

# Development Management Sub Committee

Wednesday 27 October 2021

**Application for Planning Permission 21/00991/FUL  
At 27 Arthur Street, Edinburgh, EH6 5DA  
Demolition of existing buildings and structures; erection of  
33 apartments and associated development (as amended).**

Item number

Report number

Wards

B12 - Leith Walk

## Summary

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The proposals comply with the Local Development Plan. Housing is acceptable on the site and the proposed design and materials are compatible with the character and appearance of the conservation area. There will be no adverse impact on the setting of surrounding listed buildings.

The residential amenity aspects of the development are acceptable and the proposals promote the use of sustainable transport and high quality landscaping. Overall the scheme represents the good use of brownfield land and provides affordable housing to meet local housing needs. There are no material considerations which outweigh this conclusion.

## Links

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[Policies and guidance for this application](#)

LDPP, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LEMP09, LEN03, LEN06, LTRA02, LTRA03, LDEL01, LDES01, LDES02, LDES04, LDES05, LDES06, LDES07,

# Report

## **Application for Planning Permission 21/00991/FUL At 27 Arthur Street, Edinburgh, EH6 5DA Demolition of existing buildings and structures; erection of 33 apartments and associated development (as amended).**

### **Recommendations**

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

### **Background**

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#### **2.1 Site description**

The application site is L shaped and consists of a single storey brick building fronting Arthur street and rear waste ground previously associated with the Leith Walk tenements to the south, Nos. 334-346a Leith Walk (listed Category C). This was originally the garden ground of these tenements but was laterally a dump site for cars and other scrap associated with a garage on Leith Walk. There are also remnants of a former stable and workshop and the remains of internal garden walls within the site. This rear area is landlocked and can only be accessed from a small pedestrian pend from Leith Walk. The site extends over approximately 0.167 hectares.

Originally each Leith Walk house had a long, narrow garden or drying green stretching back northwards. Rubble masonry walls surrounded the gardens, and there was a narrow lane between the two eastern and two western plots (accessed by a pend under the buildings). Use of the gardens/drying greens became disassociated from the townhouses as they were subdivided into a hotel and flats, and shop units were constructed in the front gardens. The gardens of Nos. 5 and 9 Pilrig Street (listed Category B) stretched behind those of the Leith Walk terrace and were originally part of the site also to be filled in with the current warehouse.

The brick workshop was constructed in the 1920s, and the drying greens/gardens appear to have been used independently from that time. In the second half of the 20th century, the drying greens/gardens were used as a dumping ground for cars and other scrap. The dividing walls between the plots were largely removed to create a single space. The remaining structures to the rear of the warehouse - the remnants of a stable block and boundary walls - would have originally been connected to the Leith Walk buildings but became disconnected when the rear gardens were used for dumping cars. The original curtilage is no longer evident. There are no trees on the site - those that were remaining were removed under application 20/02517/TCO.

The brick workshop is single storey with a floor area of 1048sq.m. It is divided into three sections:

Vacant area =	551m2 GIA
Coffee roasting (temp) =	136m2 GIA
Production Studio (temp) =	361m2 GIA

The vacant area was previously occupied by Rhubaba an artist-run organisation in Edinburgh that provides studio space artists and practitioners. When the applicant bought the warehouse from the previous owner, he agreed to keep renting the space out to Rhubaba on a temporary lease. This has now ended and Rhubaba have vacated the premises.

The surrounding area is becoming largely residential. Adjoining the site to the north-east is a 4 storey block of flats with a recessed upper storey. There is then a garage building after that and then more flats which are 4 storey with a barrel vaulted roof with flats in the roofspace. There are further 4 storey gable fronted flats after that.

To the south-west there is Pilrig Dalmeny church, a category A listed Building (Ref LB27649 - 12 December 1974) and new housing development. On the other side of Arthur street, to the north, there is a 3 storey housing development with the ground floor significantly below pavement level. Leith Walk with shops and other commercial properties and excellent transport links is a 5 minute walk away.

There are also several listed buildings in the vicinity primarily Nos. 334-346 Leith Walk (Category C), but also more remotely No. 328 Leith Walk (Category C), Nos. 324-326 Leith Walk (Category B), Nos. 318-322 Leith Walk (Category C), No. 1 Pilrig Street (Category B), Nos. 3-5 Pilrig Street (Category B) and Nos. 7-9 Pilrig Street (Category B).

This application site is located within the Pilrig Conservation Area.

## **2.2 Site History**

29 July 2020 - Treeworks application for removal of five trees. No TPO made (application reference: 20/02517/TCO)

1 March 2021 - conservation area consent for demolition of warehouse and other structures (application reference: 21/00990/CON). Pending decision.

# Main report

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## 3.1 Description Of The Proposal

It is proposed to demolish the warehouse and other structures and erect 33 flats, eight of which will be affordable.

The proposed building is in an L shape with a short lane being created on the west side return. To Arthur Street, the building is 5 storeys with the top floor set back for the majority of the length but when it reaches the corner, the eaves level drops from four to three storeys and the set back is a two storey return. This then meets up with a five storey section which then steps down to three storeys up the lane towards the rear of the Leith Walk tenements.

The main roof is flat with the three storey section having a green roof. The main roof will have solar panels.

The materials are brick, timber, and aluminium cladding

The site slopes up towards the rear of the Leith Walk tenements. There is a height difference of around 2.4m from the street to the back of the site and ramping of the new side street is required to accommodate this. This street will not be used for any vehicular access.

Open space for the flats is on the east and south side of the new building. There is a communal garden (688 sq.m) at the end of the return block and private gardens for the ground floor flats on the other sides. The landscaping will be a mix of hard and soft with trees and plants chosen to encourage biodiversity. The pend at the back will be closed off and new boundary walls formed.

The accommodation proposed is as follows:

- 7 x one bedroomed flats (21%)
- 17 x two bedroomed flats (52%)
- 9 x three bedroomed flats (27%)

The accommodation is separated into three blocks.

Block A is the tenure blind affordable housing block and consists of six two bedroomed flats and two three bedroomed flats, all dual aspect. The three bedroomed flats, one on the ground floor and one on the fourth floor, have access to private amenity space and are more than 91sq.m. in area.

Block B consists of three one bedroomed flats, eight two bedroomed flats and six three bedroomed flats. Three of the flats are single aspect. Two of the three ground floor flats have private amenity space and three of the six flats at third and fourth floors have private balconies.

Block C is the three storey section to the rear and consists of four one bedroomed flats, three two bedroomed flats and one three bedroomed flat. Two of the flats are single aspect. The two ground floor flats have private amenity space.

