

Development Management Sub Committee

Wednesday 2 March 2022

**Application for Planning Permission 21/04479/FUL
at 9-11 Maritime Street, Edinburgh, EH6 6SB.
Proposed upwards extension and change of use from
office to residential to form 22 flats, with associated
infrastructure, landscaping, and cycle parking (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 as the development preserves the character and appearance of the conservation area and preserves the special interest of the listed buildings and their setting.

The proposals comply with the Development Plan. The re-use of existing buildings and the provision of an upward extension which is 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, LHOU01, LHOU03, LHOU05, LEMP09, LEN04, LEN06, LEN21, LDES12, LTRA02, LTRA03, OTH, NSGD02, NSG, HESDOR,

Report

Application for Planning Permission 21/04479/FUL at 9-11 Maritime Street, Edinburgh, EH6 6SB. Proposed upwards extension and change of use from office to residential to form 22 flats, with associated infrastructure, landscaping, and cycle parking (as amended).

Recommendations

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

Background

2.1 Site description

The application site is a part of a former warehouse and office block, a B listed building dating from 1892 (Listed 1 January 2003; LB ref. 27800). The building to the street is two storeys high with an ashlar frontage. It contains some interesting architectural features internally including a timber staircase and elegant board room. The frontage has canted bays and arched windows and dormers at roof level

There is a stair projection, with two tall transomed tripartite stair windows to the rear and a three-storey warehouse behind. This has been weather-boarded in grey panelling and has a modern single storey lean-to addition.

The south western section is a 1950's addition, with a large gated pend and plain frontage. There are no features of interest internally.

There is a parking area to the rear.

The surrounding area is largely residential, with some office use. The conversion of these office/warehouse buildings is common.

To the west, there is an adjacent listed building which is Category B and to the east, opposite the road, three buildings which are Category C.

This application site is located within the Leith Conservation Area.

2.2 Site History

15 May 1998 - Planning application granted for: Modification to internal layout, addition to lean-to roof at first floor and five velux windows to main roof (ref. 98/00435/FUL).

5 April 2001 - Planning application refused for: Erection of office premises (651sqm) and eight, flatted dwellings and associated car parking (ref. 01/00371/FUL).

Main report

3.1 Description of the Proposal

It is proposed to change the use of the existing building with an additional one and half floors upwards extension on the rear warehouse to provide a total of 22 residential flats, comprising a mix as follows:

- six studios 27%
- three one-bedroom flats 14%
- 12 two-bedroom flats 54%
- one four-bedroom flat 5%

External refuse and recycling storage facilities are also proposed with landscaping to the rear, green roof and cycle parking provision. Approximately 20% of the total site area will be provided as usable greenspace within the area to the rear of the proposed development.

Supporting Information

- Planning Statement
- Design Statement
- Heritage Statement
- Drainage Strategy
- Flood Risk Assessment
- Affordable Housing Statement

These are available to view on the Planning Portal.

3.2 Determining Issues

Due to the proposals relating to a listed building(s) and being within a conservation area, this report will first consider the proposals in terms of Sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 (the "1997 Heritage Act"):

- a) Is there a strong presumption against granting planning permission due to the proposals:
 - (i) harming the listed building or its setting? or
 - (ii) conflicting with the objective of preserving or enhancing the character or appearance of the conservation area?

- b) If the strong presumption against granting planning permission is engaged, are there any significant public interest advantages of the development which can only be delivered at the scheme's proposed location that are sufficient to outweigh it?

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 and
- i) 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 listed building on the site is a historic office and former warehouse which are part of the B Listing for 11, 13 and 14 (inclusive nos.) Maritime Street.

Setting of listed buildings

Local Development Plan (LDP) 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 front office is being converted and its conversion will not affect the setting of adjacent listed buildings as alterations are internal. The addition to the upper floors of the rear extension is compatible with the surrounding warehouses and there will be no adverse impact on the setting of nearby listed buildings.

