking.

The TA refers to parking surveys that were carried out on the surrounding streets in June 2018. They showed that most surrounding streets have more parking availability during weekday evenings than they do during the working day. Given the proximity of the area to the city centre, and the site's high public transport accessibility, it may be the case that car parking is occurring in surrounding streets by commuters. The introduction of controlled parking within the surrounding streets would be expected to address that matter, leaving more parking available for residents.

The surveys have not been redone because at the time of writing there are restrictions on movement in place in accordance with Government direction due to the Covid-19 Pandemic. Consequently, a new parking survey now would not be reflective of 'normal' circumstances. If parking controls are introduced on surrounding streets in 2021 it will also significantly change parking profiles.

Due to the low level of car parking proposed, Environmental Protection does not advise that an Air Quality Impact Assessment is required in support of the application. Environmental Protection are supportive of the low level of car parking proposed.

The TA indicates that the development will be supported by a Travel Plan and contains a travel plan framework which provides a series of sustainable travel initiatives and measures that can be used to develop a Travel Plan. An informative should be added to encourage the applicant to undertake the measures set out in the TA.

In summary, the site is within an accessible location with very good access to public transport. Based on the justification provided, the proposed very low level of car parking is considered acceptable at this location.

Cycle Parking

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

The residential element meets the requirement by providing 326 spaces for the 148 units. These are located within the ground floor of the two flatted blocks and are easily accessible. The cycle parking complies with Policy Tra 3 and accords with the Council's Edinburgh Street Design Guidance for cycle parking.

(g) Infrastructure

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

Education:

LDP Policy Del 1 (Developer Contributions) requires contributions to the provision of education infrastructure to mitigate the impact of development. The Action Programme and Developer Contributions and Infrastructure Delivery Supplementary Guidance sets out contributions required towards the provision of infrastructure.

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

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

£82,320 infrastructure contribution (Quarter 4 2017 valuation subject to indexation).

A S75 legal agreement is recommended as the suitable method of securing this contribution and ensuring the scheme complies with policy Del 1.

Transport:

The Roads Authority was consulted and raised no objections, subject to the following developer contributions for the following infrastructure works. The contribution is based on the proposed 148 units: -

Edinburgh Tram (Zone 1) (for 148 residential units)	£241,118
2 car club spaces (£1,500 per order plus £5,500 per car)	£12,500

It is recommended that this will be secured through a Section 75 legal agreement.

Given the proposed zero car parking provision (other than 2 disabled parking spaces) and controlled parking zone, contributions towards junction improvements and other transport infrastructure are not considered appropriate, other than towards the tram.

Healthcare:

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

(h) Sustainability:

The applicant has submitted the sustainability form in support of the application. Part A of the standards is met through the provision of: (i) Individual gas central heating system with photovoltaics (Affordable block); (ii) communal central heating system with centralised gas boilers and photovoltaics (PRS block); and, (iii) local mechanical extract ventilation heat pumps and wet central heating (Affordable and PRS block). The proposal is a major development and has been assessed against Part B of the standards. The points achieved against the essential criteria are set out in the table below:

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

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

The applicant submitted a Sustainability Statement in support of the application. This examined the suitable low and zero carbon technologies which would be most appropriate for the development. In this case the abovementioned (i)-(iii) measures are proposed.

The applicant certifies that the results from SAP (Standard Assessment Procedure to assess and compare the energy and environmental performance of buildings to ensure they meet building Regulations) calculations demonstrate that compliance with Policy Des 6 is achieved for all the above strategies.

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

The buildings meet the carbon dioxide reduction targets set out in Section 6 - Energy and Section 7 ' Sustainability of the current Scottish Building Regulations through a combination of energy efficiency and the abovementioned low or zero carbon technology. Thereby, the proposal is in accordance with LDP Policy Des 6.

District Heating:

The application considers the requirements of the adopted Heat Opportunities Mapping Supplementary Guidance.

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

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

The Heat Map illustrates that the development is in a medium heat density area, and that there is no existing district heating network for the development to connect into.

(i) Other Material Considerations

Ecology:

A bat roost survey has been submitted as part of the application. A solitary roosting bat was found to be using the western end of the industrial units. Roosting bats are therefore an ecological constraint for the proposed redevelopment of the site and a developmental licence will be required to allow lawful destruction of the bat roost. The presence of an active bat roost within the industrial building ensures that it will be necessary for the applicant to obtain a section 44 Licence from NatureScot (SNH). This is required in advance of any works taking place and after planning permission has been granted. Prior to planning permission being granted planning authorities must be satisfied that the three tests of a licence will be met. With the information provided by the applicant and applied to the three tests, it is considered that all three tests will be met and a licence will be granted.

Therefore, there is no reason in relation to a European protected species, in this case bats, that this application should not be granted consent. No works connected with the demolition of the property or other development works, as identified in the application, which may have an impact on a European protected species, should take place until a licence has been issued by NatureScot and copy provided to the Planning Authority. Subject to this, which can be included as an informative on a grant of planning permission, the proposal will not have an adverse impact on the protected species in accordance with LDP Policy Env 16 Species Protection.

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

Archaeology:

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

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

Accordingly, the Archaeology Officer has recommended that an archaeology condition is imposed on a grant of planning permission requiring the prior agreement and implementation of a programme of archaeological works (excavation, analysis & recording, publication, public engagement).

Drainage and Flooding:

Proposed sustainable urban drainage (SUDs) includes a combination of surface water drains, filter trenches and porous paving connecting to an underground cellular water storage tank positioned on the western part of the site. The outflow will be to the existing Scottish Water combined sewer which crosses the site. All surface water drains, filter trenches, porous paving and the cellular storage tank will remain private and will be maintained by the site owner. The proposed SUDs scheme is considered an acceptable drainage solution for a high density development on a brownfield site located in an urban environment.

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

Scottish Water has not objected to the application.

Ground Contamination:

A Geo-environmental Desk Study has been provided. Site investigation reporting is currently at a preliminary/interim phase. Environmental Protection accepts that site investigation be progressed in a phased manner (i.e. pre and post demolition phases). Due to the previously developed nature of the site, a condition would be required to ensure the appropriate investigation and mitigation is undertaken.

Waste:

The layout of the development delineates a direct and unobstructed access for refuse storage and collection vehicles to/from the bin stores contained within each of the flatted buildings. Waste Services does not raise a concern with the proposal.

(j) Equalities and Human Rights:

The application has been assessed for any potential impacts on equalities and human rights.

Noise issues will be mitigated against with the proposed mitigation measures.

The only proposed parking spaces is 2 disabled spaces in recognition that there may a need for disabled people to have access to a car.

The proposal would lead to the re-purposing of a relatively small area of open space on the western part of the site, mainly as private communal space for the proposed private flats. As is assessed in section (e) that area of land has little amenity value and its loss will not be detrimental to the local community and does conflict with LDP policy Env 18 (Open Space Protection).

(k) Public Comments

Material Representations - Objection:

- Density is too high - addressed in section (d).
- Building heights are too high - addressed in section (d).
- Architecture of new buildings is poor/not appropriate - addressed in sections (c) and (d).
- Insufficient amount of open space/green space - addressed in section (e).
- No biodiversity gains - addressed in section (g).
- Will put a strain on local amenities - addressed in sections (a) and g).
- Traffic congestion - addressed in section (g).
- Pollution from traffic generated by development - addressed in section (g) and found that the provision of only two parking spaces and them being equipped for electric vehicles will contribute toward air quality improvements.
- Insufficient parking will exacerbate existing parking congestion in the locality. - addressed in section (g).
- existing vehicular access is not safe and conflicts with cycle movements/tram. - addressed in section (f).
- Loss of daylight to windows in Stead Place - addressed in section (e).
- Overlooking and loss of privacy to neighbouring flatted properties. - addressed in section (e).
- Loss of trees - addressed in section (e).
- Existing problems of noise nuisance to neighbouring residences from live music gigs in Leith Depot and the need for sound insulation at source. - addressed in section (e).

- Insufficient mix of houses sizes and types proposed. - addressed in section (d)
- stepped access to Springfield Street should be replaced with a DDA compliant ramped access. - addressed in section (d).

Material Representations - Support:

- Retention of red sandstone building is supported and will enhance the appearance of the area - addressed in section (c) and the contribution of building to the Conservation Area is acknowledged.
- Retention of trees is welcomed - addressed in section (e).
- New homes and new businesses will bring more people into the area to support existing local businesses. - addressed in section (a) and found that the proposed new residence will help support existing local businesses.

Material Representations - Neutral:

- Site is ideally located for a development not predicted on the private car - addressed in section (g) and acknowledged that the application site is in an accessible location.
- Only disabled parking and essential service vehicle parking is required. - addressed in section (g) and acknowledged that a low parking development is acceptable given the site's accessible location.
- Swift bricks should be incorporated into the buildings design. - addressed in section (k).

Non-Material Representations:

- Structural damage to 7 Steads Place. - Not relevant to planning, any structural damage because of construction works could be addressed through legislation other than planning legislation.
- Concern that the rents of the refurbishes building will be prohibitively expensive. - Not relevant to planning.
- Existing health concerns about inadequate waste disposal service in the area. - Not relevant to planning process.

Community Council

Leith Central Community Council did not request to be a statutory consultee but made the following comments on the first scheme (scheme 1):

- the retention of the red sandstone building and the 25% affordable housing, both of which are core demands of the "Save Leith Walk" campaign, is welcomed. - Acknowledged in section (d).
- Regrettably all but one of the small businesses operating from the red sandstone building is gone. There is a need for CEC to prepare robust master plans that guide development of such sites and the (relatively modest) resources required to achieve this. - There is no statutory requirement for the Council to prepare a masterplan for the site.

- The absence of student housing in the present scheme is welcomed. Providing affordable residential housing is the priority as demand outstrips supply. ' No student housing is proposed in the current application. The affordable housing component of the application is addressed in section (d).
- It is not clear whether the affordable housing element will be managed alongside the BTR units (as opposed to be managed by a recognised social housing provider). Transparency and public accountability should be guaranteed through appropriate planning conditions or legal agreements. - addressed in section (d).
- The affordable units should be delivered before or simultaneous to the private units. - As stated in section (d) the timescale of delivery of the affordable units will be included in the S75 Legal planning Agreement.

Leith Central Community Council made the following comments on the second scheme:

- The proposal does not include the restoration of all the shop fronts to the "as designed" state, to the detriment of the character and appearance of the Conservation Area. - addressed in section (c).
- The proposed social rent element at 60% will fall below the 70%, prescribed by guidance. The fact that reflects the number of units which happen to be accessed from each of the separate stair cores in the affordable block is unsatisfactory: the stair cores should have been designed to match the 70% guidelines. - addressed in section (d).
- The proposed layout leaves six rooms that fail to meet No Sky Limit (NSL) limits. None of the affordable units should be impacted by this deficit, as guidance clearly stipulates that all social rent units should comply with all the latest building regulations. addressed in section (e) and found that there would be no significant impact on the amenity of any existing or new residential properties in terms of levels of daylight and sunlight afforded to them.
- The low per head educational contribution that has been assessed in the Children and Families response is regrettable. It is considered that the formula be reviewed in the future City Plan. - The Council's assessment of the proposed development is based on the current identified education infrastructure actions and current delivery programme, as which is explained in Section (h). It would not be reasonable to calculate the education contribution based on a formula to be utilised for City Plan, which has not yet been approved.

Overall Conclusions

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997, the proposed development, including the proposed external alterations to the red sandstone building, and in terms of their height, scale and massing, architectural form and style and positioning, the proposed new build flatted blocks and associated works, are respectful to the character and amenity of the area and will preserve the setting of neighbouring listed buildings and the character, appearance and setting of both the Leith Conservation Area and Pilrig Conservation Area.

The proposed external alterations to the existing red sandstone building to facilitate the reuse of the building for uses within classes 1-4 of the Town and Country Planning (Use Classes) (Scotland) Order 1997 and the proposed new build flatted residential development, are acceptable in planning terms.

The development is acceptable in transportation terms and the parking provision; including cycle parking, meets the Council's standards.

Potential impacts on the amenity of future residents in terms of noise and odour can be addressed through conditions without prejudicing nearby existing employment uses. The proposal will not have a significant detrimental impact on the amenity of existing neighbouring properties, including residences.

Subject to developer contributions towards the tram and relevant transport infrastructure, there are no objections on transport grounds.

The matters raised in the representations have been considered in the assessment of this application.

There is an infringement of the Edinburgh Affordable Housing Guidance in terms of the proportion of social rent affordable units being provided, however this is acceptable in this case given that: (i) all the on-site affordable housing is proposed to be delivered by the RSL, who are supportive of the tenure mix; (ii) the two highest priority tenures of affordable housing is proposed; and, (iii) the mix is reflective of the number of units which are accessed from each of the separate stair core.

There is an infringement of the Edinburgh Design Guidance in terms of the proportion of flats which are single-aspect, however this is acceptable in this case given that the proposal is a high density development which is of a similar character to existing neighbouring developments and is an effective use of an urban site.

There is an infringement of the Edinburgh Design Guidance in that 6 rooms within the private flatted block marginally fail to achieve the NSL requirement for daylight. Given the site constraints and urban landscape suitable for high density development, it is considered that this infringement to the EDG for daylight is minor and does not provide reasoned justification to refuse the application.

The proposal is in accordance with the Edinburgh Development Plan. It complies with sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act in respect of its impacts on Listed Buildings and the Conservation Area. There are no other material considerations which outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. 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. Development shall not begin until a phasing plan has been submitted to and approved in writing by the Planning Authority. The phasing schedule shall include the construction of each residential phase of development, the provision of affordable housing, the provision of open space, SUDS, landscaping and transportation infrastructure including vehicular and cycle parking. Development shall be carried out in accordance with the approved phasing unless agreed in writing with the planning authority.
3. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis & reporting, publication and public engagement) in accordance with a written scheme of investigation which shall be submitted to and approved in advance by the Planning Authority.

The work shall be carried out by a professional archaeological organisation, either working to a brief prepared by the City of Edinburgh Council Archaeology Service (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.

4. Prior to the use of any external finishing materials and colours a sample panel(s) of them no less than 1.5m x 1.5m shall be produced and made available for the prior inspection and written approval of the Planning Authority. The external finishing materials and colours used in the development shall accord with the details so approved.
5. The approved landscaping scheme shall be fully implemented within six months of the completion of the development. Any trees or plants which within a period of five years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme as may be submitted to and approved in writing by the Planning Authority.
6. Prior to the commencement of development, the tree protection measures as defined in Drawing 18007_L_102 Rev.H01 and in accordance with BS5837:2012 "Trees in relation to design, demolition and construction" must be implemented in full and maintained for the duration of the periods of construction and not altered or removed unless with the written consent of the Planning Authority.

7. A detailed drawing/section drawing and a written specification of the boundary walls, fences, gates to be erected on the site shall be submitted for the prior written approval of the planning authority.
8. Planning permission is not hereby granted for the replacement any of the shop fronts or component of the shop fronts contained within the red sandstone building at No.106-154 Leith Walk. Notwithstanding the Shopfront Strategy within the Design and Access Statement and that delineated on application drawings, the existing original or replica of original components of the shop fronts contained within the red sandstone building at 106-154 Leith Walk, including all functional elements and architectural features, shall be retained in situ and shall not be replaced unless otherwise approved in advance by the planning authority.
9. Notwithstanding that specified on approved drawings, full details of including elevation drawings, section drawings, astragal sections, and a written specification including details of the finish of the replacement metal framed windows with top hung lights to be installed in the red sandstone building at 106-154 Leith Walk, shall be submitted for the prior written approval of the Planning Authority.
10. Notwithstanding the provisions of The Town and Country Planning (Use Classes) (Scotland) Order 1997 and the The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any Order amending, revoking or re-enacting those Orders, change of use of any part of the upper floor of the building at Nos.106-154 Leith Walk from Class 4 (Business) to Class 6 (Storage or Distribution) is not hereby permitted. There shall be no change of use of any part of the upper floor of the building at Nos.106-154 Leith Walk from Class 4 (Business) to Class 6 (Storage or Distribution) unless a planning application has been made and planning permission granted for it.
11. Prior to the first occupation of any residential property the noise attenuation detailed in Design Note 19 Existing Garage Attenuation - REV01 dated 07/04/2021 shall be fully implemented to the satisfaction of the Planning Authority.
12. Before the first occupation of any residential property, the proposed advanced odour reducing extract and filtration system to reduce the potential of cooking odour and effluvia being emitted from units within the red sandstone building, as detailed in air handling report 'Halton AHU, Technical Specification Sheet' dated 25/01/2017, shall be installed and made operational for the existing authorised public house, hot food take-aways and class 4 uses and for all new class 4 uses within the red sandstone building at Nos.106-154 Leith Walk.

13. Prior to the first occupation of any residential property, the extract flue and ventilation system, capable of 30 air changes per hour, as show on Design Note 18.Class 3 Kitchen Extract Termination REV04 dated 14/04/2021, shall be installed and made operational for the existing authorised public house, hot food take-aways and class 4 uses and for all new class 4 uses within the red sandstone building at Nos.106-154 Leith Walk.
14. Prior to the two accessible parking spaces first coming into use, the two electric vehicle charging outlets to be installed adjacent to them, shall be installed and made fully operational and unless otherwise approved in writing by the planning authority shall be of the following minimum standard:- Type 2 (EN62196-2), Mode 3 (EN61851-1) compliant and be twin outlet. With the ability to supply 7 kW (32 Amps) AC - Single Phase chargers that have the ability to deliver power of 7 kW capacity to each outlet simultaneously.
15. Notwithstanding that delineated on the approved drawings, there shall be no raising or lowering of land within the root protection areas of areas of the 4 trees to be retained within the area of open space adjacent to the west of the private (BTR) flatted block and delineated on the approved tree retention and protection plan ref.20048_L_102 REV H01 and on drawing No.20048_L_301 Rev H00, unless and until before and after cross sections with levels and the root protection area of these 4 trees marked on them, has been submitted to and approved in writing by the planning authority. The cross sections shall include any retaining walls/structures to be erected, including those to facilitate the formation of paths, steps and other hard surfaces within the root protection areas, which hard surfaces shall only be of no-dig/above ground and water permeable construction, in accordance with a detailed written specification to be approved in writing in advance by the planning authority.

Reasons:-

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. To ensure that the development is implemented in a manner which mitigates the impact of the development process on existing land users and the future occupants of the development.
3. To ensure that an appropriate programme of archaeological works is undertaken prior to construction.
4. In order to enable the planning authority to consider this/these matter/s in detail in the interests of safeguarding the character and visual amenity of the area.
5. In order to ensure that the approved landscaping works are properly established on site.
6. In order to safeguard trees.
7. For the avoidance of doubt as to the extent of this planning permission.

