

Development Management Sub Committee

Wednesday 26 January 2022

Application for Planning Permission 19/05184/FUL at 111 - 115 Constitution Street, Edinburgh, EH6 7AE. Proposed change of use and redevelopment of 111 Constitution Street and the existing derelict warehouse at 18-25 John's Lane to create an overall development comprising 35 residential units and one class 1 retail unit (as amended).

Item number

Report number

Wards

B13 - Leith

Summary

The proposals comply with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the development preserves the character and appearance of the conservation area and respects the setting of the adjacent listed buildings.

The proposals comply with the Development Plan. The re-use of existing buildings and the provision of new build of high quality design and materials represents the good use of brownfield land and provides affordable housing to meet local housing needs.

The residential amenity aspects of the development are acceptable and the proposals promote the use of sustainable transport and good quality landscaping. Overall the scheme benefits the regeneration of Leith. There are no material considerations which outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LEN03, LEN04, LEN06, LHOU01, LHOU02, LHOU03, LHOU04, LHOU05, LHOU06, LTRA02, LTRA03, LEN08, LEN16, LEN21, LDES01, LDES04, LDES05, LDES06, LDES07, LDES08, HES, HEPS, HESSET, HESUSE, NSG, CRPLEI, LRET06, LEMP01, SPP,

Report

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Recommendations

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

Background

2.1 Site description

The application site consists of a number of buildings from Constitution Street to John's Lane. John's Lane is a cul-de-sac accessed off Queen Charlotte Street.

Starting at Constitution Street, No.111 is an existing two storey warehouse in stone. It has a gable elevation to the street with no windows and was constructed as a possible stables/coach house between 1849 and 1876. The access beside this leads to a series of garage buildings at the back. This group of buildings dates from the late 19th century. None of the buildings are listed. The buildings are still a working garage.

The John's Lane property is a two storey and attic warehouse, dating from the early 19th century, located on a narrow back lane. The property has been derelict for almost four decades. Sections of the building are supported by scaffold and the roof has been removed for safety reasons. There is considerable plant growth at roof level. Parts of the building visibly lean over the lane. The majority of windows are bricked up, especially on the west side. This building was listed category C on 5 March 1991 (reference: 27530).

The structure has been on the Buildings at Risk Register since 2012. There is evidence that historically the building was at least one storey higher.

The rear is of different design, with blind arches at ground floor. On this side, an extra storey of brick was added in the 1970s to act as a fire wall between properties. The properties that this side attached to were demolished in the 1980s and the large warehouse to the west is now converted to residential use. There is a car park between this warehouse and the rear of the John's Lane warehouse.

On the other side of John's Lane there is a working garage and the backs of properties belonging to John's Place which are in a variety of uses.

To the south of the site is the former St James Episcopalian Church which has been used as a workshop for many years but has a consent to revert back to a place of workshop. This is a category B listed Building (reference LB27226, listed 14 December 1970. The former church officer's house to the front has been converted to housing.

Other listed buildings around the site include 89 Constitution Street (category B listed building reference LB27201, listed 29 April 1977), 91 and 93 Constitution Street (category C listed building reference LB27210, listed, 29 April 1977), 101-109 Constitution Street (category B listed reference LB27218, listed 29 March 1995).

This application site is located within the Leith Conservation Area.

2.2 Site History

1 May 2002 - planning permission granted for change of use from storage warehouse to eight town house dwellings (as amended) (application reference: 99/02181/FUL and 99/02181/LBC)

13 May 2005 - listed building consent granted for alterations to storage warehouse to form eight town house dwellings at John's Lane (application reference: 05/00839/LBC)

28 March 2007 - planning permission and listed building consent granted for re-building and extending of parapet at second floor of John's Lane building (planning reference: 07/00536/FUL and 07/00536/LBC)

17 Jul 2013 - listed building consent for alterations to derelict warehouse linked to proposed residential development of 18 flats (application reference: 13/01713/LBC)

15 October 2015 - listed building consent granted for alterations to John's Lane building (planning reference: 15/03225/LBC)

6 Dec 2016 - planning application withdrawn for proposed residential development of 18 flats (within listed building) and 2 townhouses (application reference: 13/01714/FUL)

26 March 2018 - planning permission for 30 residential units refused for multiple reasons including density (planning reference: 15/03226/FUL)

3 Apr 2019 - planning application withdrawn for proposed redevelopment of existing vehicle repair centre and derelict warehouse buildings to form residential development comprising 49 units and a commercial unit (application reference: 18/10297/FUL)

17 Apr 2019 - listed building consent application withdrawn for alterations linked to the change of use from derelict warehouse to residential (20 units) (application reference: 18/10294/LBC)

2 August 2019 - listed building consent granted for alterations to John's Lane building (application reference: 19/01855/LBC)

4 November 2019 - application for conservation area consent submitted for demolition of unlisted buildings. Awaiting decision (application reference: 19/05187/CON)

Main report

3.1 Description of the Proposal

It is proposed to demolish the unlisted garage buildings to the rear of Constitution Street and form a mixed use development of 35 housing units and one commercial unit by both the conversion of existing buildings and new buildings. None of the housing units have private amenity space but there are two landscaped courtyards providing communal space - the front courtyard is 208sqm (7.6%) and the rear courtyard is 447sqm (16.5%). A new public access lane is created from Constitution Street through to John's Lane.

One car parking space is proposed for the development. This currently exists on the site. Cycle parking will be provided within the buildings and 16 visitor spaces in Sheffield racks are provided in the courtyards.

Eight of the housing units will be affordable. The commercial unit will be a class 1 shop.

John's Lane warehouse

Nineteen units will be formed from the conversion of the listed warehouse in John's Lane. This consists of the nine studios, six 1 bedroomed units and four 2 bedroomed units. Provision is made in the building for 17 cycle racks, all Sheffield style. A bin store is also provided at ground floor level.

Alterations are extensive, including total rebuilding of the roof to a new profile to allow accommodation at attic level. This includes six zinc-clad dormers on the frontage and an almost continuous linear dormer on the rear wallhead. On the frontage, bricked windows are re-opened as windows and some doors and hoist-doors are also partly glazed. To the rear (due to this being on a mutual boundary for most of its length) reopening of windows is restricted to those areas where the applicant has some degree of ownership on adjacent land. The majority of bricked windows, and the blind arches, will necessarily remain solid, but will be over-clad in zinc to better express the original architectural concept.

Internally, there are five units at ground floor - two x 2 bedroomed flats, two x 1 bedroomed flats and one studio. Two units are dual aspect. At first floor there are two x 2 bedroomed units and six studios. Two units are dual aspect. Finally at second floor, there are four x 1 bedroomed units and two studios. Two units are dual aspect.

Conversion of Constitution Street front building

This building will consist of a bike store on the ground floor and a two bedroomed unit at first floor. At first floor, a window will be formed on Constitution Street and four windows formed on the courtyard elevation. The cycle store makes provision for 46 cycle spaces in a mix of Sheffield and two tier plus six non-standard spaces.

New build units

There will be five new build blocks consisting of seven private units and eight affordable units.

The new building fronting Constitution Street will consist of a commercial unit and bin store at ground floor; a two bedroomed flat at first floor; and a two bedroomed flat at second floor. The three storey building will have a stone gable to the street and the other elevations will be a mix of stone, brick and render. It will have a pitched slate roof.

A new block will be connected to the refurbished block by a stair. This block will have two, two bedroomed duplex houses at ground and first floor. This two storey building will be brick with bronze metal detailing and a pitched slate roof.

The three blocks to the rear of the site are physically connected but functionally separate with the affordable housing units having their own access. The ground floor consists of a two separate two bedroomed private flats and a one bedroomed affordable flat; the first floor is a two bedroomed private flat and two x two bedroomed affordable flats; the second floor is two x one bedroomed affordable flat and one x two bedroomed affordable flat; and the third floor is a two bedroomed and a one bedroomed affordable flat. This makes a total of four x one bedroomed flats and four x two bedroomed flats in terms of affordable housing.

This four storey block will be in brick with metal detailing and a pitched slate roof. There will be a pend through the building giving access through the site.

Previous scheme

The proposals have been amended to delete one of the commercial units on Constitution Street to allow sufficient space for cycle parking including non-standard spaces. The number of housing units has been reduced to accord with affordable housing requirements and meet daylighting standards. The number of studios has reduced from 19 to nine units.

Supporting documents

- Design and access statement
- Transport statement
- Affordable housing statement
- Surface water management plan and flood risk assessment

These documents are available to view on the Planning portal.