Alterations to listed building

LDP 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.

The proposal retains the main features of special architectural and historic interest in the front building. The main staircase will be re-used and the boardroom, with its Victorian detailing and doors, would be retained. The decorative cupola will remain in situ, with a suspended ceiling ensuring the historic fabric is retained. This is a large room with a good cupola but its use is limited to the rear of the office building. Splitting it into two bedrooms and an en-suite makes best use of the space whilst still retaining features of special interest.

The main changes are proposed to the warehouse building to the rear. The proposal removes the cladding to expose the original brickwork/stonework which would be repaired, as well as the removal of a lean to conservatory. Lightweight, copper toned metal cladding which is proposed for the upwards extension, will introduce contemporary features as a juxtaposition to the more traditional lower floors. A number of small private balconies have also been introduced to add interest to the facade.

The proposals effectively re-uses a listed building and adapts it 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.

Beyond the application site's immediate adjoining context, a variety of building scales and use classes exist, making this location a dense and urban part of Leith. The spatial structure of the immediate context is characterised by a varied street pattern, the foundations of which are medieval, and are a dense arrangement of late Georgian, Victorian, Post-war and latterly 20th/21st century development.

The proposals convert the buildings whilst ensuring any features of special interest such as the boardroom and staircase are retained. The rear warehouse is currently compromised by the modern cladding and its removal is positive. The additional floors in contemporary design and materials have been sympathetically formed to add contrast to the rear warehouse in a sensitive way.

In terms of the appearance of the conservation area, this is largely unchanged as the front office will remain with minimal alterations. The new upper floors of the rear warehouse may be partially visible from long views, but will fit into the mix of old and new architectural styles in Leith.

The character of Leith Conservation Area will be enhanced by the re-use and adaptation of these listed buildings in a high quality contemporary way.

The proposal complies with LDP 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

The application site is located in the urban area as designated in the LDP. Proposals in the urban area must accord with relevant policies in the LDP.

LDP Policy Hou 1 (Housing Development) prioritises the delivery of housing land supply and the relevant infrastructure and identifies four criteria on where this can be achieved.

LDP Policy Hou 1 d) prioritises the delivery of housing on other suitable sites in the urban area in recognition that windfall sites can contribute to land supply. To comply with Hou 1 d), proposals must be compatible with other policies in the plan.

The site is surrounded by a mix of commercial and residential uses. It is well connected by existing public transport links within the area and it will have a good link to the tram service in the near future. The site is within cycling distance of the city centre and is an appropriate and sustainable location for housing. The principle of housing development at the site is therefore acceptable subject to the proposal complying with other policies of the LDP.

LDP Policy Hou 2 (Housing Mix) promotes a mix of house types where practical to meet a range of housing needs and having regard to the character of the surrounding area and its accessibility.

Edinburgh Design Guidance states that at least 20% of the total number of homes should be designed for growing families with three bedrooms or more.

The proposal provides a mix of house types, including studios, one- and two-bedroom dwellings and one four-bedroom dwelling. It is acknowledged the proposals do not meet the aspiration in the Edinburgh Design Guidance for 20% of the units to be for families. However, this is the conversion of a listed building where existing stairs and lifts are being re-used and the floor plates dictate the accommodation that can be achieved. These units provide a good level of amenity that are of a size that will contribute to meeting a range of housing needs and are suitable in the area. In addition, all units meet the minimum in terms of the sizes.

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. A high amenity environment will be provided. The proposed provision of 22 units on this site is appropriate to its location.

The density of development is acceptable given the immediate character of Maritime Street and would not result in overdevelopment of the site. The location is highly sustainable, and it makes the best use of a brownfield site in a built up 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) applies to site or premises in the urban area currently or last in use for employment purposes. The proposal will redevelop this employment site and introduce a non-employment use, but the new use will not prejudice or inhibit the activities of any nearby employment use. The site is less than one hectare so there is no requirement for the proposed floorspace to provide for a range of business users. The proposal accords with this policy.