15% (five units) are single aspect; 15% (five units) have a private garden; 12% (four units) have a balcony; and 100% have access to shared amenity space.

No car parking is proposed. Cycle parking is provided in a cycle store at the end of the lane and an internal one near the Arthur Street frontage. This provides 79 spaces. There are two bin stores provided in the building.

### Previous Scheme

The number of units has been reduced from 34 to 33 by pulling back the return block (Block C) by 3m to increase the separation from the listed buildings. This has increased the communal garden area. A balcony has been removed from Block A to obviate amenity concerns.

### Supporting documents

The following documents have been provided to support the application:

- Design Statement;
- Planning statement;
- Affordable Housing Statement;
- Heritage Statement;
- Daylighting study;
- Surface Water Management Plan;
- Building inspection report;
- Landscape Management Plan; and
- Sustainability statement form

These documents are available to view on the Planning Portal.

## **3.2 Determining Issues**

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

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

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

Do the proposals comply with the development plan?

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

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

### 3.3 Assessment

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

- a) the principle of development is acceptable;
- b) the proposal will preserve the setting of the listed building;
- c) the proposals preserve or enhance the character or appearance of the conservation area;
- 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; and
- i) any comments have been addressed.

#### a) 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) emphasises the importance of providing a wide range of house sizes and types on development sites. The proposals provide a good mix of accommodation of different sizes in compliance with this policy.

LDP Policy Hou 4 (Housing Density) seeks appropriate densities on development sites, having regard to the surrounding area. The surrounding area has a mix of densities, including flats, and ranges from low to high density depending on the context. The proposed development is of a similar scale and height to recent surrounding residential development and is highly accessible to local facilities and public transport. A high amenity environment will be provided. The proposed density of 33 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 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 0.167 ha, significantly smaller than the one hectare threshold of criteria c) of this policy. In terms of criteria a) and b), there is an existing garage to the west of the site but this has been acquired by the applicant and planning permission has been granted to convert it to class 4 workshop space under application 21/03965/FUL 27a Arthur Street. There are no other employment uses that might be prejudiced by the development.

The current warehouse is largely empty and the current uses are temporary. The building is in poor condition and a building inspection report has been submitted. This notes the roof has water ingress and other defects and, as it has no insulation, a new roof would be required. Other defects in the walls and guttering and general lack of ventilation, sound insulation and thermal insulation and lack of DDA compliant access means a substantial amount of money would be needed to bring it up to standard. A cost estimate of £385,000 has been given for the works. Its replacement with a high quality housing development will positively contribute to the regeneration and improvement of the wider area, including the removal of the scrap yard and dumping site to the rear.

It is acknowledged that until recently the warehouse hosted Rhubaba, artists' workshops. The Planning Statement submitted with the application includes correspondence between the applicant and Rhubaba making it clear that this was being let on a temporary basis. This was on a rolling basis with a 3 month notice period. According to the statement, Rhubaba was offered the potential to occupy the adjacent building, following completion of the change of use and extension. It is understood that the building was not suitable for its purposes. There is no policy protection for employment uses under one hectare.

Some of the objections consider the Rhubaba use was a community use. However, the workshops would come under class 4 Business use (this is permitted development in terms of a change of use from class 5 (General Industry) or class 6 (Storage)). There is no planning permission in place for community use which can come under class 10 (Non-residential institutions) so any such use would have been unauthorised in planning terms. In any event, there is no policy protection for community uses.

The principle of housing on the site is acceptable.

#### b) 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, there are a number of listed buildings adjacent to the development. The listed buildings are all outwith the application site and therefore the primary consideration in the assessment of these proposals is the impact on the setting of these 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.

Part of the application site was originally the garden ground of the listed buildings at 334-346a Leith Walk (Category C). The long gardens contained a number of structures including boundary walls but, as stated in the site description, these structures were largely removed in the 20th century when the warehouse was built and the gardens became disassociated from the listed tenements on Leith Walk. This rear area is now basically a scrap yard and is filled with old cars.

In assessing the impact on the setting of these listed buildings, it is important to consider the features that contribute to their special interest and, in this case, it is the frontages to Leith Walk that are of most significance. The rear elevations cannot be appreciated from any public viewpoint and their original rear setting has been compromised by a change from domestic green areas to industrial landscape. Notwithstanding this, it is important that attempts are made to re-instate a rear setting as views will be opened up when the development is implemented and the new side street is formed. In this respect, the proposal has been pulled back a further 3m from these rear elevations to allow a more open setting of 13m between the backs of the listed buildings and the new development. Whilst this does not re-instate the original garden ground, it does open up garden ground around the rear section of the development and the change from a scrap yard to gardens will positively enhance the setting of these listed buildings.

The amended plans also indicate that an existing rear boundary wall will be retained and repaired. A condition has been applied to get further details of all boundary treatments.

The warehouse was actually built in the rear garden of 9 Pilrig Street, a B listed building and its original setting has been lost for nearly 100 years. The rear area now includes a church building and a garage. The development will not affect the setting of this listed building or the other listed buildings in Pilrig Street, including the A listed church.

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.



### c) Impact on Conservation Area

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

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

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

The Pilrig Conservation Area is characterised by its varied street pattern and terraced properties, contrasted with the green space of Pilrig Park and Rosebank Cemetery. The scale is set by two storey housing. However, it acknowledges that whilst the area is mainly comprised of low rise residential development, there are a small number of flatted properties of mainly three and four storeys.

This section of Arthur Street is not characteristic of the essential character of the conservation area. The warehouse building is a utilitarian 1920's structure which dominates the street and does not make a positive contribution to the overall character and appearance of the conservation area. It has two big roller shutter doors and a glazed entrance to the former Rhubaba use. Its demolition is assessed under the conterminous application for conservation area consent and is deemed to be acceptable. However, its overall impact is of an expansive brick wall along the street.

To the west of the warehouse there is a single storey garage which has consent for change of use to class 4 business use and west of this is a single storey rendered structure used by the Free Church of Scotland. The Pilrig Street listed buildings sit close to this building.

To the east of the warehouse there is a five storey development in red brick. It has a set back top floor and the ground floor appears to be made up of roller shutter doors. A two storey MOT centre follows this to the east and there is then another two sets of flats, the first a four storey development with a barrel vaulted roof containing accommodation and a four storey development after that. The buildings then move into the stone built character more typical of the character of the conservation area.

To the north of the warehouse, there is a lower density housing development of three storeys in brick. After that there is a cottage like character with old stone buildings.

To the south, the Leith Walk tenements can be found and to the south west a modern four storey development of flats (Pilrig Glebe).