3.2 Determining Issues

Due to the inclusion and proximity to listed buildings and being within a conservation area, the proposed development requires to be assessed against Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"). This report will first consider:

- a) In terms of Section 59 there is a strong presumption against granting planning permission for development which would harm a listed building or its setting. If engaged, the presumption can only be rebutted if the advantages of the scheme in the proposed location are sufficient to outweigh that strong presumption.
- b) In terms of Section 64 there is a strong presumption against granting planning permission for development which would conflict with the objective of preserving or enhancing the character or appearance of the conservation area. If engaged, the presumption can only be rebutted if the advantages of the scheme in the proposed location are sufficient to outweigh that strong presumption.

If the Development complies with Sections 59 and 64 of the 1997 Heritage Act, this report will then consider the proposed development under Sections 25 and 37 of the Town and Country Planning (Scotland) Act 1997 (the 1997 Act).

If the proposal is in accordance with the development plan the determination should be to grant planning permission unless material considerations indicate otherwise?

If the proposal is not in accordance with the development plan the determination should be refuse planning permission unless material considerations indicate otherwise?

In the assessment of material considerations this report will consider:

- the Scottish Planning Policy presumption in favour of sustainable development, which is a significant material consideration due to the development plan being over 5 years old;
- equalities and human rights;
- public representations and
- any other identified material considerations.

3.3 Assessment

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

- a) the proposal will preserve the character and setting of listed buildings in and around the site;
- b) the proposals preserve or enhance the character or appearance of the conservation area;
- c) the principle of development is acceptable;
- d) the design, scale and materials are acceptable;
- e) the impact on residential amenity is acceptable;
- f) the proposal will have any transport impacts;
- g) the development requires developer contributions;
- h) there are any other material considerations;
- i) there are any equalities or human rights issues and
- j) any comments have been addressed.

a) Impact on Listed Buildings

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

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

In this case, the only listed building on the site is the John's Lane warehouse. However, there are various listed buildings around the site including 89 Constitution Street, 91 and 93 Constitution Street, 101-109 Constitution Street and the St James Church at 119 Constitution Street.

Setting of listed buildings

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

Historic Environment Scotland's document 'Managing change in the Historic Environment - Setting' states that 'setting' is the way the surroundings of an historic asset or place contribute to how it is understood, appreciated and experienced. The document states that where development is proposed it is important to:

- Identify the historic assets that might be affected;
- Define the setting of each historic asset and
- Assess the impact of any new development on this.

The site is self-contained and boundary treatments will largely be retained other than opening the site up as a throughfare from Constitution Street through to John's Lane. Nearby listed buildings will retain their setting in compliance with LDP policy Env 3 and Managing Change guidance on Setting.

The proposals will preserve the setting of nearby listed buildings in compliance with Section 59 (1) of the Planning (Listed Building and Conservation Areas) (Scotland) Act 1997 and policy Env 3 of the LDP.

Alterations to Listed Building

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

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

A building's long-term future is at risk when it becomes hard to alter and adapt it when needed. Proposals that keep buildings in use, or bring them back into use, should be supported as long as they do the least possible harm.

Listed building consent has already been granted for the works to the listed warehouse in John's Lane. The treatment retains and re-instates the main body of the building but also introduces contemporary features such as zinc dormers. The rear elevation is on the boundary and there are therefore limits as to what can be designed but the proposed dormer ensures the top floor can be utilised effectively without impacting on neighbouring amenity.

The proposals effectively save a listed building and ensure it is adapted for future use in compliance with LDP policy Env 4 and Managing Change guidance.

b) Conservation Area Impact

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

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

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

The 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 current buildings on the site are of a mixed character and condition. The proposals ensure the retention of the listed building on John's lane and its conversion to flats will be a positive enhancement to both the character and appearance of the conservation area.

The retention of the Victorian building fronting Constitution Street is also welcomed and its re-use as a bike store and flat will ensure its heritage value is acknowledged as an integral part of the redevelopment of the site. The buildings to be demolished are of little architectural and historical interest and their replacement with new housing built to traditional style in good quality materials will positively enhance the site and the character and appearance of the conservation area. The new building to Constitution Street includes a glazed shopfront which will provide an active frontage to the street and help to create a sense of place.

The proposal complies with policy Env 6 and meets the requirements of Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

c) Principle of development

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

LDP Policy Hou 2 (Housing Mix) states the Council will seek the provision of a mix of house types and sizes where practical, to meet a range of housing needs, including those of families, older people and people with special needs, and having regard to the character of the surrounding area and its accessibility.

The proposals provide a mix of studio, one bedroomed and two bedroomed units. Due to the constrained nature of the site, including the conversion of historic buildings, the opportunity to provide family sized units is restricted and the requirement in the Edinburgh Design Guidance for 20% of the units to be for families is not met.

Hillcrest Housing Association has confirmed one and two bedroomed units are acceptable for their requirements. This is a complex brownfield site to redevelop with numerous constraints and it presents a challenge for any housing association. Whilst family housing is desirable, the constraints of the site have made this difficult in practical terms to achieve and the housing association is satisfied a successful scheme can be delivered on site.

The overall number of units has been reduced from 39 to 35 and there are now only nine studios as opposed to the 19 shown in the original proposal. Therefore, the proposals do provide an appropriate mix in compliance with policy.

LDP Policy Hou 4 (Housing Density) seeks appropriate densities on development sites, having regard to the surrounding area. The surrounding area is high density with a mix of flats including those from converted warehouses. The proposed development is of a similar scale and height to surrounding residential development and is highly accessible to local facilities and public transport. The proposed provision of 35 units on this site is appropriate to its location. It is important to achieve suitable density on brownfield sites such as this and this proposed high density development is compatible with the surrounding area.

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

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

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

- b) the proposal will contribute to the comprehensive regeneration and improvement of the wider area; and
- c) if the site is larger than one hectare, the proposal includes floorspace designed to provide for a range of business users.

This site area is only 2704 sq. m., significantly smaller than the one hectare threshold of criteria c) of this policy. In terms of criteria a) and b), the introduction of non-employment uses should not inhibit nearby uses. There is a working garage in John's Lane but with sufficient sound proofing, the amenity of the proposed flats will not be compromised. The site at the moment has poor quality and derelict buildings on it and the proposed housing will aid the regeneration and improvement of the wider area.

LDP policy Ret 6 (Out of Centre Development) sets criteria for when out of centre retail development will be permitted but also states that there are benefits in providing small scale convenience stores up to 250sqm in locations easily accessible by foot or by cycle.

At 53sqm., a retail unit is well within this threshold and is therefore acceptable.

The principle of housing and retail use on the site is acceptable.

d) Design

LDP Policies Des 1 (Design Quality and Context), Des 3 (Development Design - Incorporating and Enhancing Potential Features) and Des 4 (Development Design - Impact on Setting) ensure that developments will create or contribute towards a sense of place, based upon positive characteristics of the surrounding area, and planning permission will not be granted for poor quality or inappropriate design that would damage the surrounding character of the area.

The Edinburgh Design Guidance (EDG) seeks to ensure that new developments will have a positive impact on their surroundings through height and form, scale and proportions, site layouts and materials utilised.

The purpose of policy Des 1 is to encourage innovation in the design and layout of new buildings, streets and spaces, provided that the existing quality and character of the immediate and wider environment are respected and enhanced and local distinctiveness is generated. The building takes its cues from the existing development in the street but achieves a building of significantly better design quality in a contemporary form with an active ground floor frontage which will help to enliven the street in a positive way.

LDP Policy Des 4 states planning permission will be granted for development where it is demonstrated that it will have a positive impact on its surroundings, including the character of the wider townscape and landscape, and impact on existing views, having regard to:

- a) height and form
- b) scale and proportions, including the spaces between buildings
- c) position of buildings and other features on the site
- d) materials and detailing

The retention of the historic buildings ensures this development is an attractive mix of old and new. The new buildings have been designed to be compatible with the retained buildings mirroring their gable forms and pitched roofs. The new build height steps up towards the centre of the site adjacent to the large warehouse on the northern boundary but then steps down to be the same height as the building on the other side of the south boundary.

The new building to Constitution Street reflects the gable form of the retained block and although it is one storey higher, this reflects the varying heights in Constitution Street which are part of its character.

The materials are a mix of stone and brick to reflect the current context and the industrial heritage of the site. The use of additional contemporary materials and design ensures that the buildings will not be pastiche and will read as another phase in the history of the conservation area.

