

# Development Management Sub Committee

**Wednesday 3 June 2020**

**Application for Planning Permission 20/00272/FUL  
at 89 Constitution Street, Edinburgh, EH6 7AS  
Proposed change of use from existing offices to form 9 new  
dwelling flats.**

**Item number**

**Report number**

**Wards**

B13 - Leith

## Summary

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This proposal will deliver a new use for this significant listed building whilst preserving its main features of architectural and historic interest.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area. The proposals largely comply with the adopted Edinburgh Local Development Plan. The development delivers an acceptable level of amenity for future occupiers bearing in mind the constraints of the building and the infringement of policy in terms of private amenity space and cycle parking are acceptable as this is the conversion of an existing building. The impacts on neighbouring amenity are acceptable in this tight urban context. There are no material considerations that outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU02, LHOU03, LHOU04, LHOU05, LHOU07, LEN03, LEN04, LEN06, LDES01, LDES05, LTRA02, LTRA03, LTRA04, HES, HEPS, HESUSE, HESINT, HESWIN, NSG, CRPLEI,

# Report

## **Application for Planning Permission 20/00272/FUL at 89 Constitution Street, Edinburgh, EH6 7AS. Proposed change of use from existing offices to form 9 new dwelling flats.**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is a 19th century commercial building on the east side of Constitution Street. The building is two storeys high on the Constitution Street elevation with a single storey section to the side (north) that also faces the street. To the rear of the front section there is an attached three storey warehouse building with a pitched roof. Access from Constitution Street is between the two storey section and the single storey section where internal stairs lead up to the ground floor. There is then a separate internal stair up to the first floor and direct access to the rear staircase which is currently accessed from John's Lane.

Internally, the front section has many ornate features typical of Victorian architecture of the time. The rear warehouse is much plainer but has some original columns and beams.

The building takes up the whole site. It was listed category B on 29 April 1977 (LB Ref: 27201). It is currently a class 2 office.

There is a narrow lane to the south that is not within the application site and a warehouse converted to residential use is on the other side of it. To the north, there is a public house at ground floor with flats above. The north east section of the warehouse is attached to another warehouse converted to flats with a frontage onto 46 Queen Charlotte Street and accessed from John's Lane. The application site warehouse and the adjacent converted warehouse share an access stair. To the rear of the site there is a derelict warehouse (John's Lane) which is currently the subject of a planning application for conversion to residential use.

The wider area has a mixed character including residential and commercial uses. The tram will go directly in front of the building.

This application site is located within the Leith Conservation Area.

## 2.2 Site History

18 December 2018 - Applications withdrawn for proposed change of use from existing offices to form 11 new dwelling flats (Application references 18/09277/FUL and 18/09279/LBC)

26 August 2019 - Planning permission and listed building consent refused for change of use to 11 flats (Application references 19/01267/FUL and 19/01268/LBC).

30 January 2020 - A parallel application for listed building consent has been submitted. This is pending decision (application reference 20/00271/LBC).

## Main report

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### 3.1 Description of the Proposal

It is proposed to convert the building to nine flats. The accommodation is proposed as follows:

- Flat 1 is a studio flat (31.7 sq.m.) in the single storey section to the front;
- Flat 2 is a studio flat (43 sq.m.) on the ground floor of the two storey section to the front;
- Flat 3 is a one bedroomed flat (56.8 sq.m.) on the first floor of the two storey section to the front;
- Flat 4 is a duplex two bedroomed flat (86.4 sq.m) on the ground and first floors of the rear section;
- Flat 5 is a duplex two bedroomed flat (89.8 sq.m) on the ground and first floors of the rear section;
- Flat 6 is a two bedroomed flat (66.2 sq.m.) on the second floor of the rear section;
- Flat 7 is a one bedroomed flat (53.4 sq.m.) on the second floor of the rear section;
- Flat 8 is a one bedroomed flat (58.4 sq.m.) on the third floor of the rear section;
- Flat 9 is a one bedroomed flat (56sq.m.) on the third floor of the rear section.
- Flats 2,3,4, and 5 have basement storage.

