

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 lies 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 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. 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;*

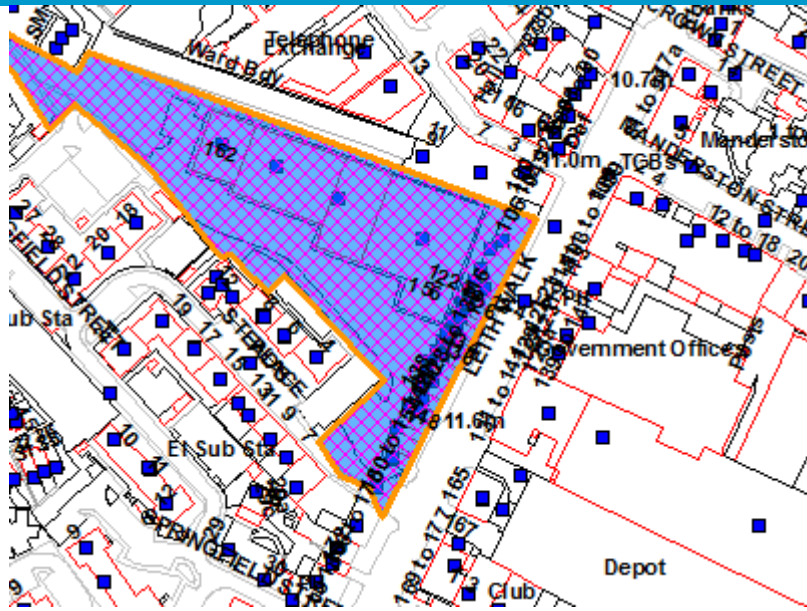
- The proposed zero parking is considered acceptable in the light of the current works to complete the tram line to Newhaven and the progression of a controlled parking zone for the area, anticipated late 2021. The provision of two car club vehicles is considered necessary to further support the proposed 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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