8. The original existing shop fronts/replicas of the original shopfronts within the building are intrinsic to the character and appearance of the building and street scene and make a positive contribute to the character and visual amenity of Leith Conservation Area and thereby they should be retained.
9. In the interests of safeguarding the character and appearance of the building and that of the conservation area.
10. In the interests of safeguarding the character and amenity of the area, including the residential amenity of existing and proposed new residences.
11. To mitigate noise from the neighbouring commercial garage, in the interests of protecting the amenity of the occupants of residences hereby approved.
12. In order to protect the amenity of the future occupants of residential properties hereby approved.
13. In order to protect the amenity of the future occupants of residential properties hereby approved.
14. In the interests of the amenity of users of the disabled parking spaces as owing to the level of commercial and leisure use proposed, the electric vehicle chargers should be at least 7KW (type 2 outlet).
15. In order for the planning authority to fully consider the proposed re-contouring, and arrangement of that area, in the interests of safeguarding the 4 existing semi mature trees within it, which have amenity value and are to be retained.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement relating to education, affordable housing and transport infrastructure has been concluded and signed. The legal agreement shall include the following:
 - a. Education- Contribute the sum of £82,320 to education infrastructure (indexed from Quarter 4, 2017 to the date of payment).
 - 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 £241,118 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. In support of the Council's LTS Cars1 policy, the applicant should contribute the sum of £12, 500 (£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.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5.
 - 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;
 - The applicant should note that new road names will be required for the development and this should be discussed with the Councils Street Naming and Numbering Team at an early opportunity;
 - A Quality Audit, as set out in Designing Street, should be submitted prior to the grant of Road Construction Consent;
 - All accessed must be open for use to the public in terms of the statutory definition of 'road', and require to be the subject of applications for road construction consent. The extent of adoptable road, including footways, footpaths, accesses, cycle tracks verges and service strips to be agreed.

- The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures., layout, car and cycle parking numbers including location, design and specification.
- The applicant should give consideration to the following points to further enhance the cycle stores:
 - a. The access doors to the stores should be centred to further improve the access to the stores;
 - b. Provision for parking non-standard bikes as the proposed two-tier racks do not accommodate large bikes such as tandems and cargo bikes; and,
 - c. Bike maintenance facilities such as stands, tools and pumps.
6. The applicant should 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>

7. All accesses must be open for use by the public in terms of the statutory definition of `road` and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details.

8. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
9. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.
10. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.
11. 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.
12. The applicant has submitted details showing that an advanced odour reducing extract and filtration system will be installed to reduce the potential of cooking odour and effluvia being emitted. The applicant should install the proposed system as detailed in air handling report 'Halton AHU, Technical Specification Sheet' dated 25/01/2017.
13. It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.
14. Details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest residential property (with window partially open for ventilation purposes) should be submitted to the Planning Authority for consideration.
15. The following construction mitigation should be considered:
 - a) All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.

- b) The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.
 - c) Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.
 - d) Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.
 - e) All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.
 - f) Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.
 - g) This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.
 - h) No bonfires shall be permitted.
16. No works connected with the demolition of the industrial/warehouse buildings on the site and the destruction of bat roost R1 should commence until a bat licence has been issued by NatureScot for the works. A copy of this should be submitted to the planning authority.
17. To ensure that a technically appropriate masonry cleaning method is used in order to avoid damage to the substrate, prior to the cleaning of sandstone and brick surfaces of the building at Nos.106-154 Leith Walk, the developer should obtain a detailed specification for the stone cleaning from the stone cleaning specialist contractor employed. The specification should include: (i) a surface assessment before cleaning; (ii) selection of cleaning method; (iii) specification of equipment and tools to be used; (iv) timetable for cleaning; (v) protective measures for the masonry during cleaning; and, (vi) details of any coatings to be applied to the masonry after cleaning.
18. To ensure that a technically appropriate graffiti removal method is used in order to avoid damage to the substrate, prior to the removal of graffiti from sandstone and brick surfaces of the building at 106 - 162 Leith Walk, the developer should obtain a detailed specification for the graffiti removal from the specialist contractor employed. The specification should include the following: (i) the identification of graffiti material; (ii) a surface assessment before removal; (iii) selection of graffiti removal method; (iv) specification of equipment and tools to be used; (v) timetable for removal; (vi) protective measures for the masonry during removal; and, (vii) details of anti-graffiti coatings to be applied to the masonry after graffiti removal.

Financial impact

4.1 The financial impact has been assessed as follows:

There are no financial implications to the Council.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

A Proposal of Application Notice was submitted and registered on 25 March 2020.

Copies of the notice were sent to:

- Leith Central Community Council;
- Leith Harbour and Newhaven Community Council;
- Leith Links Community Council;
- Local Ward Councillors, neighbouring ward councillors and MSPs.

An online consultation event was held in accordance with Government guidance for the period of the Covid-19 emergency.

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

8.2 Publicity summary of representations and Community Council comments

The application was originally advertised on 18th December 2020 and 19 letters of representation were received, 8 objecting, 8 supporting and 3 neutral.

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

Background reading/external references

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

Statutory Development

Plan Provision

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

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

Date registered

11 December 2020

Drawing numbers/Scheme

1, 2, 3, 4B, 5A, 7A, 9B, 10B, 11A, 12A, 13A, 14A, 15B, 16A, 17B, 18A, 19A, 20B, 21B, 22A, 25A, 26A, 27C, 28B, 29B, 30C, 31C, 32C, 33, 36, 37A, 38A, 39, 40, 42, 43, 44, 45, 46, 49, 50, 51, 52, 53,

Scheme 2

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Adam Thomson, Planning Officer

E-mail: adam.thomson@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 Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Relevant Non-Statutory Guidelines

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

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

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 Pilrig Conservation Area is characterised by its varied street pattern and terraced properties, contrasted with the green space of Pilrig Park and Rosebank Cemetery. The scale is set by two storey housing.

Appendix 1

**Application for Planning Permission 20/05553/FUL
At 106 - 162 Leith Walk , Edinburgh, EH6 5DX
Retention of and refurbishment of existing sandstone
frontage building and change of use of units within it to
Class 1 (shops), Class 2 (Financial, Professional and Other
Services) , Class 3 (Food and Drink) and Class 4 (Business),
demolition of industrial warehouse buildings and erection of
two flatted buildings comprising a total of 148 flats, and
provision of associated infrastructure, car parking, open
space and landscaping**

Consultations

Environmental Protection (first of three responses) - Date: 12/02/2021

The site investigation reporting is currently at a preliminary/interim phase and currently there will be significant restrictions to access to allow completed risk assessments to development from historical site contamination.

It is acceptable to Environmental Protection for site investigation to be progressed in a phased manner (i.e. pre and post demolition phases). There will be a requirements for a planning condition to address historical site contamination and remediation requirements to ensure the development is made suitable for use as part of the consultation which will be through my colleague in Environmental Protection. There is a standardised planning condition for site contamination which should be applied to any future permission. In the interim, I will review in detail the Preliminary stage site investigation available on the planning portal with the intention to raise any issues specific to the site investigation should they arise and provide a response for the developer to address during a subsequent phase of the site investigation. I will aim to provide this in line with the attached consultation period, however the main requirement at this stage is that a condition is applied to any permission.

Environmental Protection (second of three responses) - Date: 23/02/2021

Environmental Protection have provided comments on a similar proposal for this site before (18/04332/FUL). All the issues raised during that consultation phase are still valid. This latest application is for a proposed mixed-use development comprising, 152 residential flats. It proposes retaining the sandstone buildings that have had various uses established in them. The application description also proposes several other non-residential uses. There are very low car parking numbers proposed.

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

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

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

From the plans its clear where the residential blocks are going to be located however there is not any detail on the other non-residential use locations. Therefore, the noise impact assessment has not assessed any of the proposed non-residential uses. The application description states that they propose a range of uses including class 1 (Shops), class 2 (Financial Professional and Other Services), class 3 (Food and Drink), class 4 (Business), class 10 (Non-Residential Institutions) and class 11 (Assembly and Leisure). Classes 3,4,10 and especially 11 all have the potential to adversely impact the amenity of any new residential units and that of existing neighbouring residential units. It's not clear from the plans where these uses will be specifically located.

Class 3 - We need to know where this is going to be in order to address any potential impacts on amenity. Noise is a concern and will need to be assessed but this can only be done when we know where the use is going to be located. Any required mitigation measures would then need to be detailed and this is what would make up a recommended condition. Full class 3 use will need to be served with a commercial ventilation system to ensure cooking odours are adequately dispersed. A high-level termination point is necessary. This would need to also take into consideration neighbouring buildings within 30m of the extract point. If there is a taller building within 30m then the flue should terminate above that level. Planning require the details of any mitigation measures upfront for conditions to be recommended that meet the test of a planning condition.

Class 4 - Normal operations associated with Use Class 4 premises would be able to operate within a residential area without detriment to amenity when appropriately conditioned. However, Use Class 4 premises (below a floor area of 235m²) are permitted to change to Use Class 6 (storage and distribution) without further planning consent being required. Should the premises in this application change operations to storage and distribution then there is the possibility that noise and vibration could impact upon residential amenity. Therefore, Environmental Protection can recommend a condition which restricts the premises to Use Class 4 only with no permitted change to Use Class 6 to ensure that the amenity of the surrounding residential properties is protected from noise and vibration. However, we still need to know exactly where these class uses are being proposed.

Class 10 - There is no information provided demonstrating exactly what is being proposed under this class use and where will it be located. This class use could introduce a creche, day nursery or day centre and place of worship that would all have a significant impact on residential amenity depending on where its located.

Class 11 - This proposed use class contains several concerning uses such as discotheque or gym that again would have an impact on neighbour amenity if not mitigated. We need to know where this use class is being proposed.

The applicant has submitted a supporting noise impact assessment, but this has only assessed the noise from the neighbouring existing operational commercial uses such as the garages. It has not assessed any of the proposed non-residential uses mentioned above. Its been noted that the sandstone units may have authorised uses established. This could even include a Public House which would have the potential to impact the newly proposed neighbouring residents not only with operational noise but odours from potential cooking extracts that would only likely be able to terminate at roof level on the sandstone building resulting in cooking effluvia to easily blow over into the proposed overlooking residential block. If there are authorised uses permitted in these sandstone buildings, then the noise impact assessment would need to assess the worst-case scenario to address the noise. In order to do this, we would need to know the extent, what and where these uses could be. A noise impact assessment would then need to specify the required mitigation measures.

Noise

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

Extracts serving garages has been identified as generating a significant level of plant noise way beyond the required noise criteria set. The applicants noise impact assessment recognises that the extract needs to be acoustically attenuated. It is noted

that the low-level extract is located outside the applicants red line boundary therefore it will not be with the applicant's powers to attenuate the extract for noise or fumes from the garage that carries out re-spraying operations. Environmental Protection may not be able to recommend any conditions on mitigation works that are outside the application boundary.

The applicant has reiterated that they propose to deal with the noise attenuation at source. In the event this is not possible mitigation to the building will be provided as shown on the attached marked up drawing indicating which facades require acoustic upgrading to mitigate noise. Noise from plant noise must achieve internal noise levels allowing for windows to be open. If the plans are to remain unchanged then the noise must be addressed at the source. If a condition can be attached to the consent to ensure that this is done prior to the commencement of any development, then it may be possible to support this option.

The noise impact assessment has highlighted that traffic noise will not have a significant impact on noise levels for any of the rooms in the proposed block closest to the Leith Walk. This is due to the distance the residential block is setback from Leith Walk.

The applicant has advised that the affordable units will likely be served by a centralised heating/energy system. We would need the potential noise from this to be fully assessed and any mitigation measures detailed.

Privately owned vehicle use by future patrons of the non-residential uses is likely to be minimal with arrival and departure from the premises likely to mainly be by bus, taxi or on foot. The premises will require a significant level of servicing including delivery of food, drink and waste removal. It's unclear from the proposed plans where any of this commercial activity will be carried out. Some servicing may be required within the site to remove waste. It's not clear if the servicing area will be under the control of the site operator if it is then normally a condition can be applied to ensure deliveries and collection are restricted. A Public House for example will generate large volumes of glass waste and when this is uplifted will cause disturbance especially if carried out late or early in the morning. Environmental Protection could recommend a condition is attached to restrict the hours of deliveries and collections but would need more information with regards the proposed location of the non-residential uses.

It is acknowledged that the area surrounding the application site already has a reasonably noisy evening and nighttime ambient noise climate which is commensurate with a city centre location. In this regard, the introduction of the application premises may increase external street noise to a certain degree which will mainly be within the vicinity of the actual premises.

Fumes and Odours

As already mentioned, the description has proposed uses that would require commercial ventilation systems. The applicant will need to provide details on where any commercial kitchen extract system will be located. Environmental Protection require these systems to be capable of achieving at least 30 kitchen air changes per hour, be ducted to a high point above any neighbouring buildings within 30m of the termination

point. There will also need to be a minimum 15m per second efflux velocity achieved at the termination point with an attached jet cowl

The extract serving garage will extract fumes from the garage affecting the proposed bedrooms on the nearest block. It has been noted that this extract is located outside the applicant's boundary and is not regulated by SEPA. As with the noise issues regarding this extract it may be only possible to resolve this issue at the source. If a condition can be attached to ensure the development does not commence until the extract has been relocated to an appropriate position either 30m from the nearest proposed residential property or above the highest proposed residential window within 30m of the extract. It is noted that a letter has been submitted by one of the garage operators providing confirmation that they would allow mitigation measures to be carried out to their extraction system at no cost to the garage. In order for Environmental Protection to be able to support this aspect we would really need to see plans on how they propose dealing with the noise and fume from the extraction systems. It does appear that proposed residential use will be closer to the extraction system than the previous scheme and the erection of the tall residential block will reduce the dispersion of fumes from the extract.

The proposal will have a high energy demand it is welcomed that they are incorporating photovoltaic panels. It is recommended that the applicant investigates introducing more onsite renewable heat and energy production. This could be in the form of solar panels, ground/air sourced heat pumps linked to energy storage. As the applicant will be aware there has been a Climate Emergency declared and Edinburgh now has Zero Carbon targets to work towards. Introducing gas boilers will be detrimental to meeting these targets.

If the applicant is proposing an energy centre or centralised boilers they will need to ensure that information is submitted and if required a supporting chimney height calculation as per the Clean Air Act which is anything above 366Kw. The Pollution Prevention and Control (Scotland) Regulations 2012 were amended in December 2017 to transpose the requirements of the Medium Combustion Plant Directive (MCPD - Directive (EU) 2015/2193 of 25 November 2015 on the limitation of emissions of certain pollutants into the air from medium combustion plants). The purpose of the MCPD is to improve air quality. All combustion plant between 1 and 50 MW (net rated thermal input) will have to register or have a permit from SEPA. Environmental Protection will require that secondary abatement technology is incorporated into any plant above 1MW (accumulate assessment).

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

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

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental

Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.

Environmental Protection have assessed the available information submitted by the applicant. Environmental Protection have concerns and recommend the application is refused due to the adverse impacts the neighbouring garage plant will have on future tenants with regards fumes and noise. There is insufficient information and detail to allow Environmental Protection to assess to potential for impact on amenity from the other non-residential proposed uses.

However, if Planning permission was to be granted then conditions would need to be considered but note we cannot recommend any competent conditions for noise/fumes/odours;

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

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

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

Informative

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

Construction Mitigation

- a) *All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.*
- b) *The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.*
- c) *Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.*
- d) *Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.*
- e) *All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.*
- f) *Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.*
- g) *This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.*
- h) *No bonfires shall be permitted.*

Environmental Protection (Third of three responses) - Date: 11/05/2021

Environmental Protection have provided comments on a similar proposal for this site before (18/04332/FUL). All the issues raised during that consultation phase are still valid. This latest application is for a proposed mixed-use development comprising, 148 residential flats. It proposes retaining the sandstone buildings that have had various uses established in them. The application description also proposes several other non-residential uses, but it is welcomed that classes 10 & 11 have been removed from the proposal. There are very low car parking numbers proposed with electric vehicle charging points being included again this is welcomed.

The site lies close to the foot of Leith Walk, where the street terminates and leads on to Duke Street to the East, Great Junction Street to the West and Constitution Street to

the North. The buildings on Leith walk, even numbers 106-154 are comprised of buildings housing a small number of retail and food outlets on the ground floor with limited offices above. The rear buildings numbers 156'162 are single storey warehouse buildings used for a variety of purposes. The units on the site are mostly empty. The disused railway line runs along the NE boundary of the site.

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

This is a detailed planning application therefore Environmental Protection required specific details on what is being proposed where. Supporting documents have now been updated including a noise impact assessment that has demonstrated that the proposed uses can be incorporated and not adversely impact each other or existing uses. Mitigation measures will be required, Environmental Protection need these specific details on mitigation to allow appropriate conditions to be recommended in agreement with Planning.

The updated supporting documents have now made it clear where the residential blocks are going to be located and more importantly where the other non-residential uses will be. As previously stated, this includes the removal of the proposed class 10 & 11 uses. The updated noise impact assessment has now assessed all the proposed non-residential uses that could adversely impact residential amenity.

The ground floor units of the red sandstone building 102-154 Leith Walk may be used for Class 3 uses, requiring kitchen extract fans which will rise internally through the first floor where they will penetrate the roof. The applicant has assessed the potential for noise from this plant and confirmed that it will not adversely impact residential amenity. We recommend an informative is attached to any consent to ensure that plant noise further considered when selecting equipment. Full class 3 use will need to be served with a commercial ventilation system to ensure cooking odours are adequately dispersed. A high-level termination point is necessary. The applicant has provided details of this which has now taken into consideration neighbouring buildings within 30m of the extract point. Environmental Protection shall recommend a condition is attached to ensure these cooking extraction measures are fully implemented.

There is still the likelihood of live entertainment occurring in the 'Leith Depot' this will be contained at ground floor but will have the potential to extend into adjacent ground floor unit(s). The applicant has advised that noise egress to the new flats would not be a concern as there would no sound transmission to the rear or via the roof. Mitigation is required to address noise to properties across Leith Walk. To protect against noise emission from the front door, a door lobby of two doors separated by at least 2 metres is required and will be conditioned. Secondary glazing will also need to be installed to

the glazed frontage, comprising new 10 mm minimum thickness glass in a solid frame, with a minimum 150 mm cavity between the new inner and existing outer glazing. Environmental Protection shall recommend a condition is attached to ensure these noise mitigation measures are implemented.

Normal operations associated with Use Class 4 premises would be able to operate within a residential area without detriment to amenity when appropriately conditioned. However, Use Class 4 premises (below a floor area of 235m²) are permitted to change to Use Class 6 (storage and distribution) without further planning consent being required. Should the premises in this application change operations to storage and distribution then there is the possibility that noise and vibration could impact upon residential amenity. Therefore, Environmental Protection can recommend a condition which restricts the premises to Use Class 4 only with no permitted change to Use Class 6 to ensure that the amenity of the surrounding residential properties is protected from noise and vibration.

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

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

The applicant has reiterated that they propose to deal with the noise attenuation at source. In the event this is not possible mitigation to the building will be provided as shown on the attached marked up drawing indicating which facades require acoustic upgrading to mitigate noise. Noise from plant noise must achieve internal noise levels allowing for windows to be open. If the plans are to remain unchanged then the noise must be addressed at the source. If a condition can be attached to the consent to ensure that this is done prior to the commencement of any development, then it may be possible to support this option. The applicant has proved further information and plans showing how this is going to be made possible. Therefore, Environmental Protection are comfortable recommending the use of a Grampian Style Condition to address this issue.

The noise impact assessment has highlighted that traffic noise will not have a significant impact on noise levels for any of the rooms in the proposed block closest to

the Leith Walk. This is due to the distance the residential block is setback from Leith Walk.