Externally, the frontage will remain as existing. The side elevation to the south will have a number of new windows and there will be an additional three windows on the north elevation. These will be timber sash and case. Eight new roof windows will be formed to light the third floors flats.

Internally, the existing rooms in the front section will be largely re-used and new partitions will be inserted into the warehouse structure at the rear.

There is no open space provision and no car parking proposed. Bin storage and cycle storage for 12 bikes will be located in an internal courtyard area.

### Previous Scheme

The ground floor plan has been amended to include an en-suite in Flat 2.

## Supporting Documents

The following documents have been submitted and are available to view on the Planning and Building Standards Online Services:

- Design and Access Statement

### **3.2 Determining Issues**

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

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

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

Do the proposals comply with the development plan?

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

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

### **3.3 Assessment**

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

- a) the principle of development is acceptable;
- b) the proposals preserve the character and setting of the listed building;
- c) the proposals preserve or enhance the character or appearance of the conservation area
- d) there will be any detrimental impact on the residential amenity of neighbours;
- e) there are any other material considerations and
- f) any comments have been addressed.

#### **a) Principle of Development**

Policy Hou 1 of the Local Development Plan (LDP) supports the delivery of additional housing on suitable sites within the urban area provided they are compatible with other policies in the plan.

The previous use of the building was class 2 offices (only a small part of the ground floor remains in use). There is no policy in the Local Development Plan (LDP) which protects this type of use. It is acknowledged that creating sustainable communities is a Council aim but the quality of office provision here does not meet modern requirements.

Policy Hou 5 (Conversion to Housing) of the Edinburgh Local Development Plan (LDP) states that planning permission will be granted for the change of use of existing buildings in non-residential use to housing provided that a satisfactory residential environment can be achieved; housing would be compatible with nearby uses; appropriate open space, amenity and car and cycle parking standards are met; and the change of use is acceptable having regard to other policies in the plan. These are assessed below:

### *Residential amenity*

The proposed sub-division creates flats which largely meet the standards set out in the Edinburgh Design Guidance. Flat 1 does not meet the required 36 sq.m. for a studio flat but this cannot be achieved in this portion of the building as the room is separated by the access stair from the rest of the building. An infringement of the guidance is acceptable in this instance.

A daylighting analysis has been submitted which shows adequate levels of daylight will be achieved in the flats. However, due to the nature of the building, outlook from the flats will be restricted. Only three of the units will be dual aspect; the top two flats will be lit by roof windows; and the other flats will have an outlook onto the side lane and the warehouse conversion on the other side of it. Privacy will also be limited for those flats facing the side lane as the warehouse conversion on the other side also has windows. This configuration is typical of flats in this former industrial townscape where warehouse and office conversions create living conditions which are bespoke and suit those seeking a lifestyle other than suburban living. This diversity of accommodation is part of the Leith urban grain.

Environmental Protection has recommended refusal due to the likely impacts the public house/restaurant would have on future residents' amenity with regards to noise and cooking odours. The Compass Bar is located on the ground floor of 44-46 Queen Charlotte Street. The tenement immediately above the premises, and that to the immediate east, are already residential and have been so for many years. The proposed flats will be further away than the existing flats apart from Flat 1 but there is a doorway and corridor directly adjacent to this flat. There are other flats facing the area where the restaurant vents and there have been no record of complaints. It would therefore be unreasonable to refuse the application on this basis. A noise impact assessment has been requested but due to the coronavirus lockdown this has not been able to be commissioned. A condition has been added that this should be submitted, agreed and implemented prior to occupation.

It is acknowledged that the previous application was refused on the basis that living conditions of occupiers would not be satisfactory but the building remains on the market and a new use needs to be found for it. On balance, the reduced standards in terms outlook and privacy for future occupiers are outweighed by the advantages of finding a new use for the building and providing additional housing in this popular area.