This section of Arthur Street therefore has a mix of building types and heights with no consistency of character. In terms of the appearance of the conservation area, the new building will align with the height of the flats to the east ensuring a rhythm is created in

terms of building heights. In addition, the use of brick will tie in with the flats to the north and east creating a continuity and a reference to the industrial history of the site.

The new building is higher than the existing warehouse and so there will be changes to the appearance of the conservation area. However, replacing a poor quality warehouse with a high quality housing development can be a positive enhancement of the appearance of the conservation area.

The overall character of the conservation area is mixed and the determination of whether a development preserves or enhances it is a matter of planning judgement. If a development has a neutral impact it is deemed to preserve that character. There is no requirement to mimic traditional buildings in the conservation area as the aim is to be able to read the historical and architectural progression of the area by the buildings within it. This new development is different from the essential character of the conservation area but it replaces a building which is also not typical. Because of the distance between this site and the more traditional core areas of the conservation area, the building will read as an extension to the more modern buildings in the street rather than a threat to the more traditional townscape. In this respect it will have a neutral impact and so preserve the character of the conservation area.

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.

#### 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 proposed development will be in keeping with the scale of developments that were established on Arthur Street by the warehouses and their subsequent replacements. It aligns with the flats to the east in terms of heights stepping down to three storey in the south west section. On the Arthur Street elevation, the massing has been reducing by stepping down the eaves level from four to three storeys to create interest in the facade. Vertical insets introduced between the front and rear wings further break up the appearance of the proposed development's massing. An inset balcony is introduced along Arthur Street to provide amenity and step back the massing from the street

It is acknowledged that L shaped developments are not necessarily characteristic of the area but the shape of the site is unusual and the building has been designed to fit in with this making best use of brownfield land. There is no requirement for a townscape audit in current policies.

The use of brick is compatible with other developments in this part of the street and reflects the industrial character of the warehouse to be removed. A mix of masonry tones is proposed to break up the visual appearance of the building and introduce further contemporary styling. The lighter tones proposed are intended to sit well alongside the flats opposite that employ a similar colour. The set back areas of the façade are proposed to receive dark grey PPC raised standing seam cladding. Both the set backs and the proposed finish help to further break up the proposed massing. Dark timber battens are proposed throughout the facades alongside the window openings. The introduction of the timber adds texture to the façade and helps to reduce the extent of the masonry. The darker stain to the timber relates to the proposed standing seam cladding, ironmongery and window frames.

The use of balconies adds interest to the roofscape and creates additional activity to the street.

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 building lines directly to the east and west of the site and creates a new street to the side. The rear area of the site is currently accessed through the pend from Leith Walk and whilst a right of access remains over this access, it is proposed that the amenity area at the back of the site will be bounded by a wall (as an extension to the existing boundary wall) such that there will be no access through to the site from the pend. This responds to the concerns of objectors about security but others are concerned about how this will affect their access and daylighting. There remains around 1m between the boundary wall and the back of the

Leith Walk tenements to allow access for repairs. As detailed below, the impacts in terms of daylighting are acceptable.

Natural surveillance onto communal areas has been encouraged by design to create safer and more communal shared amenity. The applicants are in discussion with Police Scotland to introduce additional Secure by Design enhancements.

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.

A landscaping plan has been provided. Boundaries between communal areas and private spaces have been created using brick retaining walls, with proposed metal balustrades on top. In addition, between private gardens there will be metal fences. All metalwork will co-ordinate with metalwork within the architecture for continuity. Climbing plants such as Clematis, Ivy, Honeysuckle and Jasmine will form a green barrier to increase privacy.

The planting scheme uses a hierarchy of planting mixes, using ground cover, taller shrub planting and climbing plant mixes to provide structure and visual buffers to the communal and private areas. Column forming trees are proposed to offer a softened aspect and focal points along the entrance road. In the communal garden feathered and multi stem large shrubs have been proposed to offer seasonal colour and flowers, in addition to offering a visual buffer to the southern gable. A condition has been added on landscaping implementation.

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.

#### 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 meet the space standards set out in the Edinburgh Design Guidance (EDG). Nine of the units (27%) are over 91sq.m. comfortably meeting the 20% required for growing families. Six of these family units have private amenity space in the form of gardens or balconies.

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 688sq.m. is well in excess of 20% of the site area and will be a usable, safe, secure and secluded communal green space. Many units benefit from private

gardens and balconies. Future residents will also benefit from close proximity to Pilrig Park.

Sample dwellings have been assessed to review daylighting availability. This demonstrates that all spaces assessed meet the minimum average daylight factor with the current proposed elevations and glazing specification.

Environmental Protection (EP) has requested a Noise Impact Assessment. However, there are no potential noise sources which would affect residential amenity. Housing lies to the north and east and the garage to the west has planning permission for a class 4 business use; such a use relies on no adverse residential impacts. The church building referred to by EP is occupied by the Free Church of Scotland. This building forms the boundary to and is adjoining existing residential properties and appears to co-exist without impact. The proposed residential development lies further from this church, separated by the proposed Class 4 building and the new lane. Noise is not an issue and a NIA is not required.

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

#### *Amenity of neighbours*

Further supporting information has been provided by the applicant in relation to amenity.

In terms of privacy, there will be over 20m to the flats on the other side of Arthur Street. There will be over 30m to the Pilrig Street windows. There is a minimum separating distance of 16.2m to the Pilrig Glebe flats south-west of the site. Most windows are however at a slight angle to each other and there is a 2.7m high wall between the two properties, with the application site being on a lower level, meaning the ground and most of the first floor level windows are protected from overlooking. This is considered acceptable in this tight urban context. There are no windows on the gable facing the Leith Walk tenements and the east elevation faces communal gardens which are already overlooked. Overall the application is acceptable in terms of privacy and overlooking.

A Daylighting and Overshadowing Study has been completed and accompanies the application. It shows small changes to sun and daylighting to surrounding properties but of no material impact. There will be a loss of daylight to one property on the opposite side of Arthur Street at 9am at Spring and Autumn equinox only. This is negligible, and similar in impact to that caused by the adjacent flats to that row of properties as the roof heights are similar.

It is acknowledged that the proposal will result in mutual overlooking of existing gardens. However, those gardens are not wholly private at present as mutual overlooking already takes place due to the relationship of existing buildings within this area. The proposal maintains existing levels of privacy and provides for adequate residential amenity to existing and proposed residential properties.

As a residential development in a residential area it is not expected that additional noise will be created. In addition, as the building will have to comply with current building regulations, it will not be a pollution generating development. Sustainable methods of heating will be used.