Privately owned vehicle use by future patrons of the non-residential uses is likely to be minimal with arrival and departure from the premises likely to mainly be by bus, taxi or on foot. The premises will require a significant level of servicing including delivery of food, drink and waste removal. It's unclear from the proposed plans where any of this commercial activity will be carried out. Some servicing may be required within the site to remove waste. It's not clear if the servicing area will be under the control of the site operator if it is then normally a condition can be applied to ensure deliveries and collection are restricted. A Public House for example will generate large volumes of glass waste and when this is uplifted will cause disturbance especially if carried out late or early in the morning. Environmental Protection could recommend a condition is attached to restrict the hours of deliveries and collections but would need more information with regards the proposed location of the non-residential uses.

It is acknowledged that the area surrounding the application site already has a reasonably noisy evening and night-time ambient noise climate which is commensurate with a city centre location. In this regard, the introduction of the application premises may increase external street noise to a certain degree which will mainly be within the vicinity of the actual premises.

The extract serving garage will extract fumes from the garage affecting the proposed bedrooms on the nearest block. It has been noted that this extract is located outside the applicant's boundary and is not regulated by SEPA. This issue will be resolved when the noise mitigation measures are implemented via the Grampian Style Condition. The applicant has also specifically assessed the fumes from the garages.

The proposal will have a high energy demand it is welcomed that they are incorporating photovoltaic panels. It is recommended that the applicant investigates introducing more onsite renewable heat and energy production. This could be in the form of solar panels, ground/air sourced heat pumps linked to energy storage. As the applicant will be aware there has been a Climate Emergency declared and Edinburgh now has Zero Carbon targets to work towards. Introducing gas boilers will be detrimental to meeting these targets.

The applicant has confirmed that they are proposing a centralised gas energy system and have submitted the required supporting chimney height calculation as per the Clean Air Act.

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

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

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

Environmental Protection have assessed the updated information and no longer object to the application subject to the following conditions:

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

3. Prior to development commencing the required works detailed in Design Note 19 Existing Garage Attenuation - REV01 dated 07/04/2021 shall be fully implemented to the satisfaction of the Planning Authority.

4. Notwithstanding the Town and Country Planning (Use Classes) (Scotland) Order 1997, the use of the class 4 unit(s) shall not be permitted to change to Class 6 use without further Planning Permission.

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

6. Prior to the use being taken up, the extract flue and ventilation system, capable of 30 air changes per hour, as show on Design Note 18 Class 3 Kitchen Extract Termination REV04 dated 14/04/2021 shall be implemented.

7. The following noise protection measures to the proposed mixed-use development, as defined in the Sandy Brown Noise Survey and Assessment' report (Ref 20503), dated 16 April 2021 and addition acoustic information submitted on 6 August 2018; shall be carried out in full and completed prior to the development being occupied.

- Secondary Glazing units with a minimum insulation value of 10mm minimum thickness glass in a solid frame, with a minimum 150 mm cavity between the new inner and existing outer glazing serving the ground floor Leith Walk frontage within the red sandstone buildings.

- Acoustic lobbies are required in the form of a door lobby of two doors separated by at least 2 metres will need to be formed for all external doors serving the red sandstone building.

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

2. It should be noted that when designing the exhaust ducting, Heating, ventilation and Air Conditioning (HVAC) good duct practice should be implemented to ensure that secondary noise is not generated by turbulence in the duct system. It is recommended that the HVAC Engineer employed to undertake the work, undertakes the installation with due cognisance of the Chartered Institute of Building Services Engineers (CIBSE) and American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE) Guidance.

3. Details demonstrating that noise from all plant (including air source heat pump system) complies with NR25 within the nearest residential property (with window partially open for ventilation purposes) should be submitted to the Planning Authority for consideration.

Construction Mitigation

a) All mobile plant introduced onto the site shall comply with the emission limits for off road vehicles as specified by EC Directive 97/68/EC. All mobile plant shall be maintained to prevent or minimise the release of dark smoke from vehicle exhausts. Details of vehicle maintenance shall be recorded.

b) The developer shall ensure that risk of dust annoyance from the operations is assessed throughout the working day, taking account of wind speed, direction, and surface moisture levels. The developer shall ensure that the level of dust suppression implemented on site is adequate for the prevailing conditions. The assessment shall be recorded as part of documented site management procedures.

c) Internal un-surfaced temporary roadways shall be sprayed with water at regular intervals as conditions require. The frequency of road spraying shall be recorded as part of documented site management procedures.

d) Surfaced roads and the public road during all ground works shall be kept clean and swept at regular intervals using a road sweeper as conditions require. The frequency of road sweeping shall be recorded as part of documented site management procedures.

e) All vehicles operating within the site on un-surfaced roads shall not exceed 15mph to minimise the re-suspension of dust.

f) Where dust from the operations are likely to cause significant adverse impacts at sensitive receptors, then the operation(s) shall be suspended until the dust emissions have been abated. The time and duration of suspension of working and the reason shall be recorded.

g) This dust management plan shall be reviewed monthly during the construction project and the outcome of the review shall be recorded as part of the documented site management procedures.

h) No bonfires shall be permitted.

Leith Community Council (First of two responses) - Date: 21/01/2021

I write on behalf of Leith Central Community Council as statutory consultee to comment on the above application. Please ensure that the salient points below are referenced in the Community Council section of the Committee report.

We note the complex planning history of the site, leading to the present mixed use scheme comprising 114 Build to Rent (BTR) flats and 38 Affordable Housing flats, and the retention and refurbishment of the red sandstone building fronting Leith Walk.

While the proposal could have been more reflective of local people's aspirations, we welcome the retention of the red sandstone building and the 25% affordable housing element, both also core demands of the "Save Leith Walk" campaign.

We regret that all but one of the small businesses operating from the red sandstone building prior to the application to redevelop the site are now gone, and therein surely lies a lesson: the need for CEC to prepare robust master plans that guide development of such sites and the (relatively modest)resources required to achieve this.

We welcome the absence of student housing in the present scheme. While this may be commercially attractive, surely providing affordable residential housing should always come first, especially in our area where demand outstrips supply.

As it is not clear to us if the affordable housing element will be managed alongside the BTR units (as opposed to be managed by a recognised social housing provider), we would urge you to ensure sufficient transparency and public accountability are guaranteed through appropriate planning conditions or legal agreements and that the affordable units are available before or simultaneous to the BTR units.

Leith Community Council (second of two responses) - Date: 03/05/2021

Further to the revisions submitted by the applicant after our comments earlier this year on the above application, we now add the following statements:

- 1. we **regret** that the applicant's proposal does not include the restoration of all the shop fronts to the "as designed" state that is: with the low level black granite; having featureless fully glazed shop fronts will mar the ensemble effect of the front building and be contrary to the conservation area character*
- 2. we **regret** that the proposed social rent element at 60% will fall below the 70%, prescribed by guidance; the justification that this reflects the number of units which*

happen to be accessed from each of the separate stair cores in the affordable block is unsatisfactory: the stair cores should have been designed to match the 70% guidelines
3. we **regret** that the proposed layout leaves six rooms that fail to meet NSL limits; we fully expect that none of the affordable units will be impacted by this deficit, as guidance clearly stipulates that all social rent units should comply with all the latest building regulations

There are clearly technical fixes for the three issues we have highlighted above: we would therefore encourage the applicant to fix the above issues - through further revisions or via conditions to be attached to any planning permission.

We also would ask you to include the salient points above in your committee report.

More generally, we regret the low per head educational contribution that has been assessed in the C&F's response and would ask for the formula to be reviewed as part of the local plan revision.

Harald Tobermann

Vice Chair

Leith Central Community Council

Police Scotland - Date: 18/01/2021

I write on behalf of Police Scotland regarding the above planning application.

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

Waste Services (first of two responses) - Date: 12/01/2021

Thanks for providing the extra information.

Taken from the information provided we will need to see a scale plan of the bin stores showing the below allocation in place and all matters conforming with our guidance (for access etc).

*Building 1 = 38 units
(23 internal):*

*3 x 1280L residual
waste
2 x 1280L mixed
recycling
1 x 660 glass
1 x 500 food
waste*

*Building 1 = 38 units
(15 external):*

*2 x 1280L residual
waste
2 x 1280L mixed*

recycling
1 x 360 glass
1 x 500 food
waste

*Building 2 = 114 units /2
(bin store A (57):*

*8 x 1280L residual
waste
5 x 1280L mixed
recycling
2 x 660 glass
2 x 500 food waste*

*Building 2 = 114 units /2
(bin store B (57):*

*8 x 1280L residual
waste
5 x 1280L mixed
recycling
2 x 660 glass
2 x 500 food waste*

*This is over this allocation but I would agree to the lesser numbers on this occasion.
I will need to get confirmation on the "grasscrete" surface and if we accept this for our
vehicle traversing over.*

*New developments: The current Architect guidance is now available at
<https://www.edinburgh.gov.uk/wasteplanning>.*

Waste Services (second of two responses) - Date: 03/05/2021

*As this is to be a residential development waste and cleansing services would be
expected to be the service provider for the collection of any household domestic and
recycling waste (Only).*

*I have been in contact with the architect for this development and I can confirm that
they have provided the information for the waste collections and these are shown to be
in line with our instruction for architects guidance and the developments waste and
recycling requirements have been fully considered (guidance available here*

<https://www.edinburgh.gov.uk/wasteplanning>.

*I would ask that the architect passes my contact information to the developer/builder
and to stress that they will need to contact this department a minimum of 12 weeks
prior to any collection agreement to allow us time to arrange a site visit and to add
these to our collection systems.*

A site visit will be conducted to ensure that this has been constructed in-line with our agreement. Any waste produced on site by the residents/occupants will be the responsibility of the developer/builder until such times as the final part of our agreement and waste collections are in place.

Communities and Families - Date: 11/03/2021

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

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (February 2020).

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

Assessment and Contribution Requirements

Assessment based on:

89 Flats (63 one bedroom excluded)

This site falls within Sub-Area LT1 of the 'Leith/Trinity Education Contribution Zone'.

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

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

The proposed development is therefore required to make a contribution towards the delivery of these actions based on the established 'per house' and 'per flat' rates for the appropriate part of the Zone.

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

Total infrastructure contribution required:

£87,220

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

Archaeology - Date: 21/12/2021

Further to your consultation request I would like to make the following comments and recommendations

concerning the above application the demolition of industrial warehouses and retention / refurbishment of sandstone building to create a residential-led mixed use development comprising 152 residential units and provision for a range of uses including class 1 (Shops), class 2 (Financial Professional and Other Services), class 3 (Food and Drink), class 4 (Business), class 10 (Non-Residential Institutions) class 11 (Assembly and Leisure) and Sui Generis, with associated landscaping, open space, car parking and infrastructure.

The application site lies on the western side towards the foot of Leith Walk, the main road linking Edinburgh's Old Town with its Port at Leith from the medieval period. Prior to the 18th century the site probably remained open ground, probably farmland associated with the adjacent Pilrig Estate. However, the site occurs on or close to the project line of the 1559-60 English siege works/trenches enclosing Leith.

These trenches emanated from Somerset's Battery located in Pilrig Park to the immediate west of the site and stretched eastwards linking it with Pelham's Mount located on the Links at the north-eastern side of Restalrig Road. As detailed in AOC's Desk-based Assessment (AOC report 24272) the site gradually developed from the mid-18th century with a mix of domestic and industrial buildings culminating c.1900 with the construction of Leith Walk Goods (Railway) Station. The commercial red-sandstone buildings occupying the front of the site being a later inter-war addition to the site.

Accordingly, this site has been identified as occurring within an area of archaeological significance. Therefore, this application must be considered under terms of Scottish Government's Our Place in Time Edinburgh 2020: Leith Walk 156-162 Leith Walk Steads Place.05553.doc (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and CEC's Edinburgh Local Development Plan (2016) policies ENV8 & ENV9.

Historic buildings

The current 1930's commercial buildings occupying the Leith Walk frontage although unlisted, are considered to be of both local historic interest and adding to the character of this section of Leith Walk. It is therefore welcomed that these properties are to be retained. Normally an historic building record would be recommended to be undertaken as part of any permitted archaeological programme of works. However, in this case the historic building assessment already undertaken by AOC in 2018 and reported within their DBA report 24272, is considered sufficient in this instance and as such no further historic building recorded is seen as necessary. That said, an archive report should be issued as a standalone DSR to the Council's archaeology service for incorporation within our HER.

Buried Remains

As stated, the site has been associated with industrial development from the mid 19th century, forming part of a larger foundry. According ground-breaking activities associated with both demolition and development have the potential to significantly

disturb unrecorded industrial archaeological remains dating back to the 18th century but may also disturb evidence for the 1559/60 siege of Leith.

Having assessed the potential archaeological implications of development however it is considered that these proposals would have a low-moderate archaeological impact. It is therefore considered essential that prior to development that a programme of archaeological work is undertaken to fully excavate record and analyse any significant remains affected. It is envisaged that this will be a phase programme, the initial phase being an archaeological evaluation up to a maximum of 10% of the site post demolition. The results will allow for further detailed mitigation strategies to be drawn up to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains is undertaken prior to construction.

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

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

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

Commercial Development & Investment ' Date: 18/12/2020

It is estimated that the development could directly support 166 full-time equivalent jobs and £8.25 million of gross value added per annum (2018 prices). This compares to an estimated 211 FTE jobs and £11.63 million of GVA per annum (2018 prices) that could potentially be supported by the existing site.

Comments:

The following are comments from the City of Edinburgh Council's Commercial Development & Investment service relating to planning application 20/05553/FUL for the development of new residential units at 106-162 Leith Walk, Edinburgh.

Commentary on existing uses.

The application relates to a circa 1.30-hectare roughly triangular brownfield site bounded by a disused former railway viaduct to the north; Leith Walk to the east; residential developments along Stead's Place and Springfield Street to the south; and open land to the west. There are two main elements to the site: a 1930s parade of shops and other commercial units with offices above fronting onto Leith Walk

(106-154 Leith Walk) and a 1980s industrial estate to the rear (156'162 Leith Walk). The 1930s parade forms part of the Leith and Leith Walk town centre. Policy RET 9 of the Local Development Plan therefore applies; this requires at least one unit in every four units within the primary frontage is in shop use.

As the site is over one hectare, policy EMP 9 of the Edinburgh Local Development Plan applies. This requires (among other things) that any redevelopment incorporate 'floorspace designed to provide for a range of business users'. The site currently hosts a total of 6,185 sqm (net) of business space comprising 4,087 sqm of warehouses; 890 sqm of offices; 781 sqm of shops; and 427 sqm of cafés / public houses / hot food takeaways. This comprises the following units:

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

The potential economic impact of these units if fully occupied is estimated below:

Warehouses: 65 full-time equivalent employees and £4.06 million of gross value added (GVA) per annum (2018 prices) [based on a typical employee density of one FTE employee per 70 sqm (gross external area) for distribution centres (with an estimated gross external area for the warehouses of 4,529 sqm) and a mean GVA per employee for the transport and storage sectors of Edinburgh of £62,535 (2018 prices)].

Offices: 77 FTE employees and £6.20 million of GVA per annum (2018 prices) [based on a typical employee density of one FTE employee per 11.5 sqm (net internal area) for technology / professional services offices and a mean GVA per employee for the information and communication; and professional, scientific and technical activities sectors of Edinburgh of £80,460 (2018 prices)].

Shops: 45 FTE employees and £0.95 million of GVA per annum (2018 prices) [based on a typical employee density of one FTE employee per 17.5 sqm (net internal area) for high street shops and a mean GVA per employee for the retail sector of Edinburgh of £21,046 (2018 prices)].

Cafés / public houses / hot food takeaways: 24 FTE employees and £0.42 million of GVA per annum (2018 prices) [based on a typical employee density of one FTE

employee per 17.5 sqm (net internal area) for restaurants and cafés and a mean GVA per employee for the food and beverage service sector of Edinburgh of £17,634 (2018 prices)].

This gives a total estimated economic impact for the current units if fully occupied of 211 FTE jobs and £11.63 million of GVA per annum (2018 prices), of which 146 FTE jobs and £7.57 million are associated with the 1930s parade and 65 FTE jobs and £4.06 million are associated with the 1980s industrial estate.

Commentary on proposed uses

The application proposes the redevelopment of the 1980s industrial estate into two blocks delivering a total of 152 flats. The 1930s parade would be retained.

Class 4 - Business

The development as proposed would retain and refurbish the 1930s parade. This could therefore be estimated to support a similar level of economic activity as the existing building if fully occupied: 146 FTE jobs and £7.57 million of GVA per annum (2018 prices).

Sui generis - Flats

The development as proposed would deliver 152 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 349 flats could be expected to collectively spend approximately £4.02 million per annum. Of this £4.02 million, it is estimated that approximately £2.05 million could reasonably be expected to primarily be made within Edinburgh. This £2.05 million could be expected to directly support approximately 20 FTE jobs and £0.68 million of GVA per annum (2018 prices).

SUMMARY RESPONSE TO CONSULTATION

It is estimated that the development could support 166 FTE jobs (146 + 20) and £8.25 million of GVA per annum (2018 prices). This compares to 211 FTE jobs and £11.63 million of GVA per annum (2018 prices) from the current development if fully occupied.

This response is made on behalf of Commercial Development & Investment.

Scottish Water - Date: 31/12/2020

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:

- *This proposed development will be fed from Glencorse 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.*

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.

Asset Impact Assessment

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

The applicant must identify any potential conflicts with Scottish Water assets and contact our Asset Impact Team via our Customer Portal to apply for a diversion.

The applicant should be aware that any conflict with assets identified may be subject to restrictions on proximity of construction. Please note the disclaimer at the end of this response.

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.

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.

Please find information on how to submit application to Scottish Water at our Customer Portal.

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. Further details can be obtained at www.scotlandontap.gov.uk

Trade Effluent Discharge from Non Dom Property:

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

If you are in any doubt as to whether the discharge from your premises is likely to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found [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. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

I trust the above is acceptable however if you require any further information regarding this matter please contact me on 0800 389 0379 or via the e-mail address below or at planningconsultations@scottishwater.co.uk.

Housing Management and Development - Date: 04/03/2021

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

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).

- 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.*
- 25% of the total number of units proposed should be affordable housing.*
- 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 152 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (38) homes of approved affordable tenures.

The applicant has stated that the affordable housing will account for 25% (38) of the new homes across the site and will consist of flatted apartments within a single block, offering a mix of 1, 2 and 3-bed accommodation. Two stair cores will be provided within this block to allow separate access to the social rent and mid-market rent units. The private housing on the site will be situated in a second block.

The affordable housing should be a representative mix of the market housing being provided across the site. The Affordable Housing Statement (AHS) provided by the applicant confirms that overall the scheme delivers a largely representative mix of flat sizes and types, with the same proportion of three-bedroom homes being provided for affordable housing and private housing.

The Council aims to secure 70% of new onsite housing for social rent and we ask that the applicant enters into an early dialogue with us and a Registered Social Landlord (RSL) to ensure that this is delivered. The AHS proposes a tenure mix of 60% social rent and 40% mid-market on this site. This mix is supported by the RSL and the split reflects the number of units which are accessed from each of the separate stair cores in the affordable block. All the on-site affordable housing is proposed to be delivered by the RSL and the units will deliver the two highest priority tenures of affordable housing.