Overall the amenity for future occupiers will be acceptable in this context.

### *Nearby uses*

The surrounding area has a mix of residential, tourist, business and other commercial uses and the residential use proposed is compatible with this character.

### *Open Space and Parking*

Policy Hou 3 (Private Green Space) expects provision to be made for private amenity space. The development is fully within its own site and there is no opportunity to provide private amenity space. Leith Links is located a short distance away and, in these circumstances, an infringement of this policy is justified.

Policies Tra 2 (Car Parking) and Tra 3 (Cycle Parking) of the LDP sets out the requirement for private car and cycle parking. There is no car parking proposed and this complies with parking standards. The amount of car parking complies with parking standards. Twelve cycle parking spaces are being provided in a rear courtyard. This is slightly under the required 16 spaces and the location is not fully compliant with policy Tra 4 (Design of Off street car and cycle parking) but the Roads Authority has accepted this infringement on the basis that it is the conversion of an existing building.

Therefore, whilst the proposals do not fully comply with policy Hou 5 the infringements are justified.

In addition, the proposals provide a mix of units in accordance with policy Hou 2 (Housing Mix) and the density is compatible with the surrounding area in compliance with policy Hou 4 (Housing Density). The number of units fits well into the building and does not represent overdevelopment of the site. Creating a smaller number of larger units would not make a significant difference to the residential environment.

Overall, the principle of residential use is acceptable on this site.

### **b) Setting and Character of the 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.*

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

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.

LDP 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.

In terms of setting, there will be no change to the envelope of the building and the addition of new windows in the side elevations and roof will have minimal impact on the setting of the building.

Externally, the main change is the addition of windows to the south elevation. These have been designed as traditional timber sash and case. This elevation is plain and the new windows are compatible with its character. The addition of new roof windows will also have little impact on the industrial character of the rear warehouse.

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

The building is a vestige of Leith's industrial and commercial heritage. Many traditional industries in the area have been replaced and the warehouse was originally used as a wireworks but this has long since gone. The building is now largely disused: there is a lawyers' office on the ground floor. The upper floors of the warehouse section to the rear are in poor condition and although the architecturally important features of the front building remain, they lie unappreciated with these rooms all used for storage. The proposals bring a new use to a redundant listed building with minimal intervention to its special interest.

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

### **c) Character and Appearance of Conservation Area**

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

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

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

Leith Conservation Area Character Appraisal places this building within the Old Leith and Shore section of the conservation area. In terms of grain and density it states - *A dense fabric of closely grouped buildings separated by narrow lanes creates a distinctive character. The main routes through the area are those which define its edges: the Shore along the Water of Leith, Constitution Street and Great Junction Street.* It also states - *Leith's urban heritage and identity also make it a pleasant and stimulating place to live, work and visit. The range of mixed uses contributes considerable pedestrian movement and an active 'street life', an important feature in the area's character.*

Bringing this building into use again with minimal alterations is compatible with the area's essential character. In addition, there will be no adverse impact on the appearance of the conservation area as the building will appear the same from the street and changes to the elevations will not be evident.

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

#### d) **Neighbouring Amenity**

LDP Policy Hou 7 (Inappropriate Uses in Residential Areas) considers whether proposed new uses would harm existing residential amenity. In addition, policy Des 5 (Development Design - Amenity) states that development will be permitted where the amenity of neighbouring development is not adversely affected.

The proposed new use is within the existing building envelope and there will be no adverse impact in terms of daylighting and overshadowing.

In terms of privacy, it is acknowledged that the new windows on the side elevations will be relatively close to existing residential properties. The Edinburgh Design Guidance (EDG) states - *The pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. This means that there may be higher expectations for separation in suburban areas than in historic areas such as the Old Town.*

The new windows on the north elevation relate to bathrooms and one bedroom so the impacts will be minimal. The main change to privacy for neighbours will be on the south elevation where a number of new windows are proposed. However, there are already windows on this elevation. In addition, the neighbouring property on the other side of the lane does not meet privacy standards so normal privacy distances cannot be expected.