LDP Policy Des 7 (Layout Design) requires new development to have a comprehensive and integrated approach to the layout whilst enhancing site connectivity.

The proposed layout respects the existing pattern of buildings on the site creating a new thoroughfare through the site and improving connectivity. The shared courtyards are well placed and overlooked by buildings creating natural surveillance.

LDP Policy Des 8 (Public Realm and Landscape Design) supports proposals where all external spaces, and features, including streets, footpaths, green spaces and boundary treatments have been design as an integral part of a scheme as whole.

The proposals include for landscaping of hard and soft surfaces. A condition has been applied for further details to be submitted.

Overall, the design is high quality, contemporary architecture and the development will be a positive addition to the street and the area in compliance with design policies. It will create a sense of place.

e) Residential amenity

LDP Policy Des 5 (Development Design - Amenity) states that planning permission will be granted for development where it is demonstrated that the amenity of neighbouring developments is not adversely affected and that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook.

Amenity of future occupiers

All the units apart from one meet the space standards set out in the Edinburgh Design Guidance (EDG). This two bedroom unit is 65 sqm. which is 1 sqm below the standard and constitutes a minor infringement. A daylighting study has also been undertaken and this shows all the flats have adequate daylight.

LDP Policy Hou 3 (Private Green Space in Housing Development) ensures that all new developments will provide adequate private green space for the amenity of future residents. The policy requires that 10 square metres per flat should be provided in communal areas for flatted blocks, and a minimum of 20% of the total site area should be useable greenspace. The development comfortably exceeds these standards. A total area of 655sqm, around 24% of the site area will be a usable, safe, secure and secluded communal green space. Future residents will also benefit from close proximity to Leith Links.

It is noted that there is a working garage on John's Lane and this may affect the amenity of occupants of the new flats in the converted warehouse. Environmental Protection has raised no objections and has not requested a noise impact assessment but the potential impact must still be considered. The majority of flats in this conversion will be single aspect facing the garage.

The Chief Planner in his letter dated February 2018 advised that the Agent of Change Principle clearly places the responsibility for mitigating any detrimental impact from noise on neighbours with those carrying out the new development or operations. The Planning Advice Note on Noise advocates a pragmatic approach to the location of new development within the vicinity of existing noise generating uses.

The Agent of Change Principle is now enshrined in section 41A of the 1997 Act where "a development that is the subject of an application for planning permission is a noise sensitive development if residents or occupiers of the development are likely to be affected by significant noise from existing activity in the vicinity of the development" and requires that the planning authority "must, when considering under section 37 whether to grant planning permission for a noise sensitive development subject to conditions, take proper account of whether the development includes sufficient measures to mitigate, minimise or manage the effect of noise between the development and any existing cultural venues or facilities including in particular, but not limited to live music venues or dwellings or businesses in the vicinity of the development".

In discharging this duty, the planning authority cannot impose conditions on the noise sensitive source. It is therefore appropriate that a condition is added requesting that a scheme be submitted and agreed for the protection of the flats against noise from the garage. This is likely to be complied with by the use of insulation and appropriate window specifications. It may also be that the flats will have to be mechanically ventilated to prevent noise when windows are open.

A condition is also added in respect of a site survey for contamination given the previous use of the site.

Amenity of neighbours

There are a number of residential properties around the site including many converted warehouses and tenements. The area is tightly knit and normal privacy distances are not always met. In this proposal, windows are being re-opened on the north elevation of the John's lane warehouse. Whilst there is only 11m between these windows and the rear windows of the Queen Charlotte Street tenement, this is acceptable within this tight urban context. On the rear of the warehouse there are two new windows within six metres of a boundary but these windows overlook a car park and there is 16m to the nearest window. Other windows on this elevation are within the application site and face a blank gable. The lane is only six metres wide but there are no other residential properties in the lane which would be impacted in terms of privacy. There are no other windows within the development which raise any privacy issues and overall privacy is acceptable.

There are no neighbouring gardens affected by the development so there are no sunlighting/overshadowing issues.

In terms of daylighting, the neighbour to the south has concerns that the new block will affect daylight to their skylight. The elevations indicate this skylight will have sufficient daylight maintained due to the use of pitched roofs. Concerns have also been raised about the impact on the daylight to the warehouse conversion to the north. However, the new four storey building is built against the gable of the existing warehouse to the north and the two duplexes between this and the retained warehouse to the front, are only two storey high. It will not therefore impact on the building to the north which is around 9m from the boundary. The building on the other side of the four storey section is only two storeys with a pitched roof and there is a car park on the other side of the wall. Overall, any impacts in terms of daylighting are reasonable.

The proposal complies with criteria a) of policy Des 5.

f) Transport

LDP Policy Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) ensures that private car parking and cycle parking in new developments complies with and does not exceed the parking levels set out in the Edinburgh Design Guidance. In addition, Policy Tra 4 (Design of Off-Street Car and Cycle Parking) expects the layout and design of parking to comply with Council guidance.

One car parking is proposed and this is compatible with policy Tra 2 where a maximum of one space per unit is permitted. This space currently exists. The site has excellent public transport links and the car parking provision accords with Council objectives to reduce car travel and encourage active travel and the use of public transport.

Residents' cycle parking has been provided internally in two locations and visitor cycle parking is provided. Sixty-three standard spaces and six non-standard spaces are provided internally. In addition, 16 sheffield spaces for visitors are provided in the courtyard. The six non-standard spaces at 10% does not meet the 20% recommended in the cycle parking fact sheet as this would have required the loss of the other commercial unit - one commercial unit has already been removed from the proposals to make provision for non-standard spaces.

As the application was submitted in advance of the guidance being published, this is considered acceptable and the proposals meet the requirements of a range of cycle users.

The Roads Authority has requested tram contributions as noted below.

The applicant intends to upgrade John's Lane but as this is owned by the Council such works will need to be agreed with the roads authority.

The proposals comply with transport policies.

g) Developer contributions

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

Affordable housing

LDP Policy Hou 6 (Affordable Housing) states that residential developments consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units.

An affordable housing statement has been submitted and accepted by the Council's Affordable Housing Section. Eight units will be delivered in compliance with policy and will be sought by legal agreement. This will provide four x one bedroomed units and four x two bedroomed units.

Tram

The sum of £83,000 to the Edinburgh Tram is required in line with the approved Tram Line Developer Contributions report. The sum is to be secured by legal agreement and is to be indexed as appropriate and the use period is to be 10 years from date of payment.

Education

Communities and Families confirmed no contributions were required on the basis of the original scheme. The revised proposals which include for 16 two bedroomed units have the potential to generate one primary school pupil. However, there is no requirement for a primary school for sub-area LT-1 and so no contribution is required.

Healthcare

A contribution of £945 per unit is required towards a new surgery in Leith Links. This makes a total of £33075.

h) Other material considerations

Archaeology

LDP Policy Env 8 (Protection of Important Remains) and Env 9 (Development of Site of Archaeological Significance) ensures that development does not have an adverse impact on archaeological features.

The site lies within the historic limits of the medieval port and town of Leith, on the eastern side of Constitution Street inserted and developed in the 18th century. Significantly however, this development overlies the remains of the port's town defences, initially constructed during to defend the town during the English Siege of 1559-60. These defences were significantly enhanced during the 1640s across the eastern side. These defences, some of the first of their kind in Scotland, played an important role not only in the historic military events requiring their construction but all so had a major impact on the size, scale and layout of the post-medieval town.

Due to the significance of the site, a condition has been applied that a programme of archaeological excavation is undertaken prior to development.

Sustainability

LDP Policy Des 6 (Sustainable Buildings) aims to tackle the causes and impacts of climate change, reduce resource use and moderate the impact of development on the environment. It states that planning permission will only be granted for new development where it has been demonstrated that the current carbon dioxide emissions reduction target has been met, with at least half of this target met through the use of low and zero carbon generating technologies. The supporting text clarifies that Scottish Building Standards set carbon dioxide emissions reduction targets.

To meet this criterion proposals for new development must accord with the current carbon dioxide emissions reduction target (as set out by Scottish Building Standards) and also demonstrate that at least half of this reduction will be met through low and zero carbon technologies. This aspect will therefore be assessed during the building warrant process

The applicant has confirmed that the technical details have not been finalised but fuel is likely to be electric. Solar panels will be provided on the new buildings and the walls will have extra insulation. The building will have to meet the latest building regulations in terms of the sustainability of the building. Waste will be recycled and the bin stores have provided for this.