A letter in support of this proposal has been supplied by Hillcrest Homes, an RSL. They confirm they have worked closely with the applicant and see this as an "opportunity to delivery very high quality new homes within a prominent site in Edinburgh". They also support the housing mix

The affordable homes are required to be tenure blind and fully compliant with latest building regulations. The design of affordable housing should be informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides and we require that applicants work with the Council and RSL's to achieve this. The AHS supplied by the applicant confirms all of these points have been met.

The affordable homes are situated within close proximity of regular public transport links and next to local amenities. An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, has also been provided.

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.*
- *The applicant has submitted an Affordable Housing Statement, setting out their approach.*
- *The applicant has entered into early dialogue with a Registered Social Landlord (RSL), who support the proposal and who will deliver the affordable housing on site.*
- *The applicant has made provision for 60% of the affordable housing on site to be social rent and 40% mid-market rent. Whilst the social rent aspect is lower than the 70% provision detailed in our guidance, this mix is reflective of the number of units per stair core and is supported by the RSL. All the affordable housing is proposed to be delivered by the RSL.*
- *The affordable housing includes a variety of house types and sizes which are representative of the provision of homes across the wider site.*

Roads Authority - Date: 25/05/2021

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

- 1. Contribute the sum of £241,118 for the proposed 148 residential units to the Edinburgh Tram (Zone 1) in line with the approved Tram Line Developer Contributions report (see Note below). The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
- 2. The applicant should be required to contribute the sum of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of two car club vehicles in the area (see Note below);*
- 3. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council's waste management team to agree details;*
- 4. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation;*
- 5. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;*
- 6. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;*
- 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;*
- 8. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future.*

Note:

- The proposed development includes conversion or redevelopment of existing uses. No tram contribution is sought for these: office 965sqm, cafe/pub 437sqm, retail 881sqm. The existing 4,087sqm industrial use is to be demolished;*
- The development proposes to only provide car parking for disabled spaces (two spaces);*
- A total of 326 cycle parking spaces are proposed for the 148 units;*

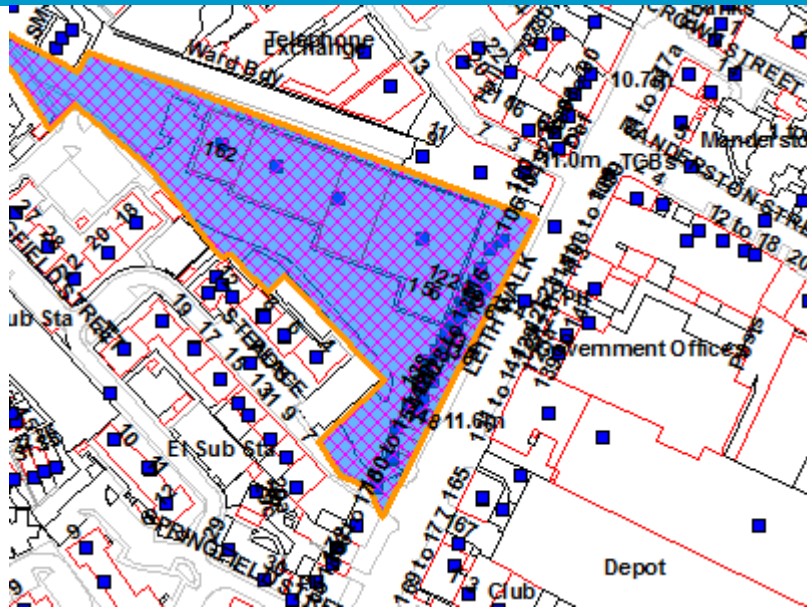
- The proposed zero parking is considered acceptable in the light of the current works to complete the tram line to Newhaven and the progression of a controlled parking zone for the area, anticipated late 2021. The provision of two car club vehicles is considered necessary to further support the proposed zero parking;
- Given the proposed zero car parking provision and controlled parking zone, contributions towards junction improvements and other transport infrastructure are not considered appropriate, other than to tram;
- A travel plan is proposed for the development.

TRAMS - Important Note:

The proposed site is on or adjacent to the operational / 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>

Location Plan



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Development Management Sub Committee

Wednesday 2 June 2021

**Application for Planning Permission 20/05444/FUL
At 109, 110 And 111 Princes Street,, 112 Princes Street And
144-150 Rose Street, (Debenhams)
Proposed redevelopment + change of use of existing
premises to form hotel with rooftop bar/restaurant, active
uses at lower floors including restaurant/bar/retail/flexible
meeting/event/venue space, health suite/gym, together with
ancillary uses, associated works/alterations/demolitions
(use classes 1/2/3/4/7/11 and sui generis).**

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 buildings and preserves and enhances the character and appearance of the conservation area.

The proposals comply with the adopted Local Development Plan policies and non-statutory guidelines and have no adverse effect on the Outstanding Universal Value of the World Heritage Site or the designed landscape. The development is sustainable has no detrimental impact on significant archaeological remains, residential amenity, road safety, infrastructure or biodiversity. There are no identified impacts on equalities or human rights and no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL02, LRET01, LRET09, LEMP10, LRET11, LRET07, LEN04, LEN03, LEN06, LEN01, LEN07, LDES01, LDES03, LDES04, LDES06, LDES07, LEN09, LDES05, LDEL01, LTRA02, LTRA03, LTRA04, NSG, NSLBCA, NSESBA, NSGD02, CRPNEW, HES, HEPS, HESUSE, HESSET,

Report

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(use classes 1/2/3/4/7/11 and sui generis).**

Recommendations

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

Background

2.1 Site description

The application relates to the former Debenhams department store, occupying two adjoining buildings on Princes Street within the block between Frederick Street and Castle Street and part of a building on Rose Street. These buildings are described in detail below.

112 Princes Street

The former department store occupies the former Conservative Club at 112 Princes Street by Robert Rowand Anderson, dating from 1882-4. All that remains of this building is its four storey and attic, Free Renaissance style, sandstone facade with reconstructed elements comprising the gable chimneys, red tiled roof, dormers and part of the ground floor elevation with altered to form shop display windows. The only salvaged internal features are the arcaded stair and associated stained-glass windows which were reconfigured and relocated towards the rear of the building. The reconstruction was designed by Ketley, Gould & Clark (with Simpson + Brown) and carried out from 1978-81. Six storeys of concrete floor plates were erected extending from Princes Street to Rose Street South Lane. The building is category B listed (listed building reference: LB29512, listed on 13 April 1965).

109, 110 and 111 Princes Street

The former store also occupies most of the building at 109, 110 and 111 Princes Street which includes the 1869 Palace Hotel by John Lessels which became the Liberal Club. This building is a four storey, attic and garret, French Renaissance style, sandstone structure with modern shopfronts at ground level and a modern glazed infill on the west side. The only part of this building not occupied by the former Debenhams store is the

ground floor of the historic structure. The interior was mainly reconstructed as part of the department store formation in the late 1970s/early 1980s, although the stair and entrance hall, decorative ceiling plasterwork and remnants from the Gladstone Memorial Library survive. The building is category B listed, side (listed building reference: LB30147, listed on 12 December 1974).

144-150 Rose Street

The final premises occupied by the former Debenhams store comprise the basement ground and first floors of 144-150 Rose Street. This building was originally a three storey and attic tenement erected in 1780 but was demolished retaining parts of the facade only as part of the department store creation of 1978-81. The original ground floor frontage was replaced with a modern sandstone shopfront. This building is category C listed (listed building reference: LB29650, listed on 28 March 1966).

There are internal connections between the two main buildings. The ground and mezzanine levels of 112 Princes Street connect with the basement and first floors of 144-150 Rose Street via the basement of the Rose Street building and a link structure in Rose Street South Lane.

The site is within the Old and New Towns of Edinburgh World Heritage Site and is adjacent to several other listed buildings and structures, notably 152 and 154 Rose Street (including the Kenilworth Bar) and 112-114 Rose Street Lane South West (listed building reference: LB29651, listed on 12 December 1974). Princes Street Gardens, part of the New Town Gardens Designed Landscape (reference: GDL00367), is situated to the south of the site.

The surrounding area is in mixed, predominantly commercial, use including shops, offices, hotels, restaurants and bars.

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

2.2 Site History

6 August 2020 - Proposal of Application Notice approved for redevelopment and change of use of the existing premises to form a hotel with rooftop bar/restaurant, active uses at lower floors including restaurant, bar, retail, flexible meeting and event/venue space, health suite/gym, together with ancillary uses, associated works, alterations and demolitions (Use Classes 1, 2, 3, 4, 7, 11 and sui generis) at 109, 110 and 111 Princes Street, 112 Princes Street and 144 - 150 Rose Street (reference 20/02952/PAN).

Several applications for planning permission, listed building consent and advertisement consent associated with the operation of the Debenhams department store have been submitted and granted, but no major changes have been made to this group of buildings since the late 1970s/early 1980s.

Main report

3.1 Description Of The Proposal

The application is for the redevelopment and change of use of the existing premises to form a 207 bedroom hotel with a rooftop bar/restaurant and mixed uses on the lower floors including restaurant, bar, retail, health suite/gym and a flexible meeting and event/venue space (use classes 1, 2, 3, 4, 7, 11 and sui generis).

External Alterations

- demolish the entire late 1970's concrete structure behind the retained façade of 112 Princes Street and erect a new nine storey and basement structure with a predominantly glazed rooftop bar/restaurant with an ancillary aluminium-clad structure, a central lightwell finished in white glazed brick and glass reinforced concrete (GRC) cladding panels with astragalled aluminium-framed windows and a stepped GRP/standing-seam zinc-clad elevation with vertically-aligned window openings to Rose Street South Lane;
- reconstruct the existing roof and chimneys of no. 112 using the existing external materials and matching infill elements, extending the ridge height of the façade and incorporating three new contemporary style, lead-clad dormers;
- replace the existing two-storey bridge link between 112 Princes Street and 144-150 Rose Street with a reduced-scale, metal-louvred link housing plant; and
- demolish the existing glazed link structure at 111 Princes Street and erect a new link structure comprising an arcaded façade in GRC with extensive glazing behind, with balconies, planted arches, a pitched slated roof to Princes Street and standing-seam zinc cladding on the gable and rear roof sections.

Internal Alterations

The associated application for listed building consent (reference 20/05442/LBC) includes the relocation of the historic Conservative Club stair as a centrepiece feature within the front of house/public areas of the new hotel, along with the associated stained-glass windows in the west gable wall. Internal alterations are also proposed to the former Liberal Club building.

The new hotel will incorporate a direct pedestrian link leading from the main entrance on Princes Street, running below Rose Street South Lane then up one level via stair and lift access to exit on Rose Street.

No car parking is proposed and a total of 42 secure, indoor cycle parking spaces will be provided within the development as follows: 30 spaces within a store at upper floor level in the Princes Street building (with level access from Rose Street South Lane) and 12 spaces within the ground floor lobby of the Rose Street building. There will be changing facilities for staff at basement level within 112 Princes Street.

Service vehicles will access the development from Rose Street South Lane.

The original scheme submitted has not changed, apart from the reduction of hotel bedrooms from 208 to 207 and very minor design amendments. Further annotations have been added to certain drawings to clarify particular aspects regarding the proposed retail and Class 3 uses and the location of internal heritage assets.

Supporting Documents

The following key documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Pre-application Consultation (PAC) Report
- Planning Statement;
- Heritage and Townscape Statement;
- Design and Access Statement;
- Townscape and Visual Impact Assessment including verified views;
- Archaeological Written Scheme of Investigation;
- Noise Impact Assessment;
- Transport Statement;
- Low and Zero Carbon Technology Feasibility Study and Sustainability Statement; and
- Surface Water Management Plan.

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 development is acceptable in principle in this location;
- b) the proposals preserve the character and setting of the listed buildings;
- c) the proposals preserve or enhance the character or appearance of the conservation area;
- d) the proposals harm the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site;
- e) the proposals adversely affect the Designed Landscape;
- f) the proposals are sustainable, of acceptable design and contribute towards a sense of place;
- g) the proposals have an adverse impact on significant archaeological remains;
- h) the proposals have a detrimental impact on residential amenity;
- i) the proposals have a detrimental impact on road safety or infrastructure;
- j) the proposals have an adverse impact on biodiversity;
- k) any impacts on equalities or human rights are acceptable; and
- l) public comments have been addressed.

a) Principle

The site is located within the City Centre as designated by the Edinburgh Local Development Plan (LDP).

LDP Policy Del 2 guides development in the city centre, stating that development 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". Proposals are required to meet various criterion including, a use or mix of uses appropriate to the location of the site and, in the case of major mixed-use developments, offices (particularly on upper floors) and other uses at street level to maintain city centre diversity, especially retail use in important shopping frontages.

The proposed development is a high-quality, upscale hotel with complementary commercial and leisure uses which will help to sustain footfall levels in this area, especially given that the new St James development is expected to shift the centre of the city's retail core to the east. In addition, the proposal includes an element of flexible retail space within a new arcade connection running from Princes Street through to Rose Street. The range and balance of uses proposed complement and support the existing tourist, commercial and leisure uses characteristic of the First New Town and will add to the vitality of the area. The redevelopment of these important listed buildings in appropriate and sustainable long-term uses will enliven this section of Princes Street which would otherwise be left with an empty former department store which has no prospect of being re-used as an entire retail outfit. Also, the inclusion of café/restaurant uses at street level and a rooftop bar will add life to this block, including during evening hours.

LDP Policy Ret 1 states that, "planning permission will be granted for retail and other uses which generate a significant footfall including commercial leisure use, offices, community and cultural facilities'." A key objective of the LDP is "to sustain and

enhance the city centre as the regional focus for shopping, entertainment, commercial leisure and tourism related activities and encourage appropriate development of the highest quality".

Whilst there will be a net loss of retail floor space, the proposed use is consistent with the retail policy intentions set out in the LDP of reinforcing the retail vitality of the shopping streets in the retail core by providing a mixed-use hotel/commercial/leisure facility. The proposal has also "paid special attention to upper floors, if not used for retail purposes, and how these may be put to, or brought into beneficial use which will enhance the city centre character" by providing a bar/restaurant at rooftop level with access to views across Princes Street over the Waverley Valley and across to the Firth of Forth. The new structure behind the historic façade at 112 Princes Street will respect the original floor levels and provide clear views out from the large public room windows of the former Conservative Club.

Policy Ret 9 presumes against changes of use in the city centre retail core which would undermine the retailing function of the area, but the proposed development is not likely to have this effect. The City Centre Shopping and Leisure Supplementary Guidance states that there are benefits in allowing shops to change to other uses that preserve and enhance the city centre's vitality and viability. The proposal complies with Policy CC 1 in the guidance regarding the change of use of shop units within the identified Primary Frontages to non-shop uses in Princes Street and Rose Street in terms of maintaining no more than one third of the total number of units in the frontage in non-shop use. In the case of shop units that have multiple levels, this criterion will apply to the ground floor level of the unit only. The proposed restaurant, bars and cafes at ground floor level are appropriate commercial uses which will complement the character of the City Centre Retail Core and will not be detrimental to its vitality or viability. Whilst the ground floor of the Princes Street premises has been designed so that it will be used as a hotel restaurant and while the hotel use is different to the class 3 or class 11 set by Policy CC1, the proposed use is acceptable in this instance. Also, the LDP allows a more flexible approach to the introduction of complementary uses that support the main shopping function of the city centre and encourages use into the evening "in order to achieve a diverse, thriving and welcoming city".

The proposed retail elements integrated within the development are supported by Local Development Plan Policy Ret 1. The applicant's aim is to support and promote local makers, craftspeople and artisans by providing flexible retail spaces at ground level of the hotel on Princes Street along the new arcade and within the ground floor of the Rose Street premises. These "pop-up retail" spaces will be convenient and attractive to users of the public space created in the ground floor of the hotel which will be flexible in use accommodating a bar/restaurant, cultural and art displays and performance areas during the Festival.

LDP Policy Emp 10 permits hotel development in the city centre where it may be required to form part of mixed-use schemes, if necessary to maintain city centre diversity and vitality. Given the major commercial and tourism role of the Princes Street and the accessibility of this site via sustainable means of transport, hotel development is acceptable in principle. The hotel use will support the range of uses proposed on this site and the existing surrounding uses and the total number of bedrooms proposed is not excessive, given the physical constraints of the site and heritage sensitivity. There

is a current need for additional hotel bedrooms in Edinburgh and this city centre location and building type is suited to a development of this nature.

The proposed Class 3 uses are ancillary to the hotel use, although the criteria of LDP Policy Ret 11: Food and Drink Establishments has been considered in the assessment of these uses. The proposed café/restaurants and bars in this busy city centre location, where there are many existing such establishments, will not cause any significant disruption for residents. These uses will be located at ground floor level with active frontages to Princes Street and Rose Street contributing to the vitality of the area.

LDP Policy Ret 7 supports entertainment and leisure developments in this location, provided:

- the proposal is compatible with surrounding uses and will not lead to a 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. There are no residential properties in close proximity to the basement of the Princes Street premises in which the gym/spa will be located and the site is on a major bus route, in close proximity to a tram stop and easily accessible by foot or cycle.

The development is therefore acceptable in principle as it will sustain and enhance the city centre and its various roles including retail, commercial leisure and tourism-related activities, in compliance with LDP Policies Del 2, Ret 1, Ret 9, Emp 10 and Ret 7.

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's guidance on *Managing Change - Reuse and Adaptation of Listed Buildings and Setting of Historic Assets or Places* set out the principles that apply and how they should inform planning policies.

LDP Policy Env 4 permits proposals to alter or extend a listed building where the alterations or extensions are justified; there will be no unnecessary damage to the building's historic structure or diminution of its interest; and any additions are in keeping with other parts of the building.

LDP Policy Env 3 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.

Character of 112 and 109-110 Princes Street

Only parts of the original façade and interior remain of the category B listed, former Conservative Club. The entire structure behind the façade was demolished in the late 1970s, significantly reducing the building's historic and architectural integrity through the total loss of the original plan form, significant internal spaces and majority of decorative interior features. The reconstruction of the front roof pitch, gable chimneys and elements of the façade, along with the relocation and alteration of the main stair, further contributed to the erosion of the building's special historic and architectural interest and authenticity. The replacement concrete structure is functional in design with misaligned floors to the façade windows and makes no reference to the historic plot form or buildings that formerly stood on the site. The demolition of this modern addition is therefore acceptable in principle.

The floor heights of the proposed new structure relate to the original façade windows, using duplex suite layouts to accommodate high floor to ceiling heights without having visually intrusive floorplates in external views. The views over Princes Street Gardens to Castle Rock from the Smoking Room and Dining Room of the former club will be reinstated, albeit from within hotel bedroom suites. The plan form incorporating a central atrium with front and rear accommodation blocks linked by a corridor takes its reference from the late Victorian plot layout and period up until major redevelopment. An aerial photograph from 1976 captures the existing buildings on the site which comprised the former Conservative Club with a tall, but subservient link structure adjoining a six storey and attic building on Rose Street South Lane.

The height of the proposed building at roof level, with the exception of the rooftop bar and ancillary structure behind, is only marginally higher than that of the existing concrete building. Whilst the proposed rooftop bar and ancillary structure is a significant addition to the original roof height, the façade of the "Skybar" will be set well back from the ridge line of the re-constructed front roof pitch. This set back, along with visually lightweight materials and a flat roof at minimal height will ensure that the new rooftop addition will have no detrimental impact on the surviving historic façade of 112 Princes Street.