The addition of nine residential units will have no impact in terms of noise and disturbance in this busy mixed used area.

Overall, amenity for surrounding neighbours will be acceptable.

#### e) **Other Material Planning Considerations**

##### *Waste*

A waste strategy has been developed based on private collections. It is proposed that the development would access the existing bin storage area to the rear of the building, as accessed off John's Lane. In addition, residents will have full rights of access to the lane and combined with the internal storage in the central courtyard have sufficient provision to ensure the development is properly served. Waste Planning has accepted this as a solution.

#### f) **Public Comments**

##### **Material Comments - Objection:**

- overdevelopment - addressed in 3.3a);
- loss of employment use - addressed in 3.3a);
- loss of sustainable community grain - addressed in 3.3a);
- lack of open space - addressed in 3.3a);
- poor design standards - addressed in 3.3a);
- poor residential environment for future occupiers - addressed in 3.3a);
- traffic and parking - addressed in 3.3a);
- adverse impact on listed building and conservation area - addressed in 3.3b) and c);
- privacy impacts - addressed in 3.3d);
- noise and disturbance - addressed in 3.3d);
- waste collection inadequate - addressed in 3.3e);

##### **Non-material Comments**

- possible use as short stay tourist accommodation or HMO - this is not what has been applied for and a new application for planning permission would be required for this.

##### **Community Council**

Leith Links Community Council objected as a statutory consultee. Its full response can be found in the consultations section but key points raised are:

- poor quality of accommodation and residential environment - addressed in 3.3a);
- adverse impacts on listed building and conservation area addressed in 3.3b) and c);
- lack of provision for waste and recycling - addressed in 3.3e);
- lack of housing mix - addressed in 3.3a).

## **Conclusion**

This proposal will deliver a new use for this significant listed building whilst preserving its main features of architectural and historic interest.

The development complies with the Planning (Listed Building and Conservation Areas) Scotland Act 1997 as it preserves the character and setting of the listed building and preserves and enhances the character and appearance of the conservation area. The proposals largely comply with the adopted Edinburgh Local Development Plan. The development delivers acceptable level of amenity for future occupiers bearing in mind the constraints of the building and the infringement of policy in terms of private amenity space and cycle parking are acceptable as this is the conversion of an existing building. The impacts on neighbouring amenity are acceptable in this tight urban context. There are no material considerations that outweigh this conclusion.

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

### **3.4 Conditions/reasons/informatives**

#### **Conditions:-**

1. A noise impact assessment shall be submitted for the further approval of the planning authority and any identified actions implemented prior to the occupation of the development hereby approved.

#### **Reasons:-**

1. In order to protect the amenity of the occupiers of the development.

#### **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. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area
5. 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. 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 at <http://edinburghtrams.com/community/working-around-trams>

6. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities) and timetables for local public transport.

7. The applicant should satisfy themselves that they have reasonably addressed their responsibilities under the Equality Act 2010. In particular it is noted that existing steps are to be retained.

## **Financial impact**

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

There are no financial implications to the Council.

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

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

## **Equalities impact**

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

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

## **Sustainability impact**

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### **7.1 The sustainability impact has been assessed as follows:**

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

## **Consultation and engagement**

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### **8.1 Pre-Application Process**

Pre-application discussions took place on this application.

### **8.2 Publicity summary of representations and Community Council comments**

The application attracted seven objection comments.

Leith Links Community Council objected as a statutory consultee.

## **Background reading/external references**

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

## **Statutory Development**

### **Plan Provision**

The site is located within the urban area in the Local Development Plan on a route to be safeguarded for the tram.

### **Date registered**

30 January 2020

### **Drawing numbers/Scheme**

01-04, 5B, 6-11,

Scheme 3

## **David R. Leslie**

Chief Planning Officer

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## **Links - Policies**

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### **Relevant Policies:**

#### **Relevant policies of the Local Development Plan.**

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

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

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

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

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

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 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.