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.

No car parking is proposed and this is compatible with policy Tra 2 where a maximum of one space is permitted. The site has excellent public transport links and the car free development accords with Council objectives to reduce car travel and encourage active travel and the use of public transport.

Cycle parking has been provided internally and in an external store. This exceeds the cycle parking standard.

The new side lane will not have vehicular access. The dropped kerb is required to ensure DDA compliance for wheelchair users and to ensure bins and cycles can be moved from the street without having to negotiate a kerb. Informatives have been applied in terms of the consents required from the Roads Authority regarding the dropped kerb and road markings.

Concerns have been raised about the blocking of the pend and how this affects fire engine access. There is no requirement for such access.

The Roads Authority has requested tram contributions as noted below but the request for monies for a car club space is not justified as the proposal meets parking standards and a car club space is not required to make the development acceptable.

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. Block A with six two bedroomed flats and two three bedroomed flats will be provided. A legal agreement is required to provide for this.

### *Tram*

The sum of £87,786 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 has confirmed no additional education infrastructure will be required to mitigate the impact of additional primary school pupils because the existing catchment schools can accommodate the additional pupils that would be expected from the proposed development.

No contribution towards education infrastructure will therefore be required.

No healthcare contribution is required and local services and amenities will be able to cope with the additional residents.

### h) Other material considerations

#### *Open space*

The community council states that the rear of the site is protected open space and policy Env 18 (Protected Open Space) should apply. The site is not designated open space and does not contribute to the amenity of its surroundings and the city. It does not provide or is capable of providing for the recreational needs of residents and visitors and is not an integral part of the city's landscape and townscape character and its biodiversity. This site is largely a dumping ground with old cars. Policy Env 18 does not apply.

#### *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. The applicant has submitted an S1 Sustainability Statement Form which demonstrates that the proposal meets the essential criteria set out.

The applicant has confirmed that, subject to detailed design, the intention at present is to use an eco-friendly system along the lines of an air source heat pump, supplemented by the energy from the solar panels. The building will have to meet the latest building regulations in terms of the sustainability of the building.

Waste will be recycled and, as stated below, meets Council requirements.

Sustainable transport is prioritised by the lack of car parking.

Policy Des 6 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 development is compatible with policy Des 6.

### *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 City Archaeologist has confirmed that the site should be regarded as occurring within an area of archaeological and historic importance. Accordingly, a condition is applied regarding a programme of archaeological work

### *Biodiversity*

LDP Policy Env 16 (Species Protection) ensures that development has no adverse impact on species protected under European or UK Law unless there is no alternative and suitable mitigation is proposed.

An Ecological Assessment has been submitted by the applicant which concluded that there are no matters in relation to protected species which would preclude development on this site, with negligible adverse impacts on biodiversity.

The Council's ecology officer has confirmed there is no evidence of bats or other protected species.

Biodiversity enhancements will be delivered through the landscape plan but an informative has also been added encouraging other measures such as swift bricks.

### *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 flooding but a Surface Water Management Plan (SWMP) has been submitted and this includes a drainage strategy. Scottish Water has confirmed it has no objections in principle but the development will be required to go through a separate statutory regime in terms of connection to Scottish Water assets, including connecting to sewars.

The Council's Flood Planning officers have requested additional information on the SWMP in terms of overland flow paths and a condition has been applied to ensure the final SWMP is subject to further approval and thereafter implemented.

### *Waste*

Policy Des 5 Development Design - Amenity requires refuse and recycling facilities to be integrated into the design. Two bins stores have been provided and Waste Planning has confirmed the amended layout is acceptable.

### Equalities Impact

The building will be fully accessible and its adaptability will be subject to the requirements of the current building regulations. There will be no negative impacts in terms of equalities.

### i) Public comments

#### **Material comments - objection:**

- loss of important cultural and community space - addressed in 3.3.a)
- loss of employment premises - addressed in 3.3.a)
- warehouse is of heritage value and could be re-purposed - addressed in 3.3 a) and c)
- setting of listed buildings - addressed in 3.3b
- fails to preserve the historic environment - addressed in 3.3b) and c)
- demolition of boundary wall - addressed in 3.3 b)
- poor design of development - assessed in 3.3 d)
- security of properties affected - assessed in 3.3 d)
- closure of pend not acceptable - assessed in 3.3 d)
- development too dense - addressed in 3.3.a)
- daylighting, privacy and overshadowing impacts unacceptable - assessed in 3.3 e)
- noise and pollution - addressed in 3.3.e)
- traffic problems and insufficient car parking - addressed in 3.3f)
- no mention of developer contributions - addressed in 3.3g)
- pressure on local amenities - addressed in 3.3g)
- presence of bats - addressed in 3.3 h)
- no biodiversity enhancements - addressed in 3.3 h)
- drainage issues - addressed in 3.3 h)
- carbon neutrality not addressed - addressed in 3.3 h)
- loss of open space - addressed in 3.3 h)
- strain on sewage provision - addressed in 3.3 h)

### **Material comments - support:**

- car free development encourages active travel
- efficient use of derelict brownfield land for much needed housing
- will enhance the appearance of this area
- sustainable development
- high quality development
- range of apartments types and size to meet unmet housing needs in the city
- scale, height and materials used in the proposal fitting to the local area
- the current building is not fit for purpose

### **Non-material comments**

- damage caused by construction work. This is a civil matter outwith the control of the planning authority.
- access rights. This is not a material planning consideration.
- lack of new facilities for new development. There is no requirement to provide new facilities for this scale of development.
- no consultation with residents. There is no statutory consultation on local development
- devaluation of property. This is not a material planning consideration.
- disruption due to construction works. 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.

### **Conclusion**

The proposals comply with the Local Development Plan. Housing is acceptable on the site and the proposed design and materials are compatible with the character and appearance of the conservation area. There will be no adverse impact on the setting of surrounding listed buildings.

The residential amenity aspects of the development are acceptable and the proposals promote the use of sustainable transport and high quality landscaping. Overall the scheme represents the good use of brownfield land and provides affordable housing to meet local housing needs. 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. 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.
2. Details of all boundary treatments, including the retention of existing walls and their repair, shall be submitted for the further approval of the planning authority.
3. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
4. 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.
5. 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.
6. The final Surface Water Management Plan is subject to the further approval of the planning authority and shall thereafter be implemented prior to the occupation of the flats hereby approved.

## **Reasons:-**

1. In order to enable the planning authority to consider this/these matter/s in detail.
2. In order to enable the planning authority to consider this/these matter/s in detail.
3. In order to ensure that the approved landscaping works are properly established on site.
4. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
5. In order to safeguard the interests of archaeological heritage.
6. To ensure the water management meets Council requirements.