The proposed reconstruction and extension of the front roof pitch at the existing angle, resulting in a raised ridge height and rebuilding of the gable chimneys at a higher height than the existing is proposed for practical and aesthetic reasons. Both reconstructions are acceptable in principle given that the Simpson and Brown records of the late 1970's redevelopment works indicate that new material was used for the most part. Photographs during construction show only a few red tiles which are darker than the rest and it likely that these darker, tarnished tiles were salvaged originals. In construction photographs of the west chimney stack it would appear that new sandstone blocks were used, going by the relatively light tone of the blocks. Also, mid-20th century photographs show that, by this time, three dormers had been added above the existing dormers and it is not possible to ascertain from photographic, physical or written evidence whether the original ridge height was extended to accommodate these additional dormers. The proposed dormers are symmetrically arranged above the existing dormers and are an acceptable addition in order to achieve the required number of hotel bedrooms to make the project viable without adding any more unnecessary mass. The contemporary style of the proposed dormers

will distinguish these modern additions from the reconstructed historic dormers to demarcate clearly the evolution of the original façade over time.

The lifting the roof ridge results in the need to raise the height of the gable chimney stacks to avoid an awkward relationship between the ridge line and the chimneys. This has been illustrated on a drawing which shows that the new ridge line would sit slightly above the level of the chimney stacks (excluding pots) were the existing chimney height retained. The proposed raising of the chimney stacks will re-establish the originally intended prominence of the chimneys in relation to the ridge height. The raising of the ridge height has the added advantage of providing a solid barrier to the proposed rooftop bar terrace in lieu of a conspicuous open balustrade which would have looked out of place above the ridgeline.

As regards the existing rear elevation, this is a blank metal-clad façade with louvres, a brick gable wall and open service yard at ground floor level. Whilst the canted upper levels provide a degree of articulation and reduction in visual bulk, this elevation does not contribute positively to the character of the listed building. The proposed replacement structure is similar in terms of ridge height, but only has slight set backs at the upper levels. The impact of this form is not significant in terms of the character of the historic façade of no. 112, but the proposed replacement elevation with windows throughout is a more appropriate design in terms of being a modern interpretation of the Victorian tenement that once stood on this site in Rose Street South Lane. The proposed materials in type and tone and vertically aligned window openings contribute to this design concept.

The reduction in the scale of the bridge structure will further improve the oppressive, utilitarian character of the existing rear elevation.

In terms of materials for the remainder of the new building, these are appropriately specified and placed, focusing the non-traditional GRC panels at the rear and on gables. The use of glazed brick for the lightwell walls is based on a historic use of this material for lightwells, as seen on other listed buildings of commercial character within the First New Town and the proposed Crittal style windows in the new glazed brick elevations are typical of original windows within such lightwells. The predominant use of glazing for the proposed rooftop bar and link corridor to the service block behind is appropriate to evoke the effect of a traditional large cupola whilst keeping the new addition visually lightweight and the proposed grey aluminium cladding on the rear section will keep this ancillary block visually subdued from elevated viewpoints.

The existing glazed link structure at 111 Princes Street is part of the late 1970's redevelopment and comprises an architecturally lightweight, contemporary solution to connecting the two listed buildings. The link of is no special architectural significance, so its replacement is acceptable in principle. The new link is a more assertive, but complementary solution which involves a traditional arcaded form drawing on the double-height elements and rhythm of openings within the facades of the flanking listed buildings. The arcaded form allows for an appropriate level of depth and detailing in this context of Victorian architecture and signals the use of the ground floor level as an arcade linking through from Princes Street to Rose Street. The increased façade height compared to the existing link structure will have no detrimental impact on the appearance or visual prominence of either listed building, given the delicate nature of the arcaded architecture and the fact that views of both buildings looking along Princes

Street are already interrupted by projecting elements of the flanking buildings. Only a restricted area of the more visible east gable chimney of no. 112 will be obscured in west-looking views, given that the top levels of the proposed infill are set back and the chimney stacks of no. 112 will be raised up. The slated, mansard-type roof on the arcaded link references the mansard roof forms of the listed buildings and the use of GRC for the arched frame elements is appropriate in order to achieve a delicate and detailed structure in a complementary warm-grey tone.

Setting of Listed Buildings

The listed buildings affected to any significant extent by this development in terms of setting comprise those on the application site and the category A listed building on the south-east corner of Rose Street and Rose Street South Lane, dating from 1780 with later extensions. This building incorporates the Kenilworth bar at ground and first floor level. The settings of all these buildings have been comprised significantly through successive and cumulative developments since they were erected, in particular the loss of the original building hierarchy which reduced in height from Princes Street to the service lanes behind and rose again in George Street, with the natural topography creating a height increase from Princes Street to George Street. The impact of the proposed rooftop additions on the wider topography of the Waverley Valley with views across to the Old Town and Edinburgh Castle is assessed in the following sections, but the proposed modest-scale and low-lying rooftop addition has no significant or detrimental impact on this setting.

For the majority of these buildings, the setting will be enhanced through the replacement of a utilitarian and unbroken concrete slab structure with a refined and detailed building with a plan form incorporating a lightwell, articulation at rooftop level and a rear elevation with rhythmic window openings alluding to the Victorian tenement that was still standing on this site in Rose Street South Lane in 1976, according to an oblique aerial photograph of this date. Whilst it is not possible to gauge the height of this tenement from the photograph, it appears to be five or six storeys with a mansard attic.

The proposed replacement structure to the rear of 112 Princes Street is undoubtedly higher than this historic tenement and will not provide the visual relief that the canted upper floors of the existing concrete structure gives at present in terms of dominating the setting of 152 and 154 Rose Street and 112-114 Rose Street South Lane. In this respect, the overall height of the new structure will have a detrimental impact on the setting of this category A listed building. However, this is one aspect of the listed building's setting and the new building on the lane will only be visible as a backdrop from one particular location in Rose Street, i.e. the west junction of Rose Street and Rose Street South Lane. The most significant part of this listed building is its front section containing the Kenilworth bar and the proposed new building will have the greatest visual impact on the later rear addition. Also, the stepped form, detailing and materials of the proposed structure have been designed and used carefully to maintain the visual prominence of the rear roof of the listed building. Historic Environment Scotland concurs that, taking into consideration the wider urban context and significance of the listed building, the development would overall not have a significant detrimental impact on the setting of this particular listed building.

Whilst acknowledging this detrimental element of the proposed development in terms of height domination, it is limited to a specific part of the setting of the listed building and offset by the proposed façade design and less austere, utilitarian appearance. Overall therefore, the new development will not affect the setting of this listed building to an unacceptably adverse extent.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the adjacent listed buildings and their settings including any special architectural or historic interest they possess, in compliance with LDP Policies Env 4 and Env 3.

c) Character and Appearance of Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which 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."

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

- *“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; and*
- *the important feature of terminated vistas within the grid layouts and the long-distance views across and out of the conservation area."*

The proposed tourism/leisure and commercial uses are in keeping with the predominantly mixed-commercial character of the First New Town and will contribute to the vitality of the conservation area. In addition, the character and appearance of this particular section of Princes Street will be preserved and enhanced through the sensitive re-development of these important category B listed buildings in a sustainable and viable use.

The proposed development will reinstate significant qualities of the historic plan form of this block that were by destroyed by the late 1970's Debenhams development, although the original Georgian spatial structure and hierarchy of principal streets and buildings had been lost several decades before. The plan form of the proposed new structure to the rear of no. 112 will restore a sense of the Victorian block plan, seen in the oblique aerial view of the site in the 1976 photograph. Whilst the new building is of greater mass than the previous buildings that occupied the site from Princes Street through to Rose Street South Lane, the inclusion of a lightwell within the structure will provide a physical space that evokes both the Victorian layout of this block and the lightwells behind the Princes Street frontages which were characteristic of the same period. The development also incorporates a modern interpretation of the type of historic north-south running arcade that once existed on Princes Street, including within a previously demolished building to the east of the site.

The proposed rooftop and rear additions proposed to the existing envelope, whilst not insignificant in scale, will not alter the essential hierarchical urban plan form of the First New Town nor interfere with its important vistas and views to any detrimental extent, even although existing views from key street level and elevated locations will change. The ancillary structure to the rear of the "Skybar" is required to meet fire safety standards at all levels, i.e. two separate fire-fighting cores and means of escape and provide basic support services, including WCs, for the bar at the same level. This structure is the minimum size possible to accommodate these services.

Verified views of the proposed development have been produced from a series of key vantage points. The two locations which best illustrate the effect of the development on the existing hierarchy of buildings are from Edinburgh Castle ramparts looking north and from Mound Place looking north-west. The photomontages from these positions show that the added elements will have an impact on the existing views, but this impact will be positive or neutral, rather than negative, bearing in mind that every view is transient.

From the Castle ramparts, the functional, inarticulate expanse of the existing grey flat roof is evident, although the upper floors of the rear elevations of the buildings on the south side of George Street are clearly visible. The proposed "Skybar" with ancillary structure behind and the squared-off upper storeys of the rear elevation will obscure a greater percentage of these George Street buildings, without blocking existing views of the upper levels of the buildings on the north side of George Street. Views of the latter buildings are more important, given that the rear elevations of the south side buildings include substantial, utilitarian extensions. The visually lightweight and delicate design of the new rooftop bar will provide articulation and interest at this level which will offset the reduction in sight of the buildings on the south side of George Street and the service block on the rear section of the roof will not be visually intrusive due to its lower-lying height and restricted area.

As regards the existing views of the site from Mound Place, there is no sight of any of the buildings beyond to the north-west due to the height and massing of the existing concrete structure and link building. The proposed development will enhance rather than diminish this view through the provision of a replacement structure with more articulate, interactive and visually "softer" upper levels than the existing concrete box forms. Materials have been specified to complement the tone and character of the historic roofscape and glazing/aluminium at the highest levels will provide the required level of visual light weight.

The existing and proposed views of the site looking east and west along Princes Street and from within Princes Street Gardens will not change to any extent that would affect the essential character or appearance of the conservation area. The proposed infill building relates well to the mixed-use character of this particular block and Princes Street in general. The design is elegant and draws reference from the flanking Victorian buildings and other buildings of similar age and style along Princes Street.

Whilst there will be a significant increase in mass within Rose Street South Lane, this element of the development will only be visible from the junction of Rose Street and the lane and from within the lane. The former view is transient and the increased mass will be offset by a more visually appropriate and interactive elevation than the existing blank, functional frontage. Also, the historic character of the lane has been severely

eroded by large rear blocks erected mainly in the 20th century as additions to commercial premises on Princes Street, so the proposed building will have no detrimental impact on the character or appearance of this part of the First New Town.

The proposed development has also been tested in longer views from the south, including from Ferry Road and the new roof forms and additions to the existing envelope will not be conspicuous within this wider context. These elements will not register against the existing mixed roofscape, with many buildings, towers and spires sitting at a higher level than the proposed structures.

The geometric forms and materials of the proposed rooftop extensions and structure fronting Rose Street South Lane are design as modern interpretations of historic architecture within the First New Town. The specified materials palette is appropriate in this context, using a blend of traditional and contemporary materials, including glass, natural slate and zinc cladding with standing-seam detailing, GRC panels and aluminium cladding. These materials are used in other modern developments within the New Town Conservation Area, particularly in the commercial core and the various tones chosen for this development have been focused on areas where they will complement the existing historic buildings and reduce visual impact where this is important to preserve key views of the characteristic Princes Street roofscape. The use of simple, open vertical metal balustrades to enclose the proposed roof terraces will avoid visual intrusion around these edges. Whilst the glazed "Skybar" will reflect light to a certain degree, traditional cupolas in the New Town do likewise and the brise soleil along the Princes Street frontage will minimise glare in the summer months. As regards light pollution during hours of darkness, the lighting within the rooftop spaces will switch to pre-determined muted evening settings and the accommodation has been "sunk" below the roof line with the solid terrace parapet and large chimneys providing screening to minimise light spillage.

A condition has been applied to ensure that the materials specifications are acceptable in terms of finer detailing, precise finish/tone and sustainability.

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

d) Outstanding Universal Value of World Heritage Site

The Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site 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.

This site is not located within the viewpoints identified in the Skyline Study referenced in the Edinburgh Design Guidance, nor is it a notable feature in views from the Old Town, so the proposed development will not affect the iconic skyline quality that contributes to the OUV of the World Heritage Site.

From the elevated views of the Castle ramparts, Esplanade and Mound Place, the new roofscape will have an impact on existing views. However, the hierarchy of buildings

rising from Princes Street to George Street, which is a key element of the OUV, will not be affected to any significant or harmful extent as explained in section 3.3 c) above. Historic Environment Scotland states that, while the scope of changes would mean some impacts on the existing roofline and on the OUV, these changes would not have a significant impact.

The development will have no detrimental impact on the character or appearance of the Georgian New Town, nor its relationship with the medieval Old Town and will cause no harm to the Outstanding Universal Value of the Old and New Towns of Edinburgh World Heritage Site, in compliance with LDP Policy Env 1.

e) Designed Landscape

The site is located within the New Town Gardens Designed Landscape which comprises an internationally recognised series of 18th and 19th century town gardens, squares and walks.

The proposed development is of appropriate scale and the sensitive and elegant design of the new arcaded infill structure with recessed planted arches will complement the historical and landscape interest of the Gardens, in compliance with LDP Policy Env 7.

f) Sustainability, Design and Sense of Place

LDP Policy Des 1 provides that the design of a development should be based on an overall concept which draws upon the positive characteristics of the surrounding area, to create or reinforce a sense of place, security and vitality. It further provides that planning permission will not be granted for poor quality or inappropriate design, or for proposals which would be damaging to the area's character or appearance, particularly where this has a special importance. Likewise, LDP Policy Des 3 supports development where it is demonstrated that the existing characteristics and features worthy of retention on the site and in the surrounding area have been identified, incorporated and enhanced through its design. LDP Policy Des 4 states that development should have a positive impact on its surroundings in terms of height and form, scale and proportions and materials and detailing.

The proposed development will create attractive internal and external public spaces for people in which to experience the proposed mixed tourism, commercial and leisure uses, in particular, a publicly accessible rooftop bar with two outdoor terraces providing spectacular views southwards across Princes Street Gardens to Edinburgh Castle and the Old Town, eastwards to Calton Hill and northwards over Edinburgh and the Firth of Forth into Fife. The original grand stair of no. 112 will be relocated to form the focal point of a new centrepiece atrium with flexible spaces within and around and a large rooflight providing views of the open lightwell above.

The applicant has prepared a retail, performance and art curation strategy for these flexible spaces which can be changed and adjusted throughout the year, including use during the Festival as performance/exhibition spaces. A retail and hospitality programme is also proposed to showcase local artisans and producers, involving the use of pop-up retail units and the various hospitality outfits. Spaces within the

development also have the flexibility to be used for community focused talks and cultural and music events and there are facilities for wellness programmes.

The design concept of the proposed development draws upon the positive characteristics of the site and surrounding area, creating a new destination building and reinforcing the existing sense of place. The importance of the development's setting within the townscape and roofscape of the First New Town has been recognised in the design and key views of the site from elevated positions looking over the Waverley Valley have been considered in the proposed heights, roof forms, elevations and materials at all levels. The result is a coherent and integrated design in terms of both close up and distant views.

LDP Policy Des 6 supports new development that meets the current carbon dioxide emissions reduction target, with at least half of this target met through the use of low and zero carbon generating technologies and incorporates other features that will reduce or minimise environmental resource use and impact.

The proposed development seeks to achieve a BREEAM Excellent, Gold Standard of carbon reduction through the creation of a long-term sustainable asset which protects the important historic assets. The use of existing historic assets is a sustainable measure in its itself, although the demolition of the existing 1970's structures is necessary to achieve a superior built complex in terms of carbon reduction over time. The proposed construction materials are mainly natural, avoiding the use of uPVC. The new structures will exploit solar gain from extensive areas of glazing and the proposed heating system comprises multi-purpose heat pumps with heat-recovery fan coils, rather than gas-fuelled combined heat and power (CHP). Photovoltaic panels were considered but have been discounted due to the fact that these would have a detrimental impact on the historic roofscape in this particular location.

The incorporation of green/brown/blue roofs on the flat roof area was explored, but the use and restricted areas of the external terraces would preclude such roofs. Whilst the principal upper roof areas would be more technically suitable for green/brown/blue roofs, this would result in an increase in height which would have a significant impact from elevated views in terms of preserving the historic architectural hierarchy and blending in with the traditional roof materials and tones of Princes Street. However, means of harvesting rainwater for the irrigation of soft landscaping on the terraces are being explored and a diagram has been submitted indicating a location for rainwater storage.

As regards surface water management, there will be no increase in the volume of surface water discharged from the site as the existing footprint will not increase and Scottish Water has accepted this approach. Foul drainage will be discharged to the combined sewer network and there is capacity in Edinburgh PFI Water Treatment to service the development as confirmed by Scottish Water.

LDP Policy Des 7 supports development which enhances community safety and urban vitality and provides direct and convenient connections on foot and by cycle and LDP.

In terms of sustainable transport, the site is located in the heart of the city centre directly opposite the Princes Street tram stop, on a major bus route and within easy

walking distance of Waverley Station. Also, secure off-street cycle parking will be provided and no car parking is proposed.

A new pedestrian link will run through the building from Princes Street to Rose Street to increase pedestrian permeability. There is a current route through the existing building, but it is convoluted and confusing involving level change and lateral movement, whereas the proposed "arcade" route is direct with a change in level only. The interactive Rose Street South Lane elevation will enhance public safety in the lane through light provision and overlooking windows.

A further sustainability measure will be the provision of dedicated recycling holding areas within the development in accordance with the requirements of the Edinburgh Design Guidance.

In conclusion, the design of the development is based on a strong sustainable concept which draws upon the positive characteristics of the site and surrounding area and creates a new sense of place, in compliance with LDP Policy Des 1, Des 3, Des 4, Des 7 and Des 8.

g) Archaeological Remains

The site lies within an area of considerable archaeological significance, at the centre of Princes Street and within the First New Town and World Heritage Site. The site has a complex development history since first developed in the late-18th century and the proposed plans involve significant demolitions and alterations to the existing listed buildings. These works may also reveal areas of earlier surviving historic fabric which could provide evidence of the development of these buildings and this section of the First New Town.

Accordingly, conditions have been applied to ensure that a programme of archaeological work is carried out during development to both record and conserve the site's historic fabric. A Written Scheme of Investigation has been undertaken and submitted already in consultation with the City Archaeologist, so the standard suspensive condition has been modified accordingly.

h) Residential Amenity

The site is located within the commercial city centre core and is surrounded by retail and commercial premises to the west, east, north-west and north east. The nearest residential dwellings are above the Kenilworth bar and above commercial premises to the east in Rose Street. This street is a mix of commercial properties mainly at the lower levels with some residences on the upper floors.

A noise impact assessment (NIA) has been submitted in support of the application and Environmental Protection has no objections to the development subject to specific conditions to ensure that noise levels affecting the residential properties on Rose Street will meet the required standards. These conditions, including restrictions on the proposed Class 3 use in the Rose Street unit, have been applied.