Sustainable transport is prioritised by the reduced level of car parking.

In terms of accessibility, the buildings will have to comply with the building regulations in this respect.

The development is compatible with policy Des 6.

Water Management

Policy Env 21 Flood Protection states that planning permission will not be granted for development that would:

- a) increase a flood risk or be at risk of flooding itself
- b) impede the flow of flood water or deprive a river system of flood water storage within the areas shown on the Proposals Map as areas of importance for flood management
- c) be prejudicial to existing or planned flood defence systems.

The site is not at risk of fluvial flooding however parts of the development site may be at risk from surface water flooding. A Surface Water Management Plan (SWMP) and Flood Risk Assessment have been submitted.

The Council's Flood Planning team has accepted the reports and raised no objections. A requirement to inform the planning authority of acceptance of the proposed connection to Scottish Water's wastewater network before determination is not necessary as this is a separate statutory consent regime. An informative has been added requesting that the planning authority is informed of this acceptance.

Waste

Due to the tram works, all the communal bins have been removed from Constitution Street. In addition, the communal bins in Queen Charlotte Street are at capacity and cannot serve this development. Waste collection will therefore be via a private waste collection service. Hillcrest Housing Association has confirmed this is acceptable to them.

Ecology

The Council's ecology officer visited the site and concluded the building which may have had potential to support bats no longer has a roof, making it unsuitable for bats to roost. Therefore, there is no requirement for any bat surveys. There is the possibility that birds may roost in the building/structures, therefore an informative has been added regarding breeding birds.

Scottish Planning Policy (SPP) - significant material consideration

The SPP introduces a presumption in favour of development that contributes to sustainable development and sets out 13 principles to guide policy and decisions:

- giving due weight to net economic benefit;
- responding to economic issues, challenges and opportunities, as outlined in local economic strategies;
- supporting good design and the six qualities of successful places;
- making efficient use of existing capacities of land, buildings and infrastructure including supporting town centre and regeneration priorities;
- supporting delivery of accessible housing, business, retailing and leisure development;
- supporting delivery of infrastructure, for example transport, education, energy, digital and water;

- supporting climate change mitigation and adaptation including taking account of flood risk;
- improving health and well-being by offering opportunities for social interaction and physical activity, including sport and recreation;
- having regard to the principles for sustainable land use set out in the Land Use Strategy;
- protecting, enhancing and promoting access to cultural heritage, including the historic environment;
- protecting, enhancing and promoting access to natural heritage, including green infrastructure, landscape and the wider environment;
- reducing waste, facilitating its management and promoting resource recovery; and
- avoiding over-development, protecting the amenity of new and existing development and considering the implications of development for water, air and soil quality.

The development will be on land which has previously been developed and will provide a high number of residential units. It will make efficient use of infrastructure such as the nearby town centre and public transport routes. The proposal is a sustainable land use. The proposal will make good use of the land and will create a sense of place including amenity space. The application site is near a public park and within walking distance of public transport services, including a tram, which can provide access to other parks with sport facilities. The proposal will have only one car parking space and will provide covered and secure cycle parking which will contribute to climate change mitigation.

The proposed development therefore complies with the 13 SPP principles.

i) Equalities and human rights

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

j) Public comments

Material comments - objections:

- design does not enhance conservation area - addressed in section 3.3 b)
- development too dense - addressed in section 3.3 c)
- impact on business - addressed in section 3.3 c)
- too many studios for rent - addressed in section 3.3 c)
- lack of affordable housing - addressed in section 3.3 c)
- lack of family housing - addressed in section 3.3 c)
- loss of employment use on site - addressed in section 3.3 c)
- materials not specified - addressed in section 3.3 d)
- impact on neighbouring amenity - addressed in section 3.3 e)
- parking issues - addressed in section 3.3 f)
- not a sustainable development - addressed in section 3.3 h)
- buildings have not been designed for accessible needs - addressed in section 3.3 h)

- no indication of low carbon technology - addressed in section 3.3 h)
- refuse collection not acceptable - addressed in section 3.3 h)
- no bat survey - addressed in section 3.3 h)

Neutral comment

- impact on parking - addressed in 3.3 f)
- lack of affordable housing - addressed in 3.3g)

Non- material comments

- temporary/homeless accommodation - no application has been made for temporary accommodation and the planning system does not control who lives in residential units
- hostel use - no application has been made for hostel use
- disturbance during construction - this is not a material planning consideration
- maintenance of walls in future - this is not a material planning consideration
- no fire break between buildings - this is a matter for building regulations
- adjacent roof lantern not visible - this is not a material planning consideration
- no public consultation - this is not required for local developments
- access for drainage - this is not a material planning consideration
- neighbour notification insufficient - this has been carried out in accordance with statutory legislation
- applicant's reputation - this is not a material planning consideration

Community Council comments

The community council requested consultee status and a full copy of its objection is included in the Consultations in Appendix 1. The themes of the objection are included in the objections section above but the following comments have also been made:

- the application should not be determined until a Local Place Plan is in place - there is no statutory basis for this
- the application has been submitted below the 50 units threshold to avoid terms and conditions applicable to major applications - there are no additional terms and conditions as suggested. The only difference is a requirement for preapplication consultation.

Conclusion

The proposals comply with Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 the development preserves the character and appearance of the conservation area and respects the setting of the adjacent listed buildings.

The proposals comply with the Development Plan. The re-use of existing buildings and the provision of new build of high quality design and materials represents the good use of brownfield land and provides affordable housing to meet local housing needs.

The residential amenity aspects of the development are acceptable and the proposals promote the use of sustainable transport and good quality landscaping. Overall the scheme benefits the regeneration of Leith. There are no 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. No development shall take place until the applicant has secured the implementation of a programme of archaeological work, in accordance with a written scheme of investigation which has been submitted to and approved in writing by the Planning Authority, having first been agreed by the City Archaeologist.
3. A schedule of stone repairs shall be submitted to and approved in writing by the Planning Authority within three months of the date of this consent, or before work commences on site, whichever is the sooner.
4. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
5. A fully detailed landscape plan, including details of all hard and soft surface and boundary treatments and all planting, shall be submitted to and approved in writing by the Planning Authority before work is commenced on site.
6. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

7. Prior to the commencement of development, a scheme shall be submitted for the protection of the flats in the John's Lane conversion from noise from the garage opposite. This should include a specification of noise mitigation measures, including full details of any Mechanical Ventilation Heat Recovery (MVHR) System, to ensure no adverse impacts from noise breakout from the garage. The approved scheme shall thereafter be implemented prior to the occupation of the first flats in the John's Lane conversion.

Reasons:-

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. In order to safeguard the interests of archaeological heritage.
3. In order to safeguard the character of the statutorily listed building.
4. Sample/s of the proposed shall be submitted to and approved in writing by the Planning Authority before work commences on site.
5. In order to enable the planning authority to consider this/these matter/s in detail.
6. In order to ensure that the approved landscaping works are properly established on site.
7. To protect the amenity of future occupiers.

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement, including those requiring a financial contribution payable to the City of Edinburgh Council, has been concluded in relation all of those matters identified in the proposed Heads of Terms.

These matters are:

Transport

£83,000 (based on 35 residential units in Zone 1) 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.

Affordable Housing

25% on site provision secured through suitable legal agreement (8 units)

Healthcare

A contribution of £945 per unit is required towards a new surgery in Leith Links. This makes a total of £33075

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 incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity
6. The applicant shall confirm that Scottish Water agreement to the scheme has been approved.
7. For vegetation or any structure likely to host nesting birds, clearance works should be undertaken outside of the nesting bird season (March - August). If this is not possible, a nesting bird check should be undertaken by an ecologist prior to works commencing. Should it be necessary to clear ground during the bird nesting season the land should be surveyed (no more than 48 hours prior to works) by a suitably qualified ecologist and declared clear of nesting birds before vegetation clearance starts.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

Risk, Policy, compliance and governance impact

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

Equalities impact

6.1 The equalities impact has been assessed as follows:

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

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

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

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

Thirty one objection comments, two neutral comments and one support comment have been received.

Background reading/external references

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

Statutory Development

Plan Provision

Date registered 30 October 2019

Drawing numbers/Scheme 01-03, 04E, 05, 10, 11A-13A, 14-15, 16B-17B, 18C, 19A,

Scheme 3

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Nancy Jamieson, Team Manager

E-mail:nancy.jamieson@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 Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

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

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

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

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

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

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

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

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

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

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

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

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

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

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 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.