## **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:

### *Affordable Housing*

25% on site provision secured through suitable legal agreement (8 units) mix as follows:

6 x 2 bedroomed apartments  
2 x 3 bedroomed apartments.

### *Tram*

The sum of £87,786 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.

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. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.

4. 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.

5. The applicant should note that the proposed vehicular access is not agreed at this stage and will require further discussion with the Council as Roads Authority through a Section 56 permit application.

– The applicant will be required to progress the following:

- a) A suitable order to redetermine sections of footway and carriageway as necessary for the development;
- b) A suitable order to introduce waiting and loading restrictions as necessary;

– The applicant should consider an additional access restriction on the proposed access route, such as a gate, to further improve security for the external cycle store and to prevent indiscriminate vehicle access/parking.

6. 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](http://www.edinburgh.gov.uk/biodiversity)

## **Financial impact**

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### **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**

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

## **Equalities impact**

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

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

## **Sustainability impact**

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

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

## Consultation and engagement

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### 8.1 Pre-Application Process

Pre-application discussions took place on this application.

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

1038 objections, 36 support comments and 4 neutral comments have been received.

### Background reading/external references

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

#### Statutory Development Plan Provision

Urban Area

#### Date registered

1 March 2021

#### Drawing numbers/Scheme

01, 02A-19A, 20-27,

Scheme 2

**David Givan**  
**Chief Planning Officer**  
PLACE  
The City of Edinburgh Council

Contact: Nancy Jamieson, Team Manager  
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## **Links - Policies**

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### **Relevant Policies:**

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

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

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

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

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

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

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

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

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

LDP Policy 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 Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

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

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

LDP Policy Des 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.



# Appendix 1

## **Application for Planning Permission 21/00991/FUL At 27 Arthur Street, Edinburgh, EH6 5DA Demolition of existing buildings and structures; erection of 33 apartments and associated development (as amended).**

### **Consultations**

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#### **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 34 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (8) homes of approved affordable tenures.*

*The applicant has stated that the affordable housing will account for 8 of the new homes on the site and will consist of flatted apartments within a single block. The applicant's Affordable Housing Statement (AHS) states that they will provide 6 x 2-bedroom units and 2 x 3-bedroom units. The affordable housing is a representative mix of the market housing being provided across the site.*

*The Council aims to secure 70% of new onsite housing for social rent and we ask that the applicant enters into an early dialogue with us and our RSL partner organisations to ensure that this is delivered. The RSL which has been identified by the applicant has advised that their preference would be for 100% of the affordable housing units to be used for social rent. The applicant has confirmed that they support all 8 apartments being delivered as social rent.*

*The affordable homes are required to be tenure blind and the applicant has confirmed through their AHS that the affordable homes will be identical in appearance to the market housing units.*

*The affordable homes are also required to be fully compliant with latest building regulations. The design of affordable housing should be informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides and we require that applicants work with the Council and RSL's to achieve this.*

*The affordable homes should be situated within close proximity of regular public transport links and next to local amenities, which the RSL has confirmed they will be.*

### **3. Summary**

*The applicant has made a commitment to provide 25% on site affordable housing and this will be secured by a Section 75 Legal Agreement. This approach which will assist in the delivery of a mixed sustainable community:*

- The applicant has submitted an "Affordable Housing Statement", setting out their approach to the following points and which will be a public document available on the City of Edinburgh Council's Planning Portal.*
- The applicant has agreed with the Council the tenure type and location of the affordable homes.*
- The applicant has entered into dialogue with the Council and has identified a Registered Social Landlord (RSL) to deliver the affordable housing on site*
- The applicant should make provision for a minimum of 70% of the affordable housing on site to be social rent and they have confirmed that they support all 8 units being delivered as social rent homes.*
- The affordable housing does include a variety of house types and sizes which are representative of the provision of homes across the wider site.*
- In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as "tenure blind"*
- The affordable homes should be designed and built to the RSL design standards and requirements.*
- The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.*

### **Leith Central Community Council**

*I write on behalf of Leith Central Community Council to object to the above applications (21/00991/FUL and 21/00990/CON) at 27 Arthur Street Edinburgh EH6 5DA . Please include the salient points below in your committee report.*

*The proposal would set a serious and undesirable precedent of aggressive L-shaped developments which would build onto green space and affect the lives of many neighbours. This L-shaped typology would be contrary to our area's historical and Conservation Area pattern of back gardens and perimeter blocks. It would also create security issues for future residents and neighbours.*

*The proposal to demolish an important cultural and community space at 27 Arthur Street in order to build 34 flats is contrary to Edinburgh Local Development Plan design principles which aim at encouraging sustainable developments that help build stronger communities. The proposal makes no provision for new studios, gallery, cultural or commercial premises, which means that the arts charity, the artists and businesses currently at 27 Arthur Street would lose their premises and livelihood. This would affect Leith's local arts community but also the Scottish Cultural Economy which relies on such places to engage and reach out to all. In accordance with the Edinburgh Local Development Plan, such vulnerable places need to be safeguarded, especially when they meet the needs of the local community by providing essential services and job opportunities.*

*Leith Central Community Council received a substantial number of submissions from neighbours of the proposed development in Leith Walk, Pilrig Street and on the opposite side of Arthur Street - all of whom will be directly impacted - and we share many of their concerns. We also note the substantial number of objections lodged on the Planning Portal.*

*Reasons:*

*Scottish Planning Policy*

***The application is contrary to the Scottish Planning Policy***

*The proposed demolition would fail to preserve land use and patterns of social and economic activity which are key components in the character of the historic environment.*

*The proposed demolition would fail to preserve the historic environment which comprises more than just the physical remains of the past.*

*The proposal would fail to preserve the social and economic factors of the Pilrig Conservation Area which contribute significantly to the cultural heritage and help define the character of the historic environment.*

*The Pilrig Conservation Area and Arthur Street are not subject to economic decline so the demolition and the associated change of use on the site are not justified.*

*The warehouse is still serving its original purpose and has shown exemplary resilience by adapting to the needs of the community.*

*The proposal would be contrary to conservation policies which should give a high priority to maintaining and enhancing the prosperity and vitality of historic areas.*

*The proposed change of use is not based on the findings of a Townscape audit.*

*Historic Environment Policy for Scotland (HEPS)*

***The application is contrary to HEP1***

*The application has not demonstrated that it is not adversely affecting any part of the Pilrig historic environment or that it has been informed by an inclusive understanding of its breadth and cultural significance. 'Cultural significance' here means 'aesthetic, historic, scientific or social value for past, present or future generations. Cultural*

significance can be embodied in a place itself, its fabric, setting, use, associations, meanings, records, related places and related objects'.