The proposed ground floor café/bar and restaurant are included within the main body of the hotel and are entered off Princes Street and the rooftop bar and external terraces

are to the front overlooking Princes Street. Any noise generating from these areas is unlikely to have an impact on residential amenity. The spa proposed within the lower ground floor will not cause any significant disruption to the adjacent residential properties in terms of noise and vibrations.

The applicant has also provided a ventilation supporting statement which confirms that cooking odours from the two kitchens will be extracted to above Princes Street roof height in compliance with the environmental requirements.

In terms of any effects on privacy or daylighting for nearby residences, the daylight and sunlight analysis included in the submission shows that any impacts in terms of overshadowing will be minimal, given the scale and proximity of the existing structures to these properties. No windows of residential properties directly face the site on Rose Street South Lane at present, so there are no privacy concerns with the proposed hotel bedroom windows on the north elevation.

The development will therefore have no unacceptable detrimental impact on residential amenity, in accordance with LDP Policy Des 5.

i) Road Safety and Infrastructure

The development will not generate any significant additional traffic and will support and encourage the use of sustainable transport. The site is within easy walking distance of major public transport links, including the national rail network and no car parking is proposed. Secure cycle parking spaces will be provided within the new building in compliance with the levels specified by the Council's 2017 parking standards in Zone 1 and will include associated changing facilities. Also, an informative has been applied recommending the development of a Travel Plan by the applicant to further encourage the use of sustainable modes.

The introduction of a new pedestrian link through the buildings from Princes Street to Rose Street will improve connectivity within this block and in the wider context.

As regards the public realm, the Council has no detailed design plans at present for works to Princes Street and the service lanes, so there is currently no mechanism within the supplementary guidance to obtain developer contributions for public realm improvements. However, the applicant has confirmed that any areas on public land disturbed by the development works will be reinstated on a like-for-like basis to ensure that the surfaces integrate with the current hard landscaping materials.

In terms of servicing, the new development will be serviced via Rose Street South Lane as per the previous retail arrangement. All deliveries and refuse collection will take place at this location and it is anticipated that hotel servicing will mainly take place during the morning in compliance with the current servicing restrictions.

The applicant will be required to contribute the sum of £11,970 towards the tram infrastructure as follows:

- existing retail use: 10,596sqm = £733,243 (Zone 1)
- 207 bedroom hotel: = £636,357
- proposed restaurant/bar: 612sqm = £108,856
- total = £745,213
- net amount due = £745,213 - 733,243 = **£11,970**

No contribution is due for the proposed retail, office or health club uses.

The developer has agreed to this contribution and it is recommended that the required sum is secured through a S69 legal agreement due to the relatively small amount.

The proposed development will therefore have no detrimental impact on road safety or infrastructure, in compliance with LDP Policies Tra 2 and Tra 3.

j) Biodiversity

No bat survey is required before the proposed demolition works commence as the relative age and form of the existing building roof is not considered to be a likely habitat for roosts, despite the proximity of Princes Street Gardens.

k) Equalities and Human Rights

The development respects the provisions of the Equality Act 2010 by including accessible access throughout the building, including all lift cores. Due to the need for the protection of certain historic assets, not all bedrooms are accessible, but bedrooms in this category only amount to approximately 8% of the total provision.

l) Public Comments

New Town and Broughton Community Council

No comments received.

Material Objections

The Architectural Heritage Society of Scotland

- the increase to the height of 112 Princes Street will disturb the existing scale within the building, increasing the dominance of the roof beyond the original design intent, so the roof and chimneys should therefore be left as-is - this has been addressed in section 3.3 b);
- the inserted dormers will introduce a modern element into the traditional portion of this roofline and should be omitted entirely - this has been addressed in section 3.3 b);
- the proposed building is a floor too high - this has been addressed in sections 3.3 b), c) and d);

- the new link building is also a storey too high, with the upper level of dormers again overemphasising the roof - this has been addressed in sections 3.3 b) and c).

Support Comments

The Cockburn Association

- the loss of an established and prominent department store is unfortunate, but the proposals are consistent with the ongoing and necessary diversification of uses along Princes Street as part of the City Centre Transformation Project;
- the historically significant parts of the listed buildings will be preserved and safeguarded for the future;
- the current 1978 glazed infill façade is not aesthetically successful and the proposed new façade infill will positively re-establish the building's identity;
- the creation a new pedestrian link between Princes Street and Rose Street is particularly desirable and will improve the general amenity, appearance and environmental quality of the lane and Rose Street.

Other Support Comments

- the development will assist the Edinburgh economy, enhance the World Heritage Site and generally improve the environment;
- the works will preserve the historic listed facades and historic interior details, e.g. the staircase and stained glass and the new infill will bring together all the elements of the western half of this block and reflect features elsewhere in Princes Street;
- the proposed rooftop bar is a real asset with public access which will allow fabulous views to the Castle and the increased height does not intrude.

Conclusion

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

The proposals comply with the adopted Local Development Plan policies and non-statutory guidelines and have no adverse effect on the Outstanding Universal Value of the World Heritage Site or the designed landscape. The development is sustainable has no detrimental impact on significant archaeological remains, residential amenity, road safety, infrastructure or biodiversity. There are no identified impacts on equalities or human rights and 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. No demolition shall start until the applicant has confirmed in writing the start date for the new development by the submission of a Notice of Initiation.
2. A detailed specification, including trade names where appropriate and sources, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
3. A programme of archaeological works, in the form of a Watching Brief during construction works, shall be undertaken to mitigate any potential impacts on archaeological remains. Details of this programme shall be submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
4. The hotel kitchen ventilation shall be installed and operational in accordance with the supporting ventilation statement (RSP Consulting Engineers dated 17th November 2020) and shown in drawing 200102-RSP-01-09-DR-M-SK57001, dated 09/02/20, prior to the hotel use commencing.
5. If the commercial unit fronting Rose Street is taken up in Class 3 use, cooking equipment for use within the premises shall be restricted to a microwave, panini machine and soup kettle only.
6. The noise control measures as specified within RMP Noise Impact Assessment Technical Report R-8811-DJC-RRM4 (dated 23th March 2021) and Addendum L-8811-DJC-RRM4 dated 19th April 2021 shall be implemented prior to the uptake of the approved uses on site, including the following:
 - a. the separating walls and ceilings of the commercial unit fronting Rose Street as shown on drawing PL (00) 112 Rev E, dated October 2020;
 - b. the minimum glazing specification of $R_w + C_{tr}$ 38 dB for the commercial unit fronting Rose Street as shown on drawing PL (00) 112 Rev E, dated October 2020;
 - c. the maximum cumulative plant noise levels incorporating acoustic louvres, as shown in table 10 of RMP technical report L-8811-DJC-RRM4, dated 19th April 2021 and on drawings PL (00) 114 Rev B, PL 115 Rev B, PL (00) 119 (Rev A) and PL (00) 121 Rev A, all dated October 2020; and
 - d. the lobby doors as shown on drawing PL (00) 112 Rev E, dated October 2020, if the commercial unit fronting Rose Street is in operation as a Class 3 restaurant.

Confirmation shall be provided by a suitably qualified engineer to confirm that the maximum cumulative plant noise levels, sound insulation and glazing specifications have all been installed and the specified criteria met.

Reasons:-

1. In order to safeguard the character of the conservation area.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to safeguard the interests of archaeological heritage.
4. In order to safeguard the amenity of neighbouring residents and other occupiers.
5. In order to safeguard the amenity of neighbouring residents and other occupiers.
6. In order to safeguard the amenity of neighbouring residents and other occupiers.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement has been concluded to secure a tram contribution of £11,970.

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.

2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including 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 proposed site is 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.

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:

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:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application 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 with Historic Environment Scotland and Edinburgh World Heritage. There was no input from the Edinburgh Urban Design Panel.

A public consultation event (PAC) in the form of a live online consultation forum with a question and answer session by interactive text took place on the project website on Thursday 17 September 2020 between 4.00pm and 7.00pm. The project website went live on 10 September 2020 and the PAC event was advertised in the Edinburgh Evening News on 10 September 2020. Details of the event were sent to parties who received a copy of the PAN in advance of the PAC event as follows:

- New Town Broughton Community Council
- Old Town Community Council
- City Centre Ward Councillors Doran, Miller, Mowat and Rankin
- The Edinburgh Partnership Board
- South East Locality Community Planning Partnership
- Essential Edinburgh;
- Edinburgh Chamber of Commerce
- Historic Environment Scotland
- Edinburgh World Heritage
- The Cockburn Association.

In addition, a copy of the PAC advert was hand-posted to the commercial and residential properties that neighbour the application site on 10 September 2020 and two notices advertising the PAC event were erected on street furniture to the north and south elevations of the site.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 18 January 2020. A total of three representations were received, comprising one objection from the Architectural Heritage Society of Scotland and two comments in support, one from the Cockburn Association.

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

Background reading/external references

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

**Statutory Development
Plan Provision**

The site is located within the City Centre as defined in the Edinburgh Local Development Plan.

Date registered

9 December 2020

Drawing numbers/Scheme

1,2,03A,4-14,15A,16-28,29A-38A,39,40A,41,42A-49A+50-56,

Scheme 1

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer
E-mail: clare.macdonald@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 Ret 1 (Town Centres First Policy) sets criteria for retail and other town centre uses following a town centre first sequential approach.

LDP Policy Ret 9 (Alternative Use of Shop Units in Defined Centres) protects the City Centre Retail Core and Town Centres from development which would undermine their retailing function, and specifies that detailed criteria for change of use will be set out in supplementary guidance. It provides criteria for assessing the change of use of a shop unit to a non shop unit in local centres.

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

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

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 4 (Listed Buildings - Alterations and Extensions) identifies the circumstances in which alterations and extensions to 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 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 7 (Historic Gardens and Designed Landscapes) protects sites included in the national Inventory of Gardens and Designed Landscapes and other historic landscape features.

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

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

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

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

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

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

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

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

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

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.

NSESBA - **Non-statutory guidelines** Part A of 'The Edinburgh Standards for Sustainable Building' requires new development in Edinburgh to reduce their carbon emissions in line with the current Building Regulations

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.

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.

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.

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

Appendix 1

**Application for Planning Permission 20/05444/FUL
At 109, 110 And 111 Princes Street, 112 Princes Street And
144-150 Rose Street, (Debenhams)
Proposed redevelopment + change of use of existing
premises to form hotel with rooftop bar/restaurant, active
uses at lower floors including restaurant/bar/retail/flexible
meeting/event/venue space, health suite/gym, together with
ancillary uses, associated works/alterations/demolitions
(use classes 1/2/3/4/7/11 and sui generis).**

Consultations

Historic Environment Scotland

We have been involved in several pre-application discussions on the development of this proposal. We can see how impacts on the historic environment have been reduced. Given the scope of the proposals, it is inevitable that some adverse or negative impacts will remain. Overall, we are content that that these would not have a significant damaging impact.

You have asked for our views on the potential impact on the historic assets listed above. Taking these in turn:

Setting of 152 and 154 Rose Street (Kenilworth Bar)

This A-listed building is significant as a surviving building of the first New Town and for the quality of the Victorian pub frontage and interior. The proposed new development would be highly visible from the junction of Rose Street and Rose Street Lane South. From this one viewpoint the proposals would therefore have a negative impact. However, taking into consideration the wider urban context and significance of the listed building, we are of the view that development would overall not have a significant detrimental impact.

Outstanding Universal Value (OUV) of the Old and New Towns of Edinburgh World Heritage Site

109-12 Princes Street are visible in views from the Old Town and the Castle. Despite now being interconnected, they still have the appearance of independent buildings - contributing to the mix of uses and architectural styles along Princes Street, along with a varied roofline. The juxtaposition of the Old and New Towns is a key attribute from of the OUV of the World Heritage Site.

Our aim during pre-application discussions was to see retention of the prominence and individuality of the frontages. We can see how the proposals have evolved and the impact of rooftop alterations / additions have been reduced since pre-application. While the scope of changes would mean some impacts on the existing roofline and on OUV, we are of the view these changes would not have a significant impact.

We note the proposals now would increase the height of the roof and the chimney stacks. We consider this primarily to be a listed building consent (LBC) issue and have provided further comment on this issue in response to the LBC consultation.

The New Town Gardens (Inventory of Gardens and Designed Landscape)

As the proposals are for the alteration, albeit extensive in places, to the existing buildings any impact of The New Town Gardens would be minor in nature.

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 development affecting the historic environment, together with related policy guidance.

Edinburgh World Heritage

This advice is in line with our pre-application engagement on this case, of which you are aware.

The principal focus of Edinburgh World Heritage is the impact on the Outstanding Universal Value (OUV) of the 'Old and New Towns of Edinburgh' World Heritage Site ('the World Heritage Site' or 'WHS'). Therefore, proportional comment may be made on impact upon individual heritage assets (e.g. Listed Buildings and Conservation Areas), but only to the extent that this impacts upon the city's overall OUV. The Local Planning Authority should therefore give additional consideration to individual heritage assets affected, beyond the scope of our comments, in line with planning policy and legislation.

OUTSTANDING UNIVERSAL VALUE

The OUV of the World Heritage Site is well-established in the UNESCO inscription, and will therefore not be repeated here. Very broadly, this has broken this down into 5 overarching qualities which can be found on our website.

Due to the nature and location of the proposed development, the following elements of the World Heritage Site's Outstanding Universal Value are most likely to be affected.

- 'A Model City': The Old and New Towns embody the changes in European urban planning from inward looking, defensive walled medieval cities, through 18th and 19th centuries formal Enlightenment planning, to the 19th century revival of the Old Town with its adaptation of a Baronial style of architecture in an urban setting.*
- 'City of Contrasts': The survival of two contrasting styles of urban development: the organic*

multiple layers of the medieval Old Town and the enlightened, spacious, ordered elegance of the New Town.

- 'Iconic Skyline': The dramatic hills and green spaces of the landscape, plus key buildings of the Old and New Towns give Edinburgh its iconic skyline that has inspired generations of artists, writers, visitors and residents.

Specifically, Princes Street is a key street of Edinburgh's First New Town, and is highly visible in views which are important to the appreciation of the World Heritage Site's OUV as outlined above. Of particular note in the context of this application are views from the Old Town into the New Town across Waverley Valley, from which the OUV associated with the juxtaposition of the Old and New Towns, the formalized planning of the New Town and characteristic roofscape of Edinburgh can all be appreciated.

The site is considered to make a positive contribution to the overall OUV of the World Heritage Site and to the contribution to OUV made by associated heritage assets.

IMPACT ON OUTSTANDING UNIVERSAL VALUE

Edinburgh World Heritage raised concerns at pre-application stage regarding the harmful impact of developing proposals for the site on the OUV of the World Heritage Site. The principal element of the proposal which could impact in this regard is the proposed upper levels of the development. For this reason, our comments focus on this aspect of the proposal. As outlined in the preceding section, the high-ground views across Waverley Valley to Princes Street make a positive contribution to understanding and appreciating the values of the World Heritage Site's OUV. The view from Edinburgh Castle (AVR3) provided is one example of such a view, and others across the valley (e.g. from New College) merit careful consideration by the council. The existing buildings of the site are particularly tall within the context of Princes Street. Therefore, further massing addition to their upper levels would have a particularly high visibility and impact on (in particular) long views. This also creates the potential for height precedent setting along Princes Street which would be detrimental to its character and OUV.

While we appreciate the efforts made to minimise the impact of the upward extension, the proposals formally submitted would cause significant harm to the OUV of the World Heritage Site outlined in the preceding section, for the following principal reasons;

- The harmful impact on the characteristic roofscape and legible planned form of the New Town as a result of increased heights to an already unusually tall building in the streetscape, and blocky/visually dominant massing
- The additional impact from the above as a result of night-time lighting of the 'skybar' and impact on after-dark views of the city
- The harmful impact of larger visual massing to Rose Street, which would not support the characteristic New Town hierarchy of streets - with Rose Street being characteristically secondary to the principal routes in its architecture, height and urban grain.

RELEVANT POLICY and LEGISLATION

In addition to the duties, legislation and policies relating to individual heritage assets, the following are those most pertinent to the World Heritage Site in this case (not exhaustive):

- Duty to protect, conserve and present OUV for future generations (UNESCO)

- Where a development proposal has the potential to affect a World Heritage Site, or its setting, the planning authority must protect and preserve its Outstanding Universal Value (Scottish Planning Policy, 147)
- The siting and design of development should take account of all aspects of the historic environment (Scottish Planning Policy, 140)
- Development which would harm the qualities which justified the inscription of the Old and New Towns of Edinburgh and/or the Forth Bridge as World Heritage Sites or would have a detrimental impact on a Site's setting will not be permitted. This policy requires development to respect and protect the outstanding universal values of the World Heritage Sites and their settings. Setting may include sites in the immediate vicinity, viewpoints identified in the key views study and prominent landscape features throughout the city (Edinburgh Local Development Plan, Policy Env 1 World Heritage Sites)
- Ensure that the Outstanding Universal Value of the WHS is taken into account in planning decisions (WHS Management Plan 2017-22)

RESULTANT POSITION

Whilst we appreciate the efforts made to reduce the level of harm caused by the proposed upper level, the proposals would still cause a considerable level of harm to the OUV of the World Heritage Site as outlined above. In line with the above legislative and policy considerations, we therefore raise serious concern regarding these proposals and recommend from a heritage perspective that they are refused. Should the proposals be amended to remove this upper level element, we would have no objection to the proposals from a WHS perspective.

We further note that Princes Street it is at a key point in its history - re-forming in the context of Covid19, and we encourage great care to be given to setting precedent at this formative period. This is particularly important given the already considerable height of the buildings in the Princes Street context and the potential for any approval to influence future development of this key historic street and its many associated views. As always, we advise you engage the heritage expertise within your planning department to inform the wider heritage considerations and detail of this application.

Archaeology

The application site concerns the former Debenhams Store located at the centre of Princes Street and Edinburgh's Georgian New Town part of the cities UNESCO World Heritage Site. The site has a complex development history since first developed in the late-18th century through to the construction of the Debenhams Store in 1978, this is captured within Turely's Heritage and Townscape Statement accompanying this application. At its heart the site contains the remains of three listed buildings incorporated within the 1978 store, namely the Victorian 1860's B-listed former Place Hotel 109-111 Princes Street, The B-listed Conservative Club at 112 Princess St and the C-listed 144-150 Rose Street Lane.

Accordingly, this application must be considered under terms of Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and Edinburgh Local Development Plan (2016) policies ENV4, ENV8 and ENV9.

The new plans will see significant demolitions and alterations to these buildings which will have the potential for significant impacts upon the surviving historic fabric. These works may also reveal areas of surviving historic fabric which could provide evidence of the development of these buildings and this section of the Georgian and Victorian New Town.

It is welcomed therefore that externally development seeks to retain the historic listed frontages of these listed buildings. However, it is essential that they also retain and conserve the arcade hall, stair, entrance door and stained windows located with 109-11 Princess Street along with other key historic fabric such as the smoking-room ceiling, bookcase and fireplace for the former Scottish Liberal Club also associated with this building.

Accordingly, it is recommended that not only that a programme of archaeological work is carried out during development to both record and conserve the sites historic fabric. This will require the undertaking an archaeological building survey before and during any demolitions/downtakings/strip-outs, building upon the 1978 RCHAMS threatened building survey referred to in Turkeys report, to record in detail any historic fabric revealed. In addition, prior to development a conservation plan must be submitted detailing measures to be taken to preserve and conserve the site's historic fabric e.g. stained windows, entrance hall both during demolition and development

Accordingly, it is essential that the following condition is attached to this permission to ensure that undertaking of the above elements of archaeological work are undertaken.