Relevant Government Guidance on Historic Environment.

The Historic Environment Policy for Scotland 2019 outlines Government policy on how we should care for the historic environment when taking planning decisions.

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

Managing Change in the Historic Environment: Use and Adaptation of Listed Buildings sets out Government guidance on the principles that apply to enable the use, the reuse and adaptation of listed buildings.

Relevant Non-Statutory Guidelines

The Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space and recreational value

LDP Policy Ret 6 (Out-of-Centre Development) identifies the circumstances in which out-of-centre retail development will be permitted.

LDP Policy Emp 1 (Office Development) identifies locations and circumstances in which office development will be permitted.

Scottish Planning Policy (SPP) - The SPP sets out Scottish Government policy on nationally important land use matters and includes subject specific policies on: economic development, town centres and retailing, housing, rural development, coastal planning, fish farming, historic environment, landscape and natural heritage, open space and physical activity, green belts, transport, renewable energy, flooding and drainage, waste management, minerals, on-shore oil and gas, surface coal mining and communications infrastructure.

Appendix 1

Application for Planning Permission 19/05184/FUL At 111 - 115 Constitution Street, Edinburgh, EH6 7AE Proposed change of use and redevelopment of 111 Constitution Street and the existing derelict warehouse at 18-25 John's Lane to create an overall development comprising 35 residential units and one class 1 retail unit (as amended).

Consultations

Environmental Protection

Environmental Protection have commented on similar proposals for this site recently (17/03056/FUL & 18/05184/FUL)). The site is located on the east side of Constitution Street and at present forms a class 5 motor vehicle maintenance and repair centre. The site is accessed from Constitution Street. The site is presently heavily built up in its centre with low grade garaging units. To the front north west corner of the site lies a small stone structure with a blank gable end facing the street which serves the existing business as office space. The site is bounded to the south by a church with residential development to the north and east and Constitution Street to the west. Immediate neighbouring are residential buildings ranging in height from 2-4 storeys.

The application is for 39 residential flatted dwellings and the applicant has advised to encourage sustainable use of public transport that parking on the site will be limited to 1 parking space which is an improvement from previous applications. The site is near the Bernard Street Air Quality Management Area for nitrogen dioxide. This is a transport related source of pollution. Environmental Protection recommends that the applicant installs an electric vehicle charging point for this space. This will ensure the development is future proofed with regards predicted future transport trends.

The applicant should install an electric vehicle charging point. Edinburgh has made huge progress in encouraging the adoption of electric/hybrid plug-in vehicles, through deployment of extensive charging infrastructure. As plug-in vehicles make up an increasing percentage of the vehicles on our roads, their lack of fuel emissions will contribute to improving air quality and their quieter operation will mean that a major source of noise will decrease. The applicant should install a 7Kw (Type 2 sockets) charging point.

The Sustainable Energy Action Plan is the main policy supporting the Council's Electric Vehicle Framework. Increasing the number of plug-in vehicles and charging infrastructure in Edinburgh will provide substantial reductions in road transport emissions.

With regards to air quality Environmental Protection will not object to this development. We would encourage the developer to work with Environmental Protection to produce a Green Travel Plan which should incorporate the following measures to help mitigate against traffic related air quality impacts associated with the proposed development;

- 1. It is noted that Car Parking levels are minimum.*
- 2. Car Club facilities (low emission vehicles).*
- 3. Provision of electric vehicle charging facilities.*
- 4. Public transport incentives for residents/employees.*
- 5. Improved cycle/pedestrian facilities and links.*

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 must also demonstrate that they are maximising the use of the potential for onsite renewable energy. The applicant must consider integrating ground /air sourced heat pumps and solar/photovoltaic panels linked to energy storage. The applicant must be made aware of the Zero Carbon targets and the Climate Emergency declaration.

Ground conditions relating to potential contaminants in, on or under the soil as affecting the site will require investigation and evaluation, in line with current technical guidance such that the site is (or can be made) suitable for its intended new use/s. Any remediation requirements require to be approved by the Planning & Building Standards service. The investigation, characterisation and remediation of land can normally be addressed through attachment of appropriate conditions to a planning consent (except where it is inappropriate to do so, for example where remediation of severe contamination might not be achievable).

Therefore, Environmental Protection offer no objection subject to the following conditions. We also recommend an informative is attached to any consent regarding electric vehicle charging infrastructure;

Condition

i) Prior to the commencement of construction works on site:

a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and

b) Where necessary, a detailed schedule of any required remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

ii) Any required remedial and/or protective measures shall be implemented in accordance with the approved schedule and documentary evidence to certify those works shall be provided for the approval of the Planning Authority.

Informative

Charging outlet (wall or ground mounted) should be of the following standard:

Type 2 (EN62196-2), Mode 3 (EN61851-1) compliant with the ability to supply 7 KW (32 Amps) Single Phase chargers

The applicant will need to provide details of the proposed energy system and confirm compliance with the Clean Air Act.

Archaeology

The site lies within the historic limits of the medieval port and town of Leith, on the eastern side of Constitution Street inserted and developed in the 18th century. The site however is likely to originally have occupied by the rear of medieval burgh plots which extended eastwards from the Kirkgate towards Leith Links. The Kirkgate was established by the 14th century as the main medieval route into the port from Edinburgh, though it probably followed the line of an earlier medieval route. Archaeological evidence from the recent excavations along Constitution Street supports the development of this area from the 13th/14th centuries.

Significantly however, this development overlies the remains of the port's town defences, initially constructed to defend the town during the English Siege of 1559-60. These defences were significantly enhanced during the 1640s across the eastern side. These defences, some of the first of their kind in Scotland, played an important role not only in the historic military events requiring their construction but all so had a major impact on the size, scale and layout of the post-medieval town. The fortifications remained an important landmark and defined the limits of the town up until the Georgian expansion of the town in the latter half of the 18th century. In particular the site occupies the central part of a large bastion constructed as part of the mid-17th century refortifications.

The buildings occupying the site appear all to date from the early to mid-19th century, with building No.111 fronting onto Constitution Street constructed as a possible stables/coach house between 1849 & 1876. However, in parts this building may pre-date the 1st Edition plan of 1849. The C-listed warehousing at 18-25 Johns Lane, contrary to the HES Listing, are first shown on Kirkwood's 1817 plan of Edinburgh and are therefore 20-30 years older than recorded.

Based on the historical and archaeological evidence the site contains a range of 19th century commercial buildings of historic significance (111 Constitution Street, 18-25 Johns Lane, 17 John's Lane) and also occurs within an area of potential national

archaeological significance. Accordingly, this application must be considered under terms Scottish Government's *Our Place in Time (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 ENV5, ENV6, ENV8 & ENV9*. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Historic Buildings

It is welcomed that proposed scheme will see the retention and reuse of the site's historic buildings; 111 Constitution Street, the C-Listed warehouse of 18-22 John's Lane and 17 John's Lane. Not only are these buildings in of themselves historically significant as survivals from the port's Victorian industrial past but they also contribute significantly to the character of Leith's Conservation area and townscape. Although the loss of the late-19th/20th century garages are not of thought to be significant, they will also require archaeological recording as they may contain earlier building fabric.

Overall the proposals will have significant archaeological impacts to the site's buildings, including demolition, dountakings and associated internal repairs and changes. It is essential therefore that detailed historic building surveys (internal and external elevations and plans, photographic and written survey and analysis) of all the surviving buildings is undertaken prior to and during any such work, in order to provide a permanent record of this historic buildings. Structural timbers will also be recorded for evidence of construction, for reuse (in particular the reuse ship timbers) and suitability for dendrochronology.

*In addition, demolition shall be limited in the first instance to above ground works only, with no grubbing up of wall foundations nor ground floor surfaces. This is in order to avoid any impacts upon the sites potentially nationally significant buried archaeological remains until the results of the phase 1 works have been undertaken and issues pertaining to preservation in situ resolved (see following section *Buried Archaeology*).*

Buried Archaeology

As stated this site is regarded as being of archaeological significance primarily in terms of overlying the remains of Leith's 16th & 17th century town defences but also in terms of its medieval and 18-20th century industrial/commercial heritage. The proposed development will require extensive excavations in terms of construction, landscaping, utilities etc. The 2008-9 excavations in Consitution Street opposite the graveyard for South Leith Church, in addition to the medieval graveyard uncovered the remains of the 16th century fortifications and evidence for the medieval development of the area. It is therefore likely that this site will also contain similar important evidence along with the remains of the later 17th century refortifications.