#### LDP Strategy

#### **The application is contrary to LDP - Policy Del 1 Developer Contributions and Infrastructure Delivery**

The application for 34 residential units makes no mention of contributions towards the tram network, education provision, greenspace network, public realm and other pedestrian and cycle actions.

The proposal has not demonstrated that additional on-street car parking demand that will come with 34 additional households on Arthur Street could be accommodated without adverse local impacts.

#### Design Principles for New Development

#### **The application is contrary to LDP - Policy Des 1 Design Quality and Context**

The proposal would not create or contribute towards a sense of place. It would deprive current neighbouring properties of a vast amount of green and open space currently unbuilt, at the back of the existing warehouse.

#### **The application is contrary to LDP - Policy Des 4 Development Design - Impact on Setting**

The proposal would have a negative impact on the properties affected by its proposed footprint, height and form and the spaces left between buildings especially for buildings on Arthur Street (which have lower ground flats), Leith Walk and Pilrig Glebe.

#### **The application is contrary to LDP - Policy Des 5 Development Design - Amenity**

The proposal would fail to demonstrate that the amenity of neighbouring developments is not adversely affected by loss of daylight, sunlight, privacy and immediate outlook.

Windows and balconies of Block A bedrooms (flats A-01-01, A-02-01, A-03-01, A04-01) would be located on the site boundary line and directly looking into the private garden of 324 Leith Walk residents.

The proposal would fail to demonstrate that future occupiers have acceptable levels of amenity in relation to noise, daylight, sunlight, privacy or immediate outlook. Proposed ground floor flats relying on lightwells would be of special concern.

The proposal would fail to provide an active frontage to the communal garden as it would have no windows onto it.

The development would fail to have designed for natural surveillance over its communal garden, therefore creating a major security risk for the community.

The proposal would create a cul-de-sac which would not participate in the integration of new development into the wider neighbourhood.

**The application is contrary to Edinburgh Planning Guidance 2020**

**2.10 Daylight, sunlight, privacy and outlook**

*Protecting daylight to existing buildings*

*The provided overshadowing analysis is not supported by the methods of daylighting and sun lighting assessment set out in the Edinburgh Planning Guidance Daylighting, Sunlight and Privacy with appropriate demonstrations of both 'before' and 'after' circumstances.*

*The proposal would fail to have referred to the BRE Guide, Site Layout Planning for Daylight and Sunlight - A Guide to good practice to demonstrate that adequate daylighting, sunlight can be ensured to existing buildings.*

*The proposal would fail to have identified individual windows and associated rooms in existing buildings which may be affected by the loss of daylight.*

*The proposal would fail to have shown relevant levels and heights of neighbouring buildings as appropriate to ensure protection of daylight to existing buildings.*

*Sunlight to existing gardens and spaces*

*The proposal would fail to demonstrate with the methods of daylighting and sunlighting assessment set out in the Edinburgh Planning Guidance Daylighting, Sunlight and Privacy, that it is laid out so that reasonable levels of sunlight are maintained to existing gardens and spaces.*

**The application is contrary to LDP - Policy Des 6 Sustainable Buildings**

*The proposal would fail to demonstrate 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 proposal has failed to provide details of the proposed "flat green roof".*

*The proposal has failed to provide specification for the array of PV panels and their anticipated energy production.*

*The proposal has failed to demonstrate a maximum use of materials from local and/or sustainable sources.*

**The application is contrary to LDP - Policy Des 7 Layout Design**

*The proposal would fail to provide a safe and secure access to the communal garden through what would be a long cul-de-sac.*

*The communal garden would not be directly overlooked by the residents of the proposal.*

**Caring for the environment**

***The application is contrary to LDP - Policy Env 6 Conservation Areas - Development***

*The development would not preserve or enhance the special character or appearance of the conservation area.*

*The development would not be consistent with the Pilrig Conservation Area characterised by pitched roofs of listed buildings from Pilrig Street to Leith Walk, and the existing building proposed to be demolished.*

***The application is contrary to LDP - Policy Env 16 Species Protection***

*The proposal has not demonstrated that a detailed ecological survey has been undertaken to determine whether bats or other protected species are present on site. Bats are protected by Habitats Regulations and any conversion could possibly endanger them. Planning permission will not be granted for a development that would have an adverse impact on species protected under European or UK law.*

*The proposal has not demonstrated or detailed the biodiversity enhancements which should be a fundamental aspect of the design (Scottish Planning Policy para 194 - "seek benefits for biodiversity from new development where possible").*

*The proposal would be ignoring the current ecological character of the site (inc.bats habitats) in the absence of a wildlife survey.*

***The application is contrary to LDP - Policy Env 18 Open Space Protection***

*The footprint of the proposed development would generate a considerable loss of green space to nearby residents and have a significant impact on the quality of the local environment, including future residents.*

*The loss of green space would be detrimental to the wider network including its continuity and biodiversity value.*

***Employment and Economic development***

***Housing***

*The application is contrary to the Edinburgh Design Guidance - Improving internal amenity*

*The development would propose a series of single aspect dwellings but would fail to demonstrate that they meet the requirements for daylight, sunlight and privacy for each living space and provide good levels of ventilation and internal amenity space.*

*The application is contrary to the LDP Policy Hou 3 Private Green Space in Housing Development*

*The proposal would be an over-development of the site. The small proposed communal garden would not constitute an adequate provision of green space for all the residents without a private garden.*

*The proposal would not have demonstrated that the communal garden would have sufficient sunlight during the year.*

*The proposed communal garden would be directly overlooked by nearby residents.*

***The application is contrary to the LDP Policy Hou 6***

*The 34 units proposal would only include 8 affordable units which is strictly less than the minimum required 25% of the total number of units.*

*Transport*

***The application is contrary to the LDP Policy Tra 3 Private Cycle Parking***

*The affordable flats in Block A would not have adequate cycle parking and storage facilities.*

*The application is contrary to the LDP Policy Tra 4 Design of Off-Street Car and Cycle Parking*

*The proposal has failed to provide any form of car parking provision in an already very densely parked area.*

*The applicant has failed to undertake a parking survey as set in the Edinburgh Design Guidance.*

*Concerns about the submitted information*

*The Planning Report states that the site was previously used for warehousing purposes and for the dumping of vehicles and other goods. It also states that the warehouse is vacant (1.12). This is extremely inaccurate as the warehouse is currently used by an arts charity along with 24 artists studios and other businesses.*