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

## **Relevant Non-Statutory Guidelines**

**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 20/00272/FUL At 89 Constitution Street, Edinburgh, EH6 7AS Proposed change of use from existing offices to form 9 new dwelling flats.**

### **Consultations**

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#### **Roads Authority**

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

- 1. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £7,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;*
- 2. 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;*
- 3. In accordance with the Council's LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities) and timetables for local public transport;*
- 4. The applicant should satisfy themselves that they have reasonably addressed their responsibilities under the Equality Act 2010. In particular it is noted that existing steps are to be retained.*

*Note:*

- I. Zero car parking is considered acceptable for this development based on it being a conversion of an existing property and the site's proximity to public transport;*
- II. It is noted that the proposals include 12 cycle parking spaces. The current parking standards would require a development of this size and nature to provide 16 spaces. This is considered acceptable as this is conversion of an existing property;*
- III. The combined cycle and bin store is not an ideal solution but again as this proposal is for a conversion of an existing building this proposal is considered acceptable;*
- IV. There is no net tram contribution, based on the proposed use of approximately 700m<sup>2</sup> office - £64,000 and the proposed 9 residential units - £25,000.*
- V. In terms of trip generation, it would be expected that conversion of office to residential would likely see a reduction in peak time trips.*

*TRAMS - Important Note: The proposed site is on or adjacent to the proposed Edinburgh Tram. An advisory note should be added to the decision notice, if permission is granted, noting that it would be desirable for the applicant to consult with the tram team regarding construction timing. This is due to the potential access*

*implications of construction / delivery vehicles and likely traffic implications as a result of diversions in the area which could impact delivery to, and works at, the site. Tram power lines are over 5m above the tracks and do not pose a danger to pedestrians and motorists at ground level or to those living and working in the vicinity of the tramway. However, the applicant should be informed that there are potential dangers and, prior to commencing work near the tramway, a safe method of working must be agreed with the Council and authorisation to work obtained. Authorisation is needed for any of the following works either on or near the tramway:*

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

## **Environmental Protection**

*The applicant proposes introducing new residential uses next to a public house. The public house offers a significant menu of food including many deep fried product and curry. The public house operates until midnight but the hours of use are not restricted through planning. The public house has a commercial ventilation system that terminates at a low level into a courtyard area. This is not an ideal termination point as cooking odours will not be adequately diluted and dispersed into the atmosphere. Plant noise from commercial ventilation systems is a common source of noise complaint as well as the other typical noises associated with public houses. It is noted that there are some residential properties located in the area already and we do not receive complaints from them regarding noise or odours, however this application will significantly increase the number of people to a low level of amenity and significantly increase the chance of complaints being received.*

*Environmental Protection will not be able to support this application due to the likely impacts the public house/restaurant would have on future residents amenity with regards noise and cooking odours. Therefore Environmental Protection recommend the application is refused.*

## **Communities and Families**

*The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from developments that are not expected to generate at least one additional primary school pupil. Using the pupil generation rates set out in the Supplementary Guidance, the development of 9 flats is not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required.*

## **Leith Links Community Council**

*Leith Links Community Council hereby OBJECTS.*

*This listed building in the heart of the Leith Conservation Area is still for sale. It is still occupied and used as a centre of employment, namely solicitors' offices. To allow it to be turned into a sub-standard multiple-occupancy block of poor quality, with poor resident amenity and minimal consideration of its context and impact on neighbours, would seem a dereliction of civic duty.*

*The property has been the subject of two previous planning applications, the first of which was withdrawn after multiple objections (October 2018), the second (March 2019) rejected by planners - again after multiple objections.*

*These new applications - 20/00272/FUL and its related listed building consent application 20/00271/LBC - have been resubmitted by the same agent and architect firm, and show some attempt to improve on previous proposals, in part by reducing the number of dwelling units from 11 to 9. But it's still unacceptable, contravening many of the guidelines and statutory demands put in place to protect listed buildings and conservation areas.*