The principle of the development is acceptable.

d) b) Design, Scale, Layout and Materials

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 LDP Policy Des 1 is to encourage innovation in the design and layout of new buildings, streets and spaces, provided 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 and materials. Improvement of the courtyard adds additional usable space

LDP Policy Des 4 (Design- impact on Setting) requires development proposals to have a positive impact on its surroundings, including the character of the wider townscape, having regard to its height and form, scale and proportions, including the spaces between the buildings, position of the buildings and other features on the site and the materials and detailing.

The conversion and extension of the historic buildings ensure this development is an attractive mix of old and new. The proposed design of the upwards extension considers the surrounding context and utilises the opportunity to extend upwards in high quality contemporary design and materials. The removal of the non-original external cladding would improve the overall look and offer the opportunity to improve the usability of the building by providing an interesting design feature maximising access to light and outlook, whilst avoiding overlooking the neighbouring properties.

The height, massing and modern materials of the proposal are appropriate within the context of the area. Although, the roof height and the structure of the warehouse would be changed, it will still be lower than the contextual building height.

The materials are a mix of traditional and lightweight copper toned metal cladding. 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 historic building. The varying tone and detailing of materials on the elevations creates texture to the upper floors and successfully reduces the visual massing of the elevations of the buildings. It is acknowledged that the rear projection, with long windows and small balconies, are not characteristic of the area. However, the existing form of the site is unusual, and the building has been designed to accommodate adequate internal and external space standards, whilst providing an innovative design for modern living.

The introduction of the green landscaping and green roof will benefit the wider area by improving appearance, usability and biodiversity.

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 and the shared courtyards are well placed and overlooked by buildings creating natural surveillance.

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

In terms of daylight, all properties will achieve satisfactory levels by virtue of the scale of windows to the rear elevation and removal of the lean-to extension.

These windows are adequately spaced from all neighbouring properties to ensure acceptable levels of outlook and privacy will be achieved.

The proposed balconies are of adequate distance from neighbouring windows; therefore the proposal would not result in any unreasonable privacy issues for future occupiers. Additionally, the proposed balconies will overlook the communal garden area of the flats and car park area which are already directly overlooked by surrounding buildings.

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 by providing 36% of usable, safe and accessible green space. Additionally, three of the flats will have direct access to private gardens and 12 flats will also have balconies. Future residents will also benefit from close proximity to Leith Links.

Given previous use need to deal with land contamination and a condition in respect of this is recommended.

Neighbouring Amenity

There are a number of residential properties around the site including many converted warehouses. The area is tightly knit and normal privacy distances are not always met.

In relation to the rear windows of the office conversion looking onto the courtyard, the distance between buildings has been maintained with 18 metres to the nearest window. Whilst there is only nine metres between proposal windows on the Maritime Street elevation and the tenement building opposite, this is acceptable within this tight urban context.

On the courtyard elevation, proposed windows would face onto the adjacent building's gardens and car park area. This relationship would result in views of this space. However, these communal gardens are presently overlooked from the immediate proximity of rear windows of flats in the surrounding buildings. Furthermore, proposed habitable windows do not afford any direct views into neighbouring windows. In this regard, no new privacy issues would occur as a result of the proposal.

The applicant has demonstrated that the level of daylighting to the proposed development and the impact on neighbouring properties is acceptable. The solar shading and daylight reports have been submitted to assess the level of impact the proposal would have on residential window of adjacent properties at the rear and between courtyards.