Accordingly, it is essential that if consent is granted that as part of the overall archaeological mitigation that a programme of archaeological excavation is undertaken prior to development. This will see a phased archaeological programme of works, the initial phase being an archaeological evaluation up to a maximum of 10% of the site post demolition. The results of which would allow for the production of appropriate, more detailed mitigation strategies to be drawn up to ensure the preservation and full excavation, recording and analysis of any further surviving archaeological remains.

Archaeological Public Engagement

Further given the potential importance of these remains in terms of Leith and Edinburgh, it is recommended that the programme of archaeological works contain provision for programme of public/community engagement (e.g. site open days, viewing points, temporary interpretation boards) the scope of which will be agreed with CECAS.

Such mitigation should be secured by the following condition;

'No demolition nor development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, preservation, excavation, public engagement, analysis & reporting, publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work 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.

Waste Planning

As this is to be a residential development waste and Fleet Services would be expected to be the service provider for the collection of domestic waste (Only). We would require further input to the points raised below in conjunction with our instruction for architects guidance to ensure waste and recycling requirements have been fully considered.

- 1. Detailed plan of any bin stores on the development in line with our guidance, please highlight we do not uplift from the lane at the rear of this property and a waste strategy must be included within the development.*
- 2. Confirmation on number of bin stores and the units/flats using each/the bin store to agree quantity of bins.*
- 3. Detail/agreement on pull distances and drop kerbs at the collection points.*

Roads Authority

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

- 1. Contribute the sum of £83,000 (based on 35 residential units in Zone 1) 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. See Note below;*
- 2. The applicant should consider contributing to the provision of car club vehicles in the area;*
- 3. The applicant should consider developing a Travel Plan including provision of public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), and timetables for local public transport.*

Note:

- The 1,081m² GFA existing warehousing, being converted to 20 residential units, is below the threshold for tram contributions and therefore there is no reduction for the existing use;
- The proposed 63 cycle parking spaces and single car parking space are considered acceptable. Additional visitor cycle parking is proposed

Flood Planning

We accept the proposed FFLs of 6.05m adjacent to John's Lane are above SEPA's recommended FFL of 6m. Based on the agent's email assuming the applicant will undertake maintenance, we've used this for the basis of determination.

Please keep us updated of progress in receiving acceptance of the proposed connection to Scottish Water's wastewater network. We would request this prior to determination.

Affordable Housing

1. Introduction

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 35 homes and as such the AHP will apply.

There will be an AHP requirement for a minimum of 25% (8.75) homes of approved affordable tenures. If delivered onsite this would be rounded down to eight affordable homes, as set out in Affordable Housing Policy Guidance. The Affordable Housing Policy guidance sets out that the affordable housing should be a representative mix of the market housing being provided across the site.

Our guidance asks that applicants enter into an early dialogue with us and our Registered Social Landlord (RSL) partners to ensure that the design of affordable housing can be informed by guidance such as Housing for Varying Needs and the

relevant Housing Association Design Guides. The applicant has been working with Hillcrest Housing Association to find an onsite affordable housing solution.

The development consists of a mix of new build and conversion/refurbishment of the existing building. Conversions are typically not suited to be affordable housing because of issues relating to cost, management and maintenance, and insurance reasons. The restrictions of an existing build form often mean these homes are not able to be converted to be suitable for people with particular needs. For these reasons, onsite affordable housing will need to be located within the new build element.

The affordable homes located within the newbuild blocks includes a mix of four 1 bedroom affordable homes and four 2 bedroom affordable homes, which is largely representative of the wider development of studios, one bedroom homes and two bedroom homes. There are no studio apartments included within the affordable housing and this is welcomed as studio apartments are not eligible for grant funding and therefore would not be suitable for an RSL.

Onsite delivery of affordable housing and homes for social rented are prioritised in our guidance, to reflect the greatest housing need in the city. The policy sets out the aspiration that 70% of new affordable housing should be social rent. A revised Affordable Housing Statement has been submitted by the applicant which sets out the applicants engagement with a RSL and that delivery of social rented homes is being explored.

Should onsite affordable housing not be viable, payment of a Commuted Sum would be required. Based on recent commuted sums agreed for other developments across the City, the Council's Estates Team estimate that a sum is likely to be in the region of £45,000 per unit for the 8.75 affordable homes contribution. The actual sum would be established independently by the District Valuer and would be secured by a Section 75 Legal Agreement.

3. Summary

There will be an AHP requirement for a minimum of 25% (8.75) homes of approved affordable tenures. If delivered onsite this would be rounded down to eight affordable homes, as set out in Affordable Housing Policy Guidance. The applicant has engaged positively with the Council and a RSL to identify a way to deliver onsite affordable housing.

A mix of one and two bed affordable homes is proposed. No studio apartments have been included in the affordable housing and this is welcomed.

Should onsite affordable housing not be viable then the applicant will be required to engage with the District Valuer so that a commuted sum can be established. The sum would be secured through Section 75 Legal Agreement.

Children and Families

The Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' states that no contribution towards education infrastructure is required from

developments that are not expected to generate at least one additional primary school pupil.

The accommodation schedule submitted with the planning application indicates that 26 of the 39 flats will be studios or only have one bedroom. These have been excluded from the assessment.

Using the pupil generation rates set out in the Supplementary Guidance, the development of 13 flats is not expected to generate at least one additional pupil. A contribution towards education infrastructure is therefore not required.

Leith Links Community Council

Leith Links Community Council (LLCC) hereby objects to this planning application

Our Objection is presented in 4 different sections

- 1. Comments from LLCC*
- 2. Comments from local resident 'A'*
- 3. Comments from local resident 'B'*
- 4. Accompanying statement from LLCC*

PART 1: Comments from LLCC

This proposal is an improvement upon the same applicant's earlier plans for the site. There are some good things about these proposals:

- Bringing the semi-derelict warehouse on John's Lane back into use is potentially a good thing.*
- Reducing the number of flats and including more greenspace is a sign that things are moving in the right direction.*
- Including two commercial units in the revised plan for the Latto's garage site is an improvement on the previous withdrawn plans which completely eliminated all commercial function.*

However these improved proposals still fall a long way short of a scheme that would be sympathetic to the site and neighbourhood and acceptable to the local community. The development is too dense, the units are too small, and arguably, better ideas for the site's use

overall (rather than just 'packing' it with miniature units with little light or space) would surely spring to many minds, given the chance of a wider community engagement about it. See also PART 4

(Accompanying Statement) below.

The proposed development falls short on a number of counts, either failing to meet or contravening City of Edinburgh policies /guidelines:

LDP Policy Env 6: states

Development within a conservation area or affecting its setting will be permitted which a)"preserves or enhances the special character or appearance of the conservation area

and is consistent with the relevant conservation area character appraisal"and ... c)"which demonstrates high standards of design and utilises materials appropriate to the historic environment."

In our view, the current proposal fails to meet either condition.

Commercial / Employment use: Latto's garage is a thriving and popular business, in keeping with the nature and grain of this neighbourhood in a mixed use locality in the conservation area. These sites have always had industry/employment as part of their use. The Design and Access Statement claims the development would be "complementary to existing uses and sustainable" but we would dispute this claim - how is completely removing this business and employment use complementary or sustainable?

The very substantial increase in small residential units proposed by this development could be detrimental to the neighbourhood and community in the heart of the conservation area.

The proposal also fails to meet the requirements of LDP Policy Hou 2 Housing Mix

The Council will "seek the provision of a mix of house types and sizes where practical, to meet a range of housing needs, including those of families, older people and people with special needs, and having regard to the character of the surrounding area and its accessibility."

This proposal includes mainly one bedroom flats and studio flats, with only a few 2 bedroom, and none large, therefore would not cater for growing families and is unlikely to attract long-term tenants such as key workers. The development would therefore not add positively, in a balanced way, to the stability, social mix and diversity of the local neighbourhood.

Policy HOU 4 - Density

"The Council will seek an appropriate density of development on each site having regard to:

- its characteristics and those of the surrounding area*
- the need to create an attractive residential environment and safeguard living conditions within the development"*

The proposed development is very dense, in comparison with neighbouring traditional tenements. It proposes a high number of small and tightly packed individual units. Many of the units are extremely small - over 50% are less than 50sqm, with some as tiny as 36sqm → with restricted space and light. We think a redesign should be required that increases the size of the units and reduces the density of the development overall.