*The Heritage Statement states that the current buildings have "no architectural merit and have a deadening street presence" (p.26) while the arts charity Rhubaba recently introduced a glass frontage on Arthur Street which was funded by Creative Scotland's Cultural Economy programme.*

*Parapets levels are not indicated on drawings, while they are critical to assess the height of the proposal.*

*Lift overruns heights and levels are missing while they seem to be the highest points of the proposed development.*

*All levels are indicated from sea level which makes their assessment difficult for the public.*

*The elevations do not represent the existing context with all relevant levels therefore making it extremely difficult to assess in comparison.*

*The sections are incomplete as they do not represent buildings across the street on Arthur Street (with their lower ground flats) or the adjacent buildings and associated gardens on Arthur street or directly adjacent buildings at Pilrig Glebe.*

*Relevant levels of existing buildings which might be affected on Leith Walk are missing.*

*The Heritage statement picture cover and many of the photos inside the document do not portray the site in a balanced and unbiased manner. They seem to disproportionately overemphasise the mess at the back of the site and underreport other positive aspects of the site.*

*No Police report has been provided while the proposal has a long cul-de-sac and garden not directly overlooked by any of the future residents.*

*The contextual views in the Design Statement (p48-49) show no materials.*

*The contextual views in the Design Statement (p48-49) show no windows from the neighbouring buildings which does not permit a fair comparison.*

*Based on the above arguments and reasons, Leith Central Community Council objects to both applications and we urge the City of Edinburgh Council to refuse both for non-compliance with the Local Development Plan. In particular, permission to demolish (21/00990/CON) should not be granted prematurely.*

## **Archaeology**

*The site occurs within the Pilrig Conservation Area occupying essentially two plots of land one fronting onto Arthur Street and the second occupying the rear garden area associated with the listed properties of 340-346 Leith Walk. Historic 19th century maps of the area such as Ainslie 1804, Kirkwood 1817 and the OS maps of 1849, 1876 & 1893 show the development of the site mirroring this sub-division. The triangular plot formed by Arthur street remains open moving from orchards associated with the Balfour Estate and Pilrig House at the start of the century to garden ground by its close.*

*The historic mapping indicates a perhaps more complicated heritage for the second of the two areas ie the gardens associated with 340-346 Leith Walk. These C-listed properties are clearly shown on the 1849 OS map and therefore much older than HES Listing description which recorded them as 1st appearing on the 1876 OS map. Recorded as forming part of Fyfe's Close buildings are shown on these footprints on the 1804 map by Ainslie which corresponds with the historic evidence presented by S Harris (Place names of Edinburgh) which suggests the Fyfe's Close properties being built from 1794.*

*Based upon this information the site should be regarded as occurring within an area of archaeological and historic importance. Accordingly, this application must be considered therefore under terms the Scottish Government Historic Environment Policy (SHEP), Scottish Planning Policy (SPP), PAN 02/2011 and Edinburgh Local Development Plan (2016) ENV5, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.*



## *Buried and Upstanding Heritage*

*The proposed application for demolition will potentially require significant ground works which have the potential for disturbing archaeological remains charting the development of the site from the 18th century. Accordingly, it is recommended that a programme of archaeological excavation is undertaken prior to and during demolition to ensure that all significant archaeological remains are fully excavated, analysed and recorded. This will include a basic photographic and written record (including phased annotated plans) of the existing properties on the site prior to their demolition*

*Accordingly, it is essential that the following condition is attached to this consent to ensure that undertaking of the above elements of archaeological work are undertaken.*

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

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

## **Environmental Protection**

*1. The application site is adjacent to and structurally attached to a car repair premises. Whilst this property is advised as being in the ownership of the applicant, whilst the premises remains within the use class of a car repair premises, then noise and vibration have the potential to impact upon the application premises. The application planning statement advises that the car repair premises will be used as a site office. If this is the case it is recommended that the applicant apply for this use class thus removing the car repair premises noise issue.*

*In addition, adjacent to the car repair premises is the Free Church of Scotland building slightly further along and clarification of what occurs within this property should be assessed for noise. If there are services with singing or amplified music then this should be assessed within the NIA.*

*Therefore, it is recommended that a noise impact assessment be provided in support of the application.*

*2. Please can the applicant advise what energy source will be used for spatial and water heating. Gas is not supported at this site due to the proximity of the nearby AQMA.*

*3. The proposed car free aspect of the development is very much supported by this team.*

## **Flood Planning**

*Response dated 26 March 2021*

- 1. Please identify existing and proposed ground level surface water flow paths on drawings. This can be achieved by taking the existing site survey and over-marking arrows to denote falls and then completing the same with the post-development arrangement. This should include runoff from outside of the site, from unpaved areas within the site, and from paved areas in events which exceed the capacity of the drainage system. The purpose of these drawings is twofold. First, to understand if there is any significant re-direction of surface flows to surrounding land. Second, to identify if surface water will flow towards property entrances and sensitive receptors.*
- 2. Please provide a signed copy of the declaration certificate A1,*
- 3. The drainage calculations use a 35% uplift to account for climate change. Could the applicant please confirm whether the drainage proposals can also accommodate the 1:200-year storm event including a 40% climate change uplift, as required by our current guidance.*
- 4. Please confirm that Scottish Water accept the proposed surface water discharge to the surface water sewer.*

*Response dated 12 October 2021*

*The overland flow paths provided only include the flow arrows within the site boundary. Please could these be updated to include the flow paths surrounding the site. These should help to identify if runoff from outside of the site will enter the site or if changes to the levels will affect neighbouring properties. The pre and post-flow path diagrams show relatively significant changes in levels from the spot levels presented. Please clarify the impact this may have on overland flow in the area. The post-development flow paths also identify surface water flowing towards property entrances. Please confirm whether mitigation measures are required to prevent surface water runoff entering the property.*

## **Communities and Families**

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

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

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

*Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (August 2018).*

### *Assessment and Contribution Requirements*

*Assessment based on:  
30 Flats (Four one bedroom excluded)*

*This site falls within Sub-Area LT-1 of the 'Leith / Trinity Education Contribution Zone'.*

*Using the pupil generation rates set out in the Council's Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery', the development is expected to generate at least one additional primary school pupil but not at least one additional secondary school pupil. The Supplementary Guidance states that if a development is expected to generate at least one primary school pupil but less than one secondary school pupil, only a contribution towards new primary school infrastructure may be required.*

*Using the pupil generation rates set out in the Supplementary Guidance, the development of 30 flats is expected to generate at least one additional primary school pupil but is not expected to generate at least one additional secondary school pupil. The Council's Action Programme does not identify a need for additional primary school infrastructure within this Sub-Area.*