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

The work 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.

Environmental Protection

I refer to the above and would advise that Environmental Protection has no objections to the proposed development subject to the conditions recommended below.

The application proposes the redevelopment and change of use from retail to hotel with ancillary uses. Retail and commercial premises surround the site to the west, east, north-west and north east. Residential dwellings exist above the Kenilworth pub and above commercial premises to the east overlooking Rose Street. Rose Street itself is a mix of residential and commercial properties.

Included within the proposal are a spa and fitness suite on ground floor and a new ground floor commercial unit between Rose Street and Rose Street South Lane. The hotel itself will include a ground floor bar/café area and a rooftop bar on level 9.

Noise

A noise impact assessment (NIA) has been provided in support of the application which considers the different noise aspects associated with the development. The noise impact assessment advises that residential properties surround the application site on Rose Street and so noise has been assessed and mitigation recommended to ensure noise will meet this team's required standards within the adjacent residential properties.

The application proposal includes considerable levels of plant including air handling units and ventilation proposals and these have been considered within the noise impact assessment. Mitigation in the form of louvres and attenuators are to be installed to ensure maximum noise limits for plant are achieved. The measures have been outlined within the NIA (louvres and plant specifications) and supporting ventilation document (duct mounted attenuators will be provided on both the building and atmospheric side of all ventilation plant to control noise generated by the fans. Additional attenuation shall be provided within the vertical risers of the bedrooms to prevent crosstalk noise where required). These measures have been recommended within a condition below ensuring maximum plant noise levels are not exceeded when in situ.

Initially, the application was to include a ground and lower ground floor bar/performance space (Class 11) with the entrance/exit to be from Rose Street. Environmental Protection highlighted this as an areas of noise concern and advised that significant measures would be required to ensure that noise from the associated operations did not impact upon existing surrounding residential properties. Subsequently, the agent for the application has confirmed that this aspect of the proposal has been deleted and the proposed commercial unit will now only be Class 1, 2 or 3. In this regard, mitigation in the form of sound insulation has been included to ensure that any of the commercial uses (Classes 1, 2 or 3) will not impact upon the surrounding residential amenity. Double lobby doors have also been included and are recommended should the premises be utilised as a Class 3 premises in the future.

A ground floor café/bar and restaurant are included within the main body of the hotel premises and are entered off Princes Street. Noise from this area is likely to be encapsulated within the building itself. In addition, a 9th floor rooftop bar and external terrace area are also proposed. The external areas are to the front overlooking Princes Street and so unlikely to impact upon residential amenity.

A spa is proposed within the lower ground floor within the Rose Street aspect. It is understood that the spa will include treatment rooms and a small gym. Gymnasiums can cause noise and vibration issues if above, below or structurally attached to adjacent residential properties. The agent has confirmed that the spa sits only under the application property or under Rose Street South Lane and is not underneath any other adjacent properties not in ownership of the applicant. Residential properties are adjacent and up a few floors though on Rose Street above the adjacent commercial properties. The spa will be directly related to hotel operations only for use of hotel patrons and can be managed by the hotel operator should any noise issues arise from the use of the gym (e.g. by use of antivibration mats/no loose weights available for use, if required).

Internal noise transfer standards between hotel rooms has been considered within the NIA but this is a commercial decision for the applicant and does not constitute a

residential amenity issue. An acoustic standard has been chosen and designed to and is addressed by the applicant's acoustic consultant. Traffic noise from Princes Street has been assessed and measured and secondary glazing is required to provide an acceptable internal noise level for guests. Once again, this is a commercial decision for the hotel to address and is being addressed by the applicant's acoustic consultant.

Air Quality

The application proposes multipurpose heat pumps with heat recovery serving fan coils (bedrooms), fan coils (FoH) and radiators and central ventilation plant throughout and no gas CHP is included. No parking is proposed within the development which, for the city centre location, is supported and the development appears to have been designed to support public transport and walking modes. The air quality impacts are therefore seen as limited and Environmental Protection supports the proposal in this regard.

Cooking Ventilation

The application includes two kitchens to be found on the ground floor and on level 9. The applicant has provided a ventilation supporting statement and confirmed that odours will be extracted to above Princes Street roof height in compliance with the requirements of this team.

In addition to the main hotel kitchen, the commercial unit fronting onto Rose Street will be either Class 1, 2 or 3. Should the use be taken up as Class 3 then cooking odours would require to be suitably extracted or the cooking equipment proposed should be conditioned. In this regard, the applicant has confirmed the cooking equipment proposed for use within the Class 3 premises and this has been conditioned below.

Therefore, Environmental Protection would offer no objections to the application proposal subject to the conditions below:

Conditions

- 1. The hotel kitchen ventilation shall be installed and operational in accordance with the supporting ventilation statement (RSP Consulting Engineers dated 17 November 2020) and shown in drawing 200102-RSP-01-09-DR-M-SK57001 and dated 09/02/20.*
- 2. Should the commercial unit fronting Rose Street be taken up as Class 3, cooking equipment for use within the premises should be restricted to a microwave, panini machine and soup kettle only.*
- 3. The noise control measures as specified within RMP Noise Impact Assessment Technical Report R-8811-DJC-RRM4 (dated 23 March 2021) and Addendum L-8811-DJC-RRM4 dated 19th April 2021 should be implemented prior to start of operations on site including the following:*
 - a. The commercial unit separating walls and ceilings as shown on drawing and shown on drawing PL (00) 112 Rev E and dated October 2020 should include an independent wall lining comprising; 50mm minimum cavity with studwork incorporating 50mm mineral wool insulation between studs, finished on with 19mm plasterboard plank and 15mm SoundBloc. This treatment should also be applied to upper levels.*

b. The Rose Street fronting commercial unit should have a minimum glazing specification of $Rw + Ctr$ 38 dB as shown on drawing PL (00) 112 Rev D and dated October 2020.

c. Maximum cumulative plant noise levels incorporating acoustic louvres, as shown in table 10 of RMP technical report L-8811-DJC-RRM4 and dated 19th April 2021 and shown on drawings referenced PL (00) 114 Rev B and dated October 2020, PL 115 Rev B and dated October 2020, PL (00) 119 (Rev A) and dated October 2020, PL (00) 121 Rev A and dated October 2020 should be installed to comply with the levels shown in the following table:

d. If the commercial unit operates as a Class 3 restaurant, the lobby doors as shown on drawing referenced PL (00) 112 Rev D and dated October 2020 should be installed and operational prior to beginning of operations on site.

e. Confirmation should be provided by a suitably qualified engineer to confirm the maximum cumulative plant noise levels, sound insulation and glazing specifications have all been installed and criteria met prior to operations beginning on site.

Roads Authority

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

1. The applicant will be required to contribute the sum of £20,613 (based on proposed 210 bed hotel (£645,000), 612sqm restaurant/bar (£108,856) and 268sqm health club (zero) in Zone 1, less the existing retail use of 10,596sqm (£733,243) to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;

2. The applicant should be required to provide 42 cycle parking spaces in a secure and undercover location;

3. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including 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.

Note:

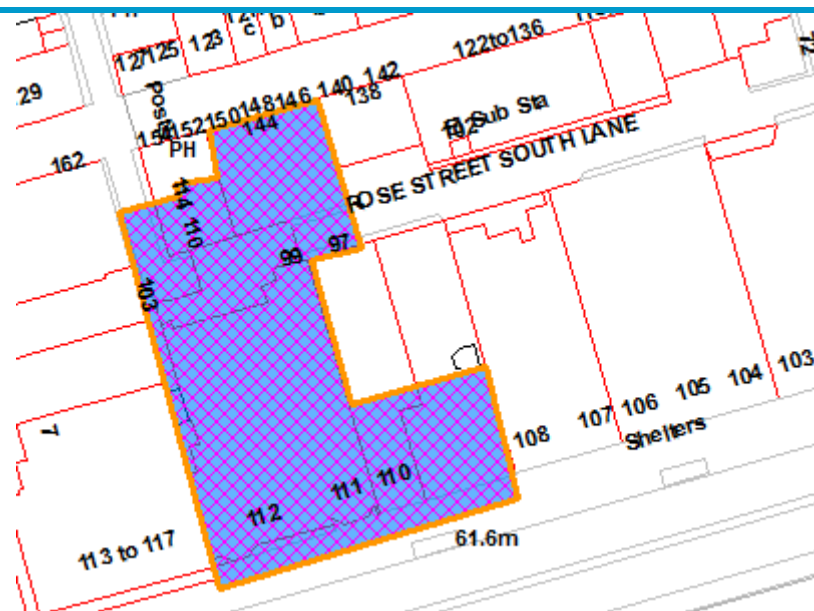
The proposed zero car parking spaces is considered acceptable.

TRAMS - Important Note:

The proposed site is 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.
- See our full guidance on how to get permission to work near a tram way <http://edinburghtrams.com/community/working-around-trams>

Location Plan



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Development Management Sub Committee

Wednesday 2 June 2021

Application for Listed Building Consent 20/05442/LBC at 109, 110 and 111 Princes Street, 112 Princes Street and 144-150 Rose Street, (Debenhams)

Application for listed building consent proposing the selective demolition of department store structure (Debenhams) behind retained listed facade, external and internal alterations including extensions, to form hotel and associated uses together with ancillary works.

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 of the listed buildings and preserves or enhances the character and appearance of the conservation area.

Links

[Policies and guidance for this application](#)

LDPP, LEN04, LEN06, NSG, NSLBCA, CRPNEW, HES, HEPS, HESUSE, HESINT,

Report

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Application for listed building consent proposing the selective demolition of department store structure (Debenhams) behind retained listed facade, external and internal alterations including extensions, to form hotel and associated uses together with ancillary works.

Recommendations

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

Background

2.1 Site description

The application relates to the former Debenhams department store, occupying two adjoining buildings on Princes Street within the block between Frederick Street and Castle Street and part of a building on Rose Street. These buildings are described in detail below.

112 Princes Street

The former department store occupies the former Conservative Club at 112 Princes Street by Robert Rowand Anderson, dating from 1882-4. All that remains of this building is its four storey and attic, Free Renaissance style, sandstone facade with reconstructed elements comprising the gable chimneys, red tiled roof, dormers and part of the ground floor elevation with altered to form shop display windows. The only salvaged internal features are the arcaded stair and associated stained-glass windows which were reconfigured and relocated towards the rear of the building. The reconstruction was designed by Ketley, Goold & Clark (with Simpson & Brown) and carried out from 1978-81. Six storeys of concrete floor plates were erected extending from Princes Street to Rose Street South Lane. The building is category B listed (listed building reference: LB29512, listed on 13 April 1965).

109, 110 and 111 Princes Street

The former store also occupies most of the building at 109, 110 and 111 Princes Street which includes the 1869 Palace Hotel by John Lessels which became the Liberal Club. This building is a four storey, attic and garret, French Renaissance style, sandstone structure with modern shopfronts at ground level and a modern glazed infill on the west side. The only part of this building not occupied by the former Debenhams store is the ground floor of the historic structure.

The interior was mainly reconstructed as part of the department store formation in the late 1970s/early 1980s, although the stair and entrance hall, decorative ceiling plasterwork and remnants from the Gladstone Memorial Library survive. The building is category B listed, side (listed building reference: LB30147, listed on 12 December 1974).

144-150 Rose Street

The final premises occupied by the former Debenhams store comprise the basement ground and first floors of 144-150 Rose Street. This building was originally a three storey and attic tenement erected in 1780 but was demolished retaining parts of the facade only as part of the department store creation of 1978-81. The original ground floor frontage was replaced with a modern sandstone shopfront. This building is category C listed (listed building reference: LB29650, listed on 28 March 1966).

There are internal connections between the two main buildings. The ground and mezzanine levels of 112 Princes Street connect with the basement and first floors of 144-150 Rose Street via the basement of the Rose Street building and a link structure in Rose Street South Lane.

The site is within the Old and New Towns of Edinburgh World Heritage Site and is adjacent to several other listed buildings and structures, notably 152 and 154 Rose Street (including the Kenilworth Bar) and 112-114 Rose Street Lane South West (listed building reference: LB29651, listed on 12 December 1974). Princes Street Gardens, part of the New Town Gardens Designed Landscape (reference: GDL00367), is situated to the south of the site.

The surrounding area is in mixed, predominantly commercial, use including shops, offices, hotels, restaurants and bars.

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

2.2 Site History

6 August 2020 - Proposal of Application Notice approved for redevelopment and change of use of the existing premises to form a hotel with rooftop bar/restaurant, active uses at lower floors including restaurant, bar, retail, flexible meeting and event/venue space, health suite/gym, together with ancillary uses, associated works, alterations and demolitions (Use Classes 1, 2, 3, 4, 7, 11 and sui generis) at 109, 110 and 111 Princes Street, 112 Princes Street and 144 - 150 Rose Street (reference 20/02952/PAN).

Several applications for planning permission, listed building consent and advertisement consent associated with the operation of the Debenhams department store have been submitted and granted, but no major changes have been made to this group of buildings since the late 1970s/early 1980s.

Main report

3.1 Description of the Proposal

The application is for selective demolition of the former Debenhams department store along with external and internal alterations, including extensions, to form a new hotel with associated uses.

External Alterations

- demolish the entire late 1970's concrete structure behind the retained façade of 112 Princes Street and erect a new nine storey and basement structure with a predominantly glazed rooftop bar/restaurant with an ancillary aluminium-clad structure, a central lightwell finished in white glazed brick and glass reinforced concrete (GRC) cladding panels with astragalled aluminium-framed windows and a stepped GRP/standing-seam zinc-clad elevation with vertically-aligned window openings to Rose Street South Lane;
- reconstruct the existing roof and chimneys of no. 112 using the existing external materials and matching infill elements, extending the ridge height of the façade and incorporating three new contemporary style, lead-clad dormers;
- replace the existing two-storey bridge link between 112 Princes Street and 144-150 Rose Street with a reduced-scale, metal-louvred link housing plant and
- demolish the existing glazed link structure at 111 Princes Street and erect a new link structure comprising an arcaded façade in GRC with extensive glazing behind, with balconies, planted arches, a pitched slated roof to Princes Street and standing-seam zinc cladding on the gable and rear roof sections.

Internal Alterations

- relocate the historic Conservative Club stair as a centrepiece feature within the front of house/public areas of the new hotel, along with the associated stained-glass windows in the west gable wall;
- erect new partitions at first and second floor level in the formal Liberal Club building, retaining the historic decorative plasterwork ceiling and the Gladstone's Library bookcase in situ on the first floor.

The associated application for planning permission (reference 20/05444/FUL) is for the redevelopment and change of use of the existing premises to form a 207 bedroom hotel with a rooftop bar/restaurant and mixed uses on the lower floors including restaurant, bar, retail, health suite/gym and a flexible meeting and event/venue space (use classes 1, 2, 3, 4, 7, 11 and sui generis).

The original scheme submitted has not changed, apart from very minor design amendments and further annotations have been added to certain drawings to clarify particular aspects regarding the location of internal heritage assets.

Supporting Documents

The following key documents have been submitted in support of the application and are available to view on the Planning and Building Standards Online Services:

- Planning Statement;
- Heritage and Townscape Statement;
- Design and Access Statement;
- Townscape and Visual Impact Assessment including verified views and
- Archaeological Written Scheme of Investigation.

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) any impacts on equalities or human rights are acceptable and
- d) public comments have been addressed.

a) 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's guidance on *Managing Change - Reuse and Adaptation of Listed Buildings and Interior of Listed Buildings* set out the principles that apply and how they should inform planning policies.

LDP Policy Env 4 permits proposals to alter or extend a listed building where the alterations or extensions are justified; there will be no unnecessary damage to the building's historic structure or diminution of its interest; and any additions are in keeping with other parts of the building.

Character of 112 and 109-110 Princes Street

The redevelopment of these important listed buildings in appropriate and sustainable long-term uses is welcomed.

Only parts of the original façade and interior remain of the category B listed, former Conservative Club. The entire structure behind the façade was demolished in the late 1970s, significantly reducing the building's historic and architectural integrity through the total loss of the original plan form, significant internal spaces and majority of decorative interior features. The reconstruction of the front roof pitch, gable chimneys and elements of the façade, along with the relocation and alteration of the main stair, further contributed to the erosion of the building's special historic and architectural interest and authenticity. The replacement concrete structure is functional in design with misaligned floors to the façade windows and makes no reference to the historic plot form or buildings that formerly stood on the site. The demolition of this modern addition is therefore acceptable in principle.

The floor heights of the proposed new structure relate to the original façade windows, using duplex suite layouts to accommodate high floor to ceiling heights without having visually intrusive floorplates in external views. The views over Princes Street Gardens to Castle Rock from the Smoking Room and Dining Room of the former club will be reinstated, albeit from within hotel bedroom suites. The plan form incorporating a central atrium with front and rear accommodation blocks linked by a corridor takes its reference from the late Victorian plot layout and period up until major redevelopment. An aerial photograph from 1976 captures the existing buildings on the site which comprised the former Conservative Club with a tall, but subservient link structure adjoining a six storey and attic building on Rose Street South Lane.

The height of the proposed building at roof level, with the exception of the rooftop bar and ancillary structure behind, is only marginally higher than that of the existing concrete building. Whilst the proposed rooftop bar and ancillary structure is a significant addition to the original roof height, the façade of the "Skybar" will be set well back from the ridge line of the re-constructed front roof pitch. This set back, along with visually lightweight materials and a flat roof at minimal height will ensure that the new rooftop addition will have no detrimental impact on the surviving historic façade of 112 Princes Street.

Historic Environment Scotland considers that the proposed heightening of the roof ridge and stone gables/chimneys would adversely impact on the existing appearance and special interest of the building. However, there are mitigating circumstances for these alterations as detailed below.

The proposed reconstruction and extension of the front roof pitch at the existing angle, resulting in a raised ridge height and rebuilding of the gable chimneys at a higher height than the existing is proposed for practical and aesthetic reasons.

Both reconstructions are acceptable in principle given that the Simpson and Brown records of the late 1970's redevelopment works indicate that new material was used for the most part. Photographs during construction show only a few red tiles which are darker than the rest and it is likely that these darker, tarnished tiles were salvaged originals. In construction photographs of the west chimney stack it would appear that new sandstone blocks were used, going by the relatively light tone of the blocks. Also, mid-20th century photographs show that, by this time, three dormers had been added above the existing dormers and it is not possible to ascertain from photographic, physical or written evidence whether the original ridge height was extended to accommodate these additional dormers. The proposed dormers are symmetrically arranged above the existing dormers and are an acceptable addition in order to achieve the required number of hotel bedrooms to make the project viable without adding any more unnecessary mass. The contemporary style of the proposed dormers will distinguish these modern additions from the reconstructed historic dormers to demarcate clearly the evolution of the original façade over time.

The lifting the roof ridge results in the need to raise the height of the gable chimney stacks to avoid an awkward relationship between the ridge line and the chimneys. This has been illustrated on a drawing which shows that the new ridge line would sit slightly above the level of the chimney stacks (excluding pots) were the existing chimney height retained. The proposed raising of the chimney stacks will re-establish the originally intended prominence of the chimneys in relation to the ridge height. The raising of the ridge height has the added advantage of providing a solid barrier to the proposed rooftop bar terrace in lieu of a conspicuous open balustrade which would have looked out of place above the ridgeline.