*It may or not be associated with the surrounding "significant landlord" that owns and controls much of the neighbourhood's temporary accommodation offering - e.g. at numbers 57, 111-115, and 130 Constitution St, plus numerous outlets on John's Place and Links Place (Abbots House B&B) - but that is one of the concerns people have in the immediate neighbourhood of this proposed development, and beyond. What would its tenure be? More short-term let/"guest house" type accommodation, of which Leith already has more than its fair share, as is acknowledged by the city council?*

*We think the city council and its planning department should be bothered about this, and, as a statutory consultee on this application, we will seek the opportunity to impress that on the Development Management sub-committee.*

*To wave this through would be to further degrade this historic, essentially completely listed street - the main artery through the heart of the Leith conservation area, along which the tram will run, if all goes well - putting it at risk of a kind of ghetto-isation, which no one will be glad of or much benefit from. Apart, potentially, from the applicant group, whoever that is (Haynes Asset Management anybody?).*

*The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the density of the proposed development will not create a satisfactory residential environment.*

*It is also contrary to the Edinburgh Design Guidance as the proposals fail to provide an appropriate mix of unit sizes, a satisfactory residential environment in terms of daylighting and to make appropriate provision for waste and recycling.*

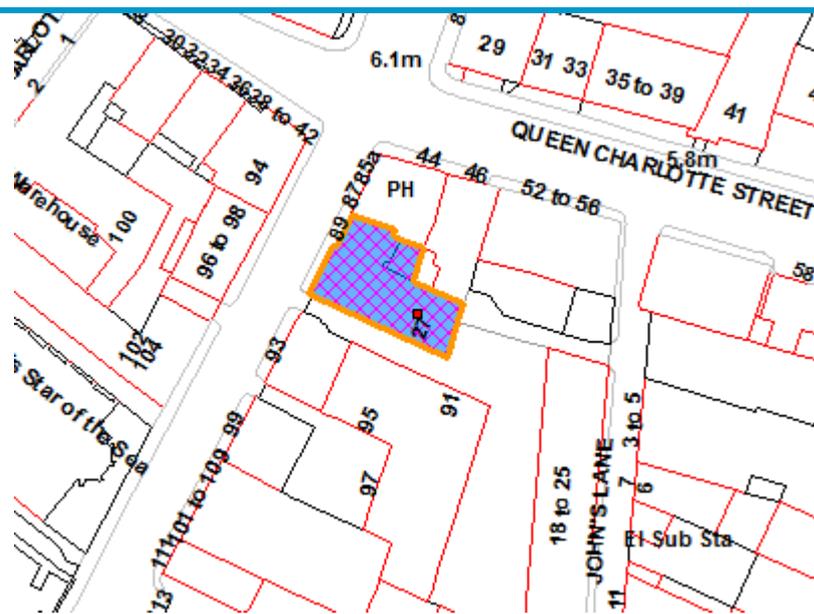
*LLCC would also like to reiterate the comments made by CEC chief planning officer, David Leslie, when explaining the reasons for the council's rejection of the last*

application for this property, in the summer of 2019. And we suggest that they are just as valid and pertinent now as they were back then:

1. The proposal is contrary to the Local Development Plan Policy Env 4 in respect of Listed Buildings - Alterations and Extensions, as the proposals are not justified, will diminish the buildings interest and do unnecessary damage to the historic structure.
2. The proposal is contrary to the Local Development Plan Policy Env 6 in respect of Conservation Areas - Development, as the proposals will neither preserve nor enhance the character of the conservation area.
3. The proposals are contrary to non-statutory guidance on Listed Buildings and Conservation Areas as the proposals will detract from and alter the character of the listed building.

In summary, these proposals will harm the special character of the listed building and will neither preserve nor enhance the character of the conservation area. In fact, quite the reverse. And we strongly believe that they should be rejected again.

## Location Plan



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**END**