Much of Maritime Street has flats on each side, an established distance apart. The proposal does not change the established building line and there would be no impact on the existing flats. However, there is a degree of change with the new proposal, as the height of the proposal would increase by one and half storey to the rear. On the rear of the warehouse there is a small unused courtyard and rear windows from No. 14 Maritime Street. The impact on those windows would be minimal as the courtyard is already affected by the buildings around it and most of the daylight is provided to the front. The design guidance states that 'daylight to bathrooms, stores and hallways will not be protected. Daylight to gables and side windows is generally not protected.' Therefore, the degree of partial obstruction in terms of loss of daylight is unavoidable if new development is to match the height and proportions of existing buildings in built up locations. In those circumstances the impact on the gable windows is acceptable and justified.

Overall, reasonable levels of sunlight and daylight shall be maintained to neighbouring properties and there would not be an adverse effect on neighbouring amenity overall.

The planning service does not control the potential for noise and disruption associated with the construction of a build. The use of the site as flats will not materially impact upon existing residents in terms of potential noise and disruption.

f) Transport

LDP Policies 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, LDP 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 spaces are proposed. The site is identified within the Edinburgh Design Guidance Parking Standards as being within Zone 2. The standards identify that residential properties within this area should have a maximum car parking provision of one space per dwelling. There is no minimum parking provision. Lower provision will be pursued subject to consideration of factors including the site's accessibility to public transport, local amenities, schools and places of employment.

The site benefits from excellent transport connections with bus stops and in close proximity to the future tram stop which would be immediately adjacent the site on Constitution Street. Therefore, it is not unusual that the parking area has been removed from the site and instead of a car space, the proposal creates usable garden space. This is compatible with Council objectives to reduce car travel and encourage active travel and the use of public transport.

Residents' cycle parking has been provided in the internal courtyard, with an integrated green roof. Forty-two two-tier cycle parking spaces are provided in the secured outbuilding which meets the Edinburgh Design Guidance. The application was submitted prior to the publication of the cycling fact sheet.

The Roads Authority was consulted as part of the assessment of the application. It has confirmed that it has no objections to the principle of the development.

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.

However, the Council's planning guidance on 'Affordable Housing' sets out that for proposals that involve a conversion or are for less than 20 units, the payment of a commuted sum can be agreed instead if there are exceptional reasons to avoid on-site provision. The commuted sum would then be used for the delivery of affordable housing on an alternative site.

The Applicant approached four registered social landlords at the pre-application stage. However, it has been advised that they do not have capacity to take on a project of five units, or that the single stair and 'oversized' nature of the units was not possible.

The applicant has submitted an Affordable Housing Statement (AHS) proposing the payment of a commuted sum in lieu of on-site affordable housing and has provided justification to support their proposal within the AHS. This is accepted by the Council's Affordable Housing section.

The District Valuer has calculated the value of the commuted sum using the approach set out in planning guidance. The commuted sum should be £188,012. This is based on £34,184 for each of the 5.5 affordable homes required (22 x 0.25). This should be secured by S75 agreement.

The Council will have 10 years to use the commuted sum to secure an affordable housing project. With the expanding housing programme, opportunities will arise within this timeframe to identify a project which requires additional financial support either in the same or an adjacent ward.

Healthcare

A contribution of £945 per unit is required towards a new surgery in Leith Links. This makes a total of £20,790.

h) Other material considerations

Archaeology

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

The application site occurs at the historic core of the medieval port of Leith, occupying possibly two or more medieval burgage plots fronting onto Maritime Street. Formerly Quality Street until renamed in 1967. this street is depicted in the contemporary 1560's Petworth map of the Siege of Leith and given its location, is likely to date to at least the early-13/14th century, when the port layout was expanded.

However, given its core location and results from adjacent excavations in the 1990s to the north around Burgess and Water Street, occupation dating back to at least the foundation of the new Kings harbour and burgh in the 1120's is likely.

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 and more details would be submitted prior development. The use of brown sedum roof on the converted warehouse and cycle store would improve not only biodiversity but also building internal energy performance and will positively contribute to the air quality.

The building will have to meet the latest building regulations in terms of the sustainability of the building. Waste will be recycled and bin stores have been provided for this.