As regards the existing rear elevation, this is a blank metal-clad façade with louvres, a brick gable wall and open service yard at ground floor level. Whilst the canted upper levels provide a degree of articulation and reduction in visual bulk, this elevation does not contribute positively to the character of the listed building. The proposed replacement structure is similar in terms of ridge height, but only has slight set backs at the upper levels. The impact of this form is not significant in terms of the character of the historic façade of no. 112, but the proposed replacement elevation with windows throughout is a more appropriate design in terms of being a modern interpretation of the Victorian tenement that once stood on this site in Rose Street South Lane. The proposed materials in type and tone and vertically aligned window openings contribute to this design concept.

The reduction in the scale of the bridge structure will further improve the oppressive, utilitarian character of the existing rear elevation.

In terms of materials for the remainder of the new building, these are appropriately specified and placed, focusing the non-traditional GRC panels at the rear and on gables. The use of glazed brick for the lightwell walls is based on a historic use of this material for lightwells, as seen on other listed buildings of commercial character within the First New Town and the proposed Crittal style windows in the new glazed brick elevations are typical of original windows within such lightwells. The predominant use of glazing for the proposed rooftop bar and link corridor to the service block behind is appropriate to evoke the effect of a traditional large cupola whilst keeping the new addition visually lightweight and the proposed grey aluminium cladding on the rear section will keep this ancillary block visually subdued from elevated viewpoints.

The existing glazed link structure at 111 Princes Street is part of the late 1970's redevelopment and comprises an architecturally lightweight, contemporary solution to connecting the two listed buildings. The link of is no special architectural significance, so its replacement is acceptable in principle. The new link is a more assertive, but complementary solution which involves a traditional arcaded form drawing on the double-height elements and rhythm of openings within the facades of the flanking listed buildings. The arcaded form allows for an appropriate level of depth and detailing in this context of Victorian architecture and signals the use of the ground floor level as an arcade linking through from Princes Street to Rose Street. The increased façade height compared to the existing link structure will have no detrimental impact on the appearance or visual prominence of either listed building, given the delicate nature of the arcaded architecture and the fact that views of both buildings looking along Princes Street are already interrupted by projecting elements of the flanking buildings. Only a restricted area of the more visible east gable chimney of no. 112 will be obscured in west-looking views, given that the top levels of the proposed infill are set back, and the chimney stacks of no. 112 will be raised up. The slated, mansard-type roof on the arcaded link references the mansard roof forms of the listed buildings and the use of GRC for the arched frame elements is appropriate in order to achieve a delicate and detailed structure in a complementary warm-grey tone.

Internally, the proposed relocation of the surviving main stair of no. 112 is acceptable in principle as this stair is not in its original location and form. The historic arcaded stair and hall was designed by Sir Robert Rowand Anderson as a grand entrance feature of the Conservative Club, but these elements were taken down and reinstated in an altered form at the rear of the new retail floorplate as part of the 1970's redevelopment. The stair is without its original raised stepped platform and the stained-glass windows are within the concrete structure, receiving no natural light. The stair will be repositioned on a north-south alignment to become a focal point within the new hotel's centrepiece atrium and means of access to the hotel suites at first floor level. The stained-glass windows will receive natural light again through relocation in an external section of the west elevation. A condition has been applied to ensure that the necessary dismantling and storage of these historic features during demolition and construction works is undertaken appropriately to avoid damage to or loss of fabric.

The interior of the former Liberal Club at 109-110 Princes Street was mainly reconstructed as part of the late 1970's department store development, although the stair and entrance hall, decorative ceiling plasterwork and remnants of the Gladstone Memorial Library survive. The proposed partitions at first and second floor level are therefore acceptable in principle. The surviving historic ceiling will be retained below a new ceiling supported on the bedroom partitions with no fixings into decorative plasterwork. The opportunity to retain sight of the original ceiling through viewing 'windows' was explored but dismissed on the grounds of acoustic integrity and fire protection. Given the other significant benefits of the development, the full enclosure of this ceiling is an acceptable compromise.

With reference to the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the proposals preserve the adjacent listed buildings including any special architectural or historic interest they possess, in compliance with LDP Policy Env 4.

b) Character and Appearance of Conservation Area

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 which 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."

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; and*
- *the important feature of terminated vistas within the grid layouts and the long-distance views across and out of the conservation area."*

The proposed tourism/leisure and commercial uses are in keeping with the predominantly mixed-commercial character of the First New Town and will contribute to the vitality of the conservation area. In addition, the character and appearance of this particular section of Princes Street will be preserved and enhanced through the sensitive re-development of these important category B listed buildings in a sustainable and viable use.

The proposed development will reinstate significant qualities of the historic plan form of this block that were by destroyed by the late 1970's Debenhams development, although the original Georgian spatial structure and hierarchy of principal streets and buildings had been lost several decades before. The plan form of the proposed new structure to the rear of no. 112 will restore a sense of the Victorian block plan, seen in the oblique aerial view of the site in the 1976 photograph. Whilst the new building is of greater mass than the previous buildings that occupied the site from Princes Street through to Rose Street South Lane, the inclusion of a lightwell within the structure will provide a physical space that evokes both the Victorian layout of this block and the lightwells behind the Princes Street frontages which were characteristic of the same period. The development also incorporates a modern interpretation of the type of historic north-south running arcade that once existed on Princes Street, including within a previously demolished building to the east of the site.

The proposed rooftop and rear additions proposed to the existing envelope, whilst not insignificant in scale, will not alter the essential hierarchical urban plan form of the First New Town nor interfere with its important vistas and views to any detrimental extent, even although existing views from key street level and elevated locations will change. The ancillary structure to the rear of the "Skybar" is required to meet fire safety standards at all levels, i.e. two separate fire-fighting cores and means of escape and provide basic support services, including WCs, for the bar at the same level. This structure is the minimum size possible to accommodate these services.

Verified views of the proposed development have been produced from a series of key vantage points. The two locations which best illustrate the effect of the development on the existing hierarchy of buildings are from Edinburgh Castle ramparts looking north and from Mound Place looking north-west. The photomontages from these positions show that the added elements will have an impact on the existing views, but this impact will be positive or neutral, rather than negative, bearing in mind that every view is transient.

From the Castle ramparts, the functional, inarticulate expanse of the existing grey flat roof is evident, although the upper floors of the rear elevations of the buildings on the south side of George Street are clearly visible. The proposed "Skybar" with ancillary structure behind and the squared-off upper storeys of the rear elevation will obscure a greater percentage of these George Street buildings, without blocking existing views of the upper levels of the buildings on the north side of George Street. Views of the latter buildings are more important, given that the rear elevations of the south side buildings include substantial, utilitarian extensions. The visually lightweight and delicate design of the new rooftop bar will provide articulation and interest at this level which will offset the reduction in sight of the buildings on the south side of George Street and the service block on the rear section of the roof will not be visually intrusive due to its lower-lying height and restricted area.

As regards the existing views of the site from Mound Place, there is no sight of any of the buildings beyond to the north-west due to the height and massing of the existing concrete structure and link building. The proposed development will enhance rather than diminish this view through the provision of a replacement structure with more articulate, interactive and visually "softer" upper levels than the existing concrete box forms. Materials have been specified to complement the tone and character of the historic roofscape and glazing/aluminium at the highest levels will provide the required level of visual light weight.

The existing and proposed views of the site looking east and west along Princes Street and from within Princes Street Gardens will not change to any extent that would affect the essential character or appearance of the conservation area. The proposed infill building relates well to the mixed-use character of this particular block and Princes Street in general. The design is elegant and draws reference from the flanking Victorian buildings and other buildings of similar age and style along Princes Street.

Whilst there will be a significant increase in mass within Rose Street South Lane, this element of the development will only be visible from the junction of Rose Street and the lane and from within the lane. The former view is transient, and the increased mass will be offset by a more visually appropriate and interactive elevation than the existing blank, functional frontage. Also, the historic character of the lane has been severely eroded by large rear blocks erected mainly in the 20th century as additions to commercial premises on Princes Street, so the proposed building will have no detrimental impact on the character or appearance of this part of the First New Town.

The proposed development has also been tested in longer views from the south, including from Ferry Road and the new roof forms and additions to the existing envelope will not be conspicuous within this wider context. These elements will not register against the existing mixed roofscape, with many buildings, towers and spires sitting at a higher level than the proposed structures.

The geometric forms and materials of the proposed rooftop extensions and structure fronting Rose Street South Lane are design as modern interpretations of historic architecture within the First New Town. The specified materials palette is appropriate in this context, using a blend of traditional and contemporary materials, including glass, natural slate and zinc cladding with standing-seam detailing, GRC panels and aluminium cladding. These materials are used in other modern developments within the New Town Conservation Area, particularly in the commercial core and the various tones chosen for this development have been focused on areas where they will complement the existing historic buildings and reduce visual impact where this is important to preserve key views of the characteristic Princes Street roofscape. The use of simple, open vertical metal balustrades to enclose the proposed roof terraces will avoid visual intrusion around these edges. Whilst the glazed "Skybar" will reflect light to a certain degree, traditional cupolas in the New Town do likewise and the brise soleil along the Princes Street frontage will minimise glare in the summer months. As regards light pollution during hours of darkness, the lighting within the rooftop spaces will switch to pre-determined muted evening settings and the accommodation has been "sunk" below the roof line with the solid terrace parapet and large chimneys providing screening to minimise light spillage.

A condition has been applied to ensure that the materials specifications are acceptable in terms of finer detailing, precise finish/tone and sustainability.

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

c) Equalities and Human Rights

The development respects the provisions of the Equality Act 2010 by including accessible access throughout the building, including all lift cores.

d) Public Comments

New Town and Broughton Community Council

No comments received.

Material Objections

The Architectural Heritage Society of Scotland

- the increase to the height of 112 Princes Street will disturb the existing scale within the building, increasing the dominance of the roof beyond the original design intent, so the roof and chimneys should therefore be left as-is - this has been addressed in section 3.3 b);
- the inserted dormers will introduce a modern element into the traditional portion of this roofline and should be omitted entirely - this has been addressed in section 3.3 b);

- the proposed building is a floor too high - this has been addressed in sections 3.3 b), c) and d);
- the new link building is also a storey too high, with the upper level of dormers again overemphasising the roof - this has been addressed in sections 3.3 b) and c).

Support Comments

Essential Edinburgh

- the proposals reimagine a historic building for modern day use reflecting the changing needs of the city centre.

The other comments in objection and support relate to the proposed use and other aspects relevant to the associated application for planning permission.

Conclusion

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

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

3.4 Conditions/reasons/informatives

Conditions :-

1. No demolition shall start until the applicant has confirmed in writing the start date for the new development by the submission of a Notice of Initiation for planning application reference 20/05444/FUL.
2. A detailed specification, including trade names where appropriate and sources, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
3. A programme of archaeological works, in the form of a Watching Brief during construction works, shall be undertaken to mitigate any potential impacts on archaeological remains. Details of this programme shall be submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
4. A methodology statement for the dismantling, storage and re-installation of the original stair and stained-glass windows in 112 Princes Street shall be submitted to and approved in writing by the Planning Authority before these features are disturbed.

Reasons:-

1. In order to safeguard the character of the conservation area.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to safeguard the interests of archaeological heritage.
4. In order to safeguard the character of the statutorily listed building.

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:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

There is no pre-application process history.

8.2 Publicity summary of representations and Community Council comments

The application was advertised on 18 December 2020. A total of three representations were received, comprising two objections - one from the Architectural Heritage Society of Scotland and one comment from Essential Edinburgh in support.

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

Background reading/external references

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

Statutory Development

Plan Provision

The site is located within the City Centre as defined in the Edinburgh Local Development Plan.

Date registered

7 December 2020

Drawing numbers/Scheme

1,2,3A,4-20,21A,22-28,29A-38A,39,40A,41,42A-49A+50-55,

Scheme 1

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Clare Macdonald, Senior Planning Officer

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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.

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.

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.

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.

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.

Appendix 1

**Application for Listed Building Consent 20/05442/LBC
At 109, 110 And 111 Princes Street,, 112 Princes Street And
144-150 Rose Street, (Debenhams)
Application for listed building consent proposing the
selective demolition of department store structure (
Debenhams) behind retained listed facade, external and
internal alterations including extensions, to form hotel and
associated uses together with ancillary works.**

Consultations

Historic Environment Scotland

This application proposes the alteration of two listed buildings. We have been involved in several pre-application discussions and can see how the proposals have developed. One of our main aims in the process has been to retain the independent character of the individual listed buildings. While we consider this would be achieved under the proposals, we do have some detailed comments and consider that further consideration to the handling of 112 Princes Street would be beneficial.

Taking the two listed buildings in turn:

Alteration of 112 Princes Street (B-listed)

Originally the Scottish Conservative Club of 1884, the building was façade-retained as part of the major Debenhams re-development in 1978-81. The primary significance of the listed building is the Princes Street frontage. While the façade's ground floor was altered and some stonework replaced and restored, its retention along with the replacement of the roof and broad chimney stacks to match the originals, appears to have been a deliberate decision to retain the original appearance and character of the frontage as far as possible. The works were undertaken with conservation advice from Simpson & Brown architects.

As we have argued, the primacy and appearance of the frontage of No.112 should be retrained, including the roofscape and chimney stacks/gable. The proposed rooftop additions have been amended during the pre-application process to achieve this aim and we now have no significant issues with this element. However, a new aspect of the proposals, which we hadn't fully appreciated at pre-application stage, involves the increase in the height of both the roof and gable chimney stacks. It appears this is required to facilitate new floor levels.

We have always argued against the addition of a new row of dormer windows within the highly-visible roofscape, which itself was carefully handled in the façade-retention

scheme. As their provision seemingly requires both the heightening of the roof and stone gables/chimneys, this would strengthen arguments against their provision.

As we consider these works would adversely impact on the existing appearance and special interest of the building we would suggest again that the additional floor and dormers are deleted from the proposals.

As the building is of very little interest behind the façade (with the exception of the reset stair) and beyond the roof, we have no issue with the scope of intervention and have no detailed comments to make. We are pleased to see that the historic Conservative club staircase will be relocated and retained prominently within the new interior (this was obviously a key issue in the original façade-retention of the building). An additional condition showing its detailed dismantling and re-erection may be useful.

Alteration of 109-111 Princes Street (B-listed)

109-110 Princes Street was built as The Palace Hotel in 1867, converted to the Scottish Liberal Club in the 1890s and again converted into Debenhams in 1978-1981. Independent retail units occupy the ground floor. Internally, the main stair survives as does features from the Liberal Club - most notably the Gladstone Memorial Library bookcase. We are pleased that the intention is that these elements will be relocated and retained, although it does not appear to be explicitly clear where these features would be located. The Design Statement mentions locating in public areas, which suggests this could be 112 Princes Street. Our preference would be for retention within 109-111 Princes Street, and would suggest a condition is added to any consent to address this.

111 Princes Street is the 1980s link building. We have no issues with its replacement as is being proposed. However, the height of this may need to be reduced/adapted if the current gables and chimneys of No.112 remain at their current height which is our preferred solution.

We are happy to comment further on the comments above and look forward to seeing revisions that address our concerns.

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/conservation area consent, together with related policy guidance.

Archaeology

Further to your consultation request I would like to make the following comments and recommendations in respect to this application for listed building consent proposing the selective demolition of department store structure (1980's, Debenhams) behind retained listed facade, external and internal alterations including extensions, to form hotel and associated uses together with ancillary works at 109, 110 and 111 Princes Street, 112 Princes Street and 144-150 Rose Street, Edinburgh, EH2 3AA.

The application site concerns the former Debenhams Store located at the centre of Princes Street and Edinburgh's Georgian New Town part of the cities UNESCO World Heritage Site. The site has a complex development history since first developed in the late-18th century through to the construction of the Debenhams Store in 1978, this is captured within Turely's Heritage and Townscape Statement accompanying this application. At its heart the site contains the remains of three listed buildings incorporated within the 1978 store, namely the Victorian 1860's B-listed former Place Hotel 109-111 Princes Street, The B-listed Conservative Club at 112 Princess St and the C-listed 144-150 Rose Street Lane.

Accordingly, this application must be considered under terms of Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), PAN 02/2011, Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy and Edinburgh Local Development Plan (2016) policies ENV4, ENV8 & ENV9.

The new plans will see significant demolitions and alterations to these buildings which will have the potential for significant impacts upon the surviving historic fabric. These works may also reveal areas of surviving historic fabric which could provide evidence of the development of these buildings and this section of the Georgian and Victorian New Town.

It is welcomed therefore that externally development seeks to retain the historic listed frontages of these listed buildings. However, it is essential that they also retain and conserve the arcade hall, stair, entrance door and stained windows located with 109-111 Princess Street along with other key historic fabric such as the smoking-room ceiling, bookcase and fireplace for the former Scottish Liberal Club also associated with this building

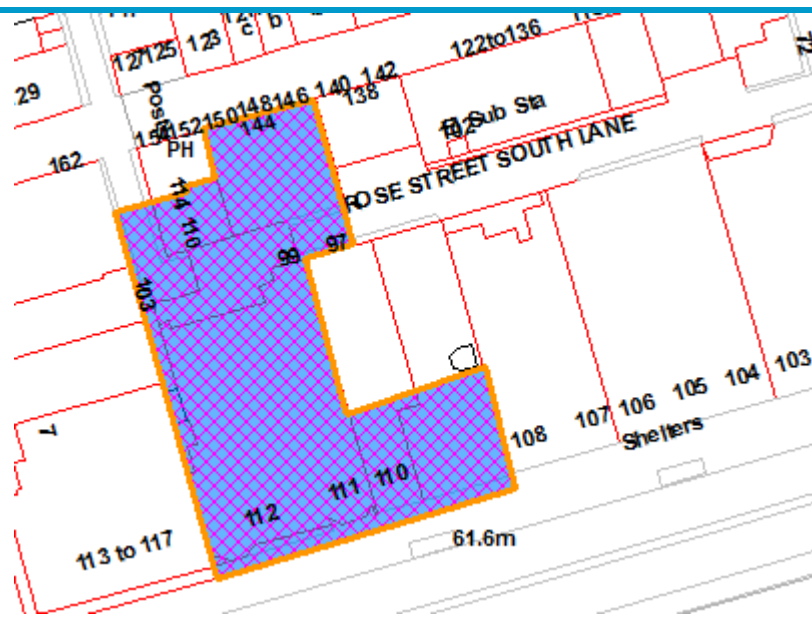
Accordingly, it is recommended that not only that a programme of archaeological work is carried out during development to both record and conserve the sites historic fabric. This will require the undertaking an archaeological building survey before and during any demolitions/downtakings/strip-outs, building upon the 1978 RCHAMS threatened building survey referred to in Turkeys report, to record in detail any historic fabric revealed. In addition, prior to development a conservation plan must be submitted detailing measures to be taken to preserve and conserve the site's historic fabric e.g. stained windows, entrance hall both during demolition and development

Accordingly, it is essential that the following condition is attached to this consent to ensure that undertaking of the above elements of archaeological work are undertaken.

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

The work 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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