*Although the Education Appraisal did not take account of the proposed development, no additional education infrastructure will be required to mitigate the impact of additional primary school pupils because the existing catchment schools can accommodate the additional pupils that would be expected from the proposed development.*

*No contribution towards education infrastructure will therefore be required.*

### **Scottish Water**

#### *Audit of Proposal*

*Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:*

#### *Water Capacity Assessment*

*Scottish Water has carried out a Capacity review and we can confirm the following:*

*There is currently sufficient capacity in the GLENCORSE Water Treatment Works to service your development. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.*

#### *Waste Water Capacity Assessment*

*There is currently sufficient capacity for a foul only connection in the EDINBURGH Waste Water Treatment works to service your development. However, please note that*

*further investigations may be required to be carried out once a formal application has been submitted to us.*

### *Asset Impact Assessment*

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

*3048mm combined sewer*

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

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

### *Surface Water*

*For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not accept any surface water connections into our combined sewer system.*

*There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.*

*In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.*

### **Waste Planning**

*I have looked at the drawings available in the planning portal file, we would require further input to the points raised below in conjunction with our current instruction for architects and developers guidance, available at <https://www.edinburgh.gov.uk/wasteplanning> , to ensure waste and recycling requirements have been fully considered.*

- 1. Confirmation on the waste strategy.*
- 2. Confirmation on the number of properties using each bin store.*
- 3. Point raised in snip below, bins shown as partially blocking the access door.*
- 4. We require a scaled plan of the bin store showing the agreed allocation in place with access opening sizes.*
- 5. Confirmation drop kerbs will be positioned where any change of level occurs on the direct route from the bin store to the collection vehicle.*
- 6. Confirmation that all the points raised in our guidance have been adhered to.*

### **Waste Planning - second response dated 19 June 2021**

Thanks for taking the time to provide the information required/requested for this development.

I can confirm the information provided for the 33 units/flats and their respective bin stores are in line with our guidance and a waste strategy has been agreed based on the new information provided.

Please ensure your builder/developer contacts this office a minimum of 12 weeks prior to completion to allow for a site visit, adding these to a collection system and the ordering of the development bins required.

## **Roads Authority**

### *Summary Response*

*No objections*

### *Full Response*

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

*1. The applicant will be required to contribute:*

- a. the sum of £87,786 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment;*
- b. the sum of 18,000 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;*

*2. The applicant should note that the proposed vehicular access is not agreed at this stage and will require further discussion with the Council as Roads Authority through a Section 56 permit application.*

*3. The applicant will be required to progress the following:*

- a. A suitable order to redetermine sections of footway and carriageway as necessary for the development;*
- b. A suitable order to introduce waiting and loading restrictions as necessary;*

*4. The applicant should consider an additional access restriction on the proposed access route, such as a gate to further improve security for the external cycle store and to prevent indiscriminate vehicle access/parking.*

*Note:*

*1. The application has been assessed under the parking standards (Revised January 2020). These permit the following:*

- a. A maximum of 33 car parking spaces (1 space per unit). 0 car parking spaces are proposed;*
- b. A minimum of 76 cycle parking spaces (1 space per 1 room unit, 2 spaces per 2/3 room unit and 3 space per 4+ room unit). 79 Cycle parking spaces are proposed (33 internal store, 42 external store and 4 visitor).*

*c. No requirement for accessible or EV parking spaces due to the proposed zero car parking;*

*II. The justification for the proposed level of car parking is based on the site's accessibility to sustainable transport options, existing services and amenities. It should also be noted that the site is within Phase 1 of the extension to the controlled parking zone. The proposed zero car parking is compliant with the CEC's Parking Standards and based on the justification provided considered acceptable.*

*III. The proposed cycle parking is made up of mainly two-tier storage within an internal store in Block B that serve Blocks A and B and an external store located at the northern end of the access route adjacent to Block C which serves Blocks B and C. The internal store is providing one space for non-standard cycles with visitor cycle parking provided externally.*

*The external store is considered to be acceptable in terms of security and weatherproofing and is understood to have easy and level access to the proposed lane.*

*IV. The preference for new build developments is always for cycle storage to be internal within the building at ground floor with easy and level access. The internal store is to be shared between Blocks A and B and whilst this is not ideal, particularly in terms of convenience of access for Block A, however considering the complexities of the site the cycle parking proposals are considered acceptable. The following guidance was considered*

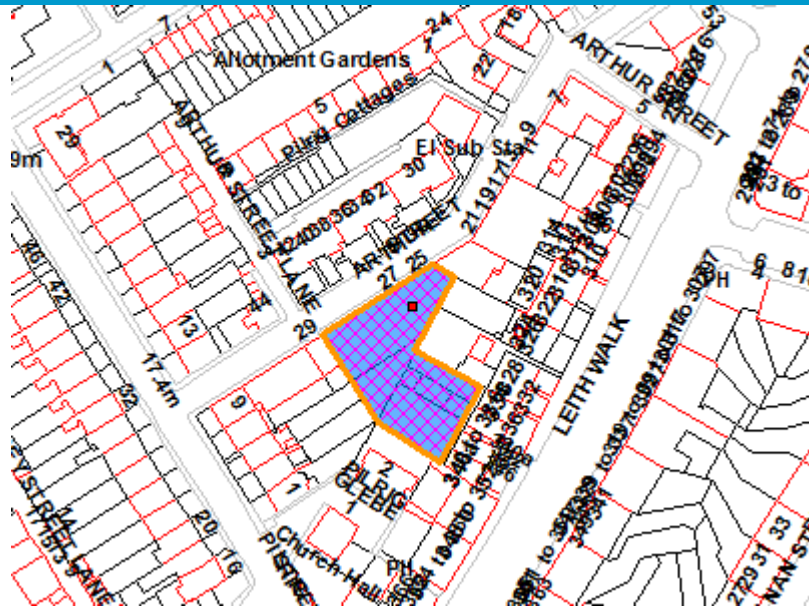
- a. Cycle by Design (Transport Scotland 2010)*
- b. Edinburgh Design Guidance (CEC 2020)*

*V. It is not clear from the information within the planning application what the requirement is in relation to the proposed vehicular access at the access route. Further discussions are required with the Council as Roads Authority to determine what this access is for and if it is deemed necessary. These discussions can form part of the Section 56 Permit application.*

*VI. Tram contribution is based on 33 units in zone 1 of the tram contribution zone. As the existing use is being demolished it is not applicable to the contribution calculation.*

## Location Plan

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**END**