Sustainable transport is prioritised by removing car parking and promoting use of public transport.

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

The development is compatible with LDP Policy Des 6.

Water Management

LDP 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, although part 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 officers have been consulted and raised no objections.

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 provide covered and secure cycle parking which will contribute to climate change mitigation.

The proposed development therefore complies with the 13 SPP principles.

Equalities and human rights

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

i) Public comments

Material Comments: Objection:

- no drawings representing bin and cycle storage - this has been added in a later stage
- impact on the conservation area and listed building - this has been assessed in section (a) and (b)
- poor design - assessed in section 3.3 (d)
- roofscape would be damaged - assessed in section 3.3 (d)
- overdevelopment - assessed in section 3.3 (d)
- no parking spaces - assessed in section 3.3 (f)
- removing commercial property - assessed in section 3.3 (c)
- height is too tall - assessed in section 3.3 (d)
- loss of privacy, daylight - assessed in section 3.3 (e)
- impact on wildlife - Environmental Protection has been consulted and find no any negative impact
- does not meet 45 degree rule - assessed in section 3.3 (e)
- lack of environmental impact assessment - environmental protection was consulted on the application and environmental impact assessment was not required
- boardroom should be kept - assessed in section 3.3 (a)
- does not comply with LDP Policy Des 3 - assessed in section 3.3 (d)
- increase traffic - assessed in section 3.3 (f)

Non-material consideration

- increase noise, dust and disruption - this is not a material planning consideration
- attracts short term let - this is not a material planning consideration
- loss of view - this is not a material planning consideration
- neighbour notification insufficient - this has been carried out in accordance with statutory legislation
- change value of the property - this is not a material planning consideration
- damaged to the property - this is not a material planning consideration
- compensation for the mental health stress due to the construction - this is not a material planning consideration
- health and safety of the construction building - this is a civil matter
- security concerns - this is not a material planning consideration
- the bike/bin storage will diminish the light in our under-croft garage - this is not a material planning consideration
- drawings are not labelled correctly - this is not a material planning consideration

Neutral

- include swift bricks

Support

- very sympathetic design
- good development
- positive addition for housing
- re-use of an existing building
- increase biodiversity

Conclusion

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

The proposals comply with the Development Plan. The re-use of existing buildings and the provision of an upward extension which is 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. No demolition, development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building recording, excavation, analysis, reporting, publication, interpretation, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
2. Prior to the commencement of construction works on site:
 - (a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Planning Authority, 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 remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.

3. 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.

Reasons: -

1. To ensure the site is suitable for development.
2. In order to make sure the land is safe and stable for the proposed use.
3. In order to safeguard the interests of archaeological heritage.

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% provision secured through a suitable legal agreement for a commuted sum of £188,012.

Healthcare provision - A contribution of £945 per unit is required towards a new surgery in Leith Links. This makes a total of £20,790.

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.

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

The application has attracted 26 letters objecting to the proposal and 23 in support.

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**

Edinburgh Local Development Plan- Urban Area.

Date registered

23 August 2021

Drawing numbers/Scheme

01-14,15A,16A, 17-24,

Scheme 2

David Givan

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Weronika Myslowiecka, Planning Officer

E-mail: weronika.myslowiecka@edinburgh.gov.uk

Links - Policies

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

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

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

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

LDP Policy Des 12 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

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.

Other Relevant policy guidance

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

Relevant Non-Statutory Guidelines

Managing Change in the Historic Environment: Doorways: Government guide sets out the principles that apply to altering the doorways of historic buildings.

Appendix 1

Application for Planning Permission 21/04479/FUL at 9-11 Maritime Street, Edinburgh, EH6 6SB Proposed upwards extension and change of use from office to residential to form 22 flats, with associated infrastructure, landscaping, and cycle parking (as amended).