Policy Hou 6 Affordable Housing

"Planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed. For proposals of 20 or more dwellings, the provision should normally be on-site.

Whenever practical, the affordable housing should be integrated with the market housing."

This development does not include affordable housing, but suggests negotiating a 'commuted sum payment in lieu'. We find this unacceptable as it does not contribute to the amenity of the immediate local area.

Effects on future occupier amenity

This very dense development proposes a high number of small and tightly packed individual units. Because so many of the units are extremely small - over 50% are less than 50sqm - with restricted space and light, the amenity of future residents is severely compromised.

This together with combined LBC applications relating to St. John's Lane do not appear to meet ELDP requirements.

Effects on amenity of existing residents:

We are concerned about overshadowing by the new 4 storey building, particularly at lower storeys on the North side, affecting the amenity of existing residences to the North, and of future residents at John's Lane and. We note that the applicant has not provided the requisite overshadowing, sun and daylighting studies in relation to both proposed and existing buildings. City of Edinburgh Council should request these before the application can be considered.

The design strongly suggests that this development will be used for temporary accommodation, either for folk in transit, or possibly for air b'n'b type visitors. We have enough of this already in Leith - as is acknowledged by the city council - and certainly more than enough of the B&B type offering that this particular landowner offers, in large amount, in the local area.

PART 2: Comments from local resident 'A'

From a local Resident 'A' (who wishes to remain anonymous but has asked LLCC to submit their comments in full):

Applicable policies: Del 1,Des 1-13Env 2-4,Env 7-9,Env 12,Env 16,Env 18-22,Hou 1-7,Hou 9-

10,Ret 1,Ret 6,Ret 8,Ret 10-11,Tra 1- 4,Tra 6,Tra 8-9,Tra 11,RS 1,RS 4,RS 6-7

Material Considerations: Des 1-13

- It could be argued that the new buildings proposed have a detrimental effect on the quality and character of the surrounding area due to the walling materials proposed. There is very little brickwork in the immediate vicinity, and no 'bronze' cladding that I'm aware of. While these materials may not constitute a particular concern if used sparingly, in this instance they are the prevailing finish on all of the new buildings. Material quality concerns also exist over the 'bronze coloured aluminium cladding'.

- In my opinion the addition of the large dormers to the listed building on John's Lane significantly alter the character of the building and make the existing central gables subservient, or at least significantly less prominent. I appreciate that this building is currently derelict, and that LBC approval has already been granted, however I feel that the conversion could be handled more sympathetically.

- I note that 'bronze' cladding is proposed to the new build area of the site and 'zinc' cladding to the listed building conversion. There would be a more cohesive relationship between the old and new sections of the site if these materials could be standardised throughout.

- The relationship between the proposed new 4-storey building and the adjacent existing hipped roof of the category B and C listed buildings to the North appears awkward. Consideration should be given to limiting the extent of the 4-storey accommodation or reconsidering the roof design to provide a more amicable relationship with the existing neighbouring property.

- The pended area between the two landscaped courtyards is excessive and has the potential to become a dark and forgotten space, with little natural surveillance making it susceptible to antisocial behaviour.

- The 4-storey section of the development has an overbearing presence on the adjacent proposed units, particularly N1, N2 & N5 with potential for overlooking which is detrimental to the amenity of these residents. Acceptable levels of daylighting to the habitable rooms of these units would also be questionable - it does not appear that a daylighting study has been carried out thus far.

- Refuse storage and collection arrangements are not in accordance with City of Edinburgh Council's own design guidance - more than 10m pull to collection points, more than 30m travel distance from residential properties to storage areas, no turning head facility on the (assumed to be) non-adopted John's Lane.

- No indication provided of any low/zero carbon technology. Should this take the form of PV arrays or air-sourced heat pumps, the visual effect should be considered as a material consideration and therefore the extent of visible LZCT should be indicated on the application drawings.

- Classification restrictions should apply to the proposed commercial unit operations to protect the amenity of the future residents and existing neighbouring properties.

- No indication provided of any Sustainable Urban Drainage System (SUDS) provision or consideration of water conservation measures. Presumably the nature of the development would lead to additional water run-off from the site and therefore proposals for SUDS should be clarified.

- A detailed hard & soft landscape design has not been provided for review.

Env 2-4, 7-9, 12, 16, 18-22

- The proposed new 3-storey building fronting Constitution Street does not appropriately fit into the setting of the category B listed St. James Church Officer's House at 119 Constitution Street in terms of its overall mass and overbearing nature, particularly where it appears to incorporate a gable built directly against the Church Officer's House boundary, creating a looming effect over the 2-storey listed building.

- The Southern end of the 4-storey block appears to be built tight to the category B listed boundary wall with St. James Church to the South. Proposals should be clarified as to how the structural integrity of this wall is to be maintained and protected from significant undermining during construction.

- In my view, construction of the dormers to the listed building on John's Lane (as discussed above) contribute to the diminution of the existing Architectural features and interest.

- Given the historic nature of the surrounding conservation area, a pre-development archaeological desk top study and/or Written Scheme of Investigation (WSI) would be prudent to protect any archaeological legacy findings.

- No survey appears to have been carried out for European Protected Species (EPS) thus far, particularly in relation to bats in the existing derelict listed buildings.
- Given the historical industrial nature of the site, a full Site Investigation (SI) should be undertaken to establish the ground conditions and extent of toxic materials, with a strategy for protecting future residents established.

Hou 1-7, 9-10

- The concentration of studio and 1-bedroom accommodation (66%), and the distinct lack of any accommodation incorporating more than 2-bedrooms (0%) will not contribute to a socially diverse development.
- 3no. units (7.6%) are greater than 91m² in floor area which is significantly lower than the City of Edinburgh Council design guidance recommendation of 20%.
- Flat type 5 at 53m² in floor area is below the City of Edinburgh Council design guidance recommendation for a 2-bedroom property of 66m².
- Particularly striking is the concentration and apparent over-provision of studio units which represent over 48% of the development alone. Given the reputation of the applicant, and vague statements in the DAS such as 'aimed at the rental market', it seems likely that they plan to retain some proportion of the site as-developed to feed into their own business operations housing the homeless in basic accommodation. Depending on the number of properties retained, this tenure blanket has the potential to destroy any social diversity in the development and have a detrimental effect on the amenity of the other residents, both within the site and in the wider area. The proposed tenure must be established for consideration under this application.
- No affordable housing (conforming to the Council's model) has been proposed, contrary to policy for a development of this size. The offer within the DAS of a commuted sum in lieu of an appropriate level of affordable housing provision should be treated as a last resort for the Council, and should be backed by a detailed justification from the applicant demonstrating that a development including the requisite number of affordable units would not be financially viable.
- More than 50% of the dwellings proposed will be single aspect which is contrary to City of Edinburgh Council's design guidance.

Ret 1, 6, 8, 10-11

- The classification of the proposed commercial units should be restricted by condition to protect the amenity of the adjacent residential occupants.

Tra 1-4, 6, 8-9, 11

- The amenity of existing neighbouring occupants will be detrimentally affected by the low car parking provision proposed. It is appreciated that Council policy is to reduce vehicle journeys generally to ease congestion and improve environmental conditions, however realistically many of the future occupants of this development will need access to a car and will then resort to parking on the adjacent, already very busy, streets. There are no parking controls on the surrounding streets currently and therefore justification for the low levels of parking in this development is weak.
- The suggestion of downward negotiation of tram contributions should be resisted on the basis that the transport strategy relies heavily on use of public transport networks.

RS1, 4, 6-7

- Scottish Water consultation on the suitability of the existing supply & drainage network to support this development should be provided for review.

Non-Material Considerations: Listed Building Consent (LBC)

I mentioned before that the strategy of having a LBC approval in place prior to making an application for Planning consent struck me as being 'cute' on the part of the developer. My view is that they're attempting to imply that Planning is a foregone conclusion and this will undoubtedly have a subliminal effect on affected local residents who might otherwise have objected, and perhaps even on members of the Planning Committee itself. It would be worth highlighting that the LBC should not prejudice any Committee deliberations, purely so that it's fresh in the mind, come decision time.

PART 3: Comments from local resident 'B'

From a second local Resident 'B' (who wishes to remain anonymous but has asked LLCC to submit their comments):

I would object in terms of:

- Effect on future occupier amenity*
- Effect on amenity of existing resident*

The restoration of the John's Lane listed building is a good thing, also the buildings fronting Constitution Street are ok in scale with reasonable materials proposed. However the tall central building is more of a problem along with other issues noted below.

General comments on design:

- First impression is the number of units is high throughout and seems quite dense compared to neighbouring traditional tenements.*
- In regard to the new 4-storey building, overshadowing must be a problem, particularly at lower storeys on the North side of this building due to proximity and height of new built form, affecting the amenity of future residents at Johns Lane and existing residences to the North.*
- The apartments in the existing building on John's Lane appear to have inadequate sun and daylighting, Some with only east facing single window with sunlight disappearing before noon. On the west elevation, many of the existing openings infilled with timber - minimal glazing and natural light. Additional glazing would greatly improve amenity of apartments and shared circulation spaces, which have little natural light with reduced amenity for residents. The infill of some of the larger openings is quite crude with a small window located within the larger timber infill.*
- I would expect CEC Planning to request overshadowing, sun and daylighting studies for new developments in relation to both proposed and existing buildings. These have not been provided.*
- Quite a lot of the flats are extremely small - 36sqm! Restricted space and light, means the amenity of future residents is compromised. They will also struggle to meet Building Standards at warrant stage.*
- Areas of flats at dormer level are overestimated. Only part of the area under the coombed ceiling should be included in the area calculation.*
- The housing mix is highly biased towards extremely small studio or single bed apartments - over 50% are less than 50sqm. The development does not cater adequately for larger family units. (LDP Policy Hou 2 Housing Mix). Also no affordable housing included.*

- Proposal to negotiate commuted sum payment in lieu of providing on site affordable units; how would this contribute to improving wider local amenities. Will this be publicly discussed?

LDP Policy Hou 4 Housing Density, Hou 2 Housing Mix, Hou 5 Conversion to Housing,

Hou 6 Affordable Housing

- Environmental sustainability? Car free, pro-bike/ bus to be encouraged but in light of the current climate emergency is this really enough? Are any renewable technologies proposed that would need planning consent (solar panels, air source heat pumps), any green materials/ construction etc. This would be further questioned at warrant stage.

- Sustainable urban drainage; is there sufficient green space to deal with attenuation of surface water from roofs and hardstanding to avoid additional pressure on the local sewers? Are the planners consulting SEPA in their respect?

- References to permeability of the site; there are gates so not very permeable to local residents! Assume this is a private gated enclosure?

PART 4

Accompanying Statement from LLCC

While we are aware that not all of our concerns in this section might be considered as "material" to planners in their routine consideration of individual planning applications, we want to set these proposals in the context of recent legislation.

Planning (Scotland) Act 2019 - Place

The recent Planning Act gave communities no power of appeal against inappropriate or undesirable developments. However it included the strong recommendation that communities should be consulted and involved in the earliest possible stages of planning of new, proposed developments, ideally within the context of their own community-led 'Local Place Plan'. Local authorities will be required to 'take account of' the views of communities as embodied in such plans. Scottish Ministers are committed to carry out a review of local place plans, including 'the support given to community bodies to prepare and submit a local place plan'; and an assessment of how place plans have influenced planning authorities (including 'the determination of applications for planning permission').

While this is still all very new, it is clear that the intention is there at Scottish Government level to ensure that local authorities pay attention to the views of members of the local community, as regards the wider amenity of a neighbourhood / district / community as experienced in an integrated way by the community (i.e. not just building by building in the narrowest, piecemeal fashion).

We would like to notify you that the communities of Leith have come together and are currently in the process of collaboratively developing a Local Place Plan, which will be underpinned by very clear statements from the community about the values and qualities of new developments/ buildings that are or are not acceptable to the community in our 'place'. Given also the transformational effect on the 'place' of Leith of (1) ever accelerating large scale development on brownfield sites and (2) the installation of the tram line to Newhaven, that cuts through the very heart of Leith, viz. Constitution Street - we feel that there should be a moratorium on planning permissions for developments in the area that occupy large sites, until the Leith community's Local Place Plan is further developed. The community should be leading on a Master Plan for

Leith - not a commercial developer! Land Reform Act - Guidance from Scottish Government Ministers

The Scottish Land Commission is keen to develop a clear picture of how the Land Reform agenda is - or should / could be - applied in the urban context. The guidance published by Scottish Ministers requires that 'significant landowners' should be 'engaging with the community' to discuss long terms plans for the area.

The current applicant / development group is a perfect example of a 'significant landowner'. They already own a very significant portion of this part of Leith. But they do not engage with the community. The extended range of their guest house establishments, much used by City of Edinburgh Council (CEC) in providing temporary accommodation to homeless people, already pushes the level of such accommodation to a point that the City Council itself acknowledges has reached "overprovision" status in Leith, and the Leith Links area in particular. The applicants are well known, trailed in the press, and there is a great deal of concern locally about their business model and their methods, albeit enabled by the city council. The owner/applicant group already has a number of properties fringing these sites, along John's Place and Links Place/Gardens to the east and at 130 Constitution St to the west, giving it a sort of monopolistic "seam" of holdings pretty much all of which seem destined for temporary accommodation. These establishments have, over many years, attracted criticism, mainly for poor management and a poor quality of service to already vulnerable residents.

We feel that further expansion of this 'empire' would be detrimental to the local community, neighbourhood amenity and such like, if it were allowed free rein. Some see this current application as proposing a development that is a kind of AirBnB ruse, ultimately designed for tourist visitors; others see it as a bet-hedging 'variable needs' facility amenable to a reversion to the company's default local offering of accommodation for the homeless. There is a discrepancy between what is said in the application form and the design and access statement as to what this proposed accommodation would actually be.

But, either way, is this what this particular area needs right now, or indeed at any point in the future, bang on the line of the trams corridor, in one of the city's most architecturally interesting streets? (Also now famous in the literary world, thanks to recent publication of Jemma Neville's book 'Constitution Street' Good Faith of the applicant? We note that the applicants have taken steps to 'protect' themselves from inconvenient aspects of Planning Law. The proposal for 39 residential units avoids terms and conditions to which it would be subject if the application were for a 'major' development of 50 units.

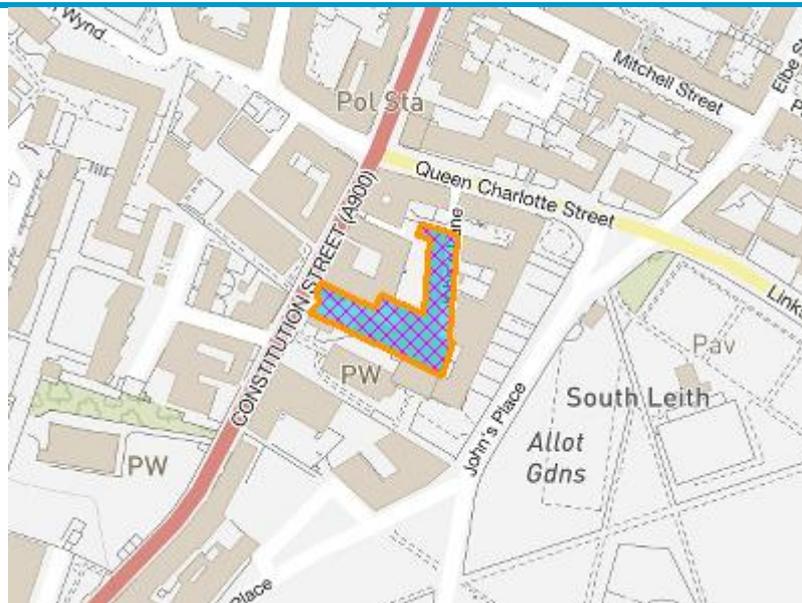
Notably, the applicants have proposed that they be exempt from including provision of 'affordable housing'. At the same time, we see that the developer is proposing to provide NO parking spaces for residents (not even disabled parking?), and proposing to pay NO tram costs to CEC (although the tram running right outside the development will massively increase the rentable and saleable value of the property). We think there is no justification for any of this. The developers are simply trying to minimise costs and maximise profits for themselves, to the detriment of the Council, the neighbourhood and, arguably, the eventual tenants of the development itself.

In conclusion

As LLCC is objecting to this application, in the event that planners recommend it for approval, the application would have to go before the Development Management Sub-Committee, and were this to happen we would strongly petition elected Councillors on the sub-committee to make a site visit to see for themselves what is at stake here, and at issue.

And we trust that good practice, good sense and good taste will prevail.

Location Plan



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