Consultations

Archaeology

I would like to make the following comments and recommendations concerning the above linked LBC & FUL planning applications for the proposed upwards extension and change of use from office to residential to form 22 flats, with associated infrastructure, landscaping, and cycle parking.

The application site occurs at the historic core of the medieval port of Leith, occupying possibly two or more medieval burgh plots fronting onto Maritime Street. Formerly, Quality Street until renamed in 1967, This street is depicted in the contemporary 1560's Petworth map of the Siege of Leith and give its location is likely to date to at least the early-13/14th century when the port layout was expanded. However, given its core location and results form adjacent excavations by CEC and Headland in the 1990's to the north around Burgess and Water Street occupation dating back to at least the foundation of the new Kings harbour and burgh in the 1120's is likely.

The site has been continuously occupied since this date medieval, with the current B-listed warehouse and offices being last in a sequence of buildings on the site. A detailed history of the current buildings is contained within Nick Hayne's Heritage Statement accompanying this application, but in summary the historic core of the current buildings was constructed in 1892 to a design by James Simpson for the wine-merchants Robertson, Sanderson & Co, replacing earlier structures most notably the eastern half of the Queens Tobacco (bonded) Warehouse constructed between 1804 & 1817.

The application must be considered under terms of Scottish Planning Policy (SPP), PAN 02/2011 and Edinburgh Local Development Plan (2016) Policies ENV4, ENV 8 & ENV9. Further, an assessment of the results of previous archaeological work in the immediate area and adjacent to the site, led to the conclusion that this development would have a potentially significant adverse impacts upon remains although unscheduled, considered to be of national archaeological significance. Therefore, it was essential that the site be evaluated prior to determination in line with policy ENV 9.

Historic Buildings

Although it is welcomed that the key historic fabric (See Nick Haynes Heritage Statement and Morgan McDonnell's Design Statement) of this late Victorian B-listed warehouse and offices will be retained, the development will nonetheless require significant alterations to these buildings including the removal of sections of the roof, stripping back to original fabric, internal alterations etc. The most significant impact is the removal of the roof and construction of a new upper story.

Although significantly impacting upon the fabric and character of this structure, on archaeological grounds this impact in this instance is not considered to be significantly adverse, to merit refusal of permission. It is recommended however, that a detailed programme archaeological historic building survey (annotated plans/elevations, photographic and written survey) of the existing building is undertaken prior to and during any alterations, to provide a permanent record of this important historic structure and understand its development history. As it is not uncommon in Leith to reuse ships timbers and historic building timbers within latter 19th century buildings, the recording of the roof to be removed must take this into account and have provision for dendrochronological recording and analysis of such timbers if encountered.

Buried Archaeology

The proposals will require significant ground-breaking works associated principally with the proposed removal of current carparking, landscaping of the rear courtyard and construction of new cycling provision and also internally the removal and construction of new walls and ground floors. Such works will have significant impacts upon any surviving archaeological remains dating from the 19th century back to the medieval period and potentially the foundation of the burgh in the 12th century. It is therefore essential that a programme of archaeological work is carried out prior to development to fully excavate, record, analysis and publish the results from the excavation of any surviving archaeological remains affected by development.

Public Engagement

As stated, the site has a rich history dating back to the late medieval period. It is therefore considered important that a programme of public engagement is undertaken during development as part of the overall programme of archaeological works. The full the scope of which will be agreed with CECAS based in part on the scale of archaeological excavation but could include site open days, viewing points, social media and interpretation board with the final landscaping design.

In consented it is essential therefore that a condition be applied to any permissions and consents if granted to secure this programme of archaeological works based upon the following CEC condition.

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

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site.

Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

HES

The proposed development relates to category B listed 11, 13 & 14 Maritime Street, a particularly well detailed, ornate late 19th century Renaissance style street fronting office block with warehouse block behind. The application is for conversion to residential use of part of the street facing office building, and for conversion and extension of the warehouse to residential use.

The significance of a listed building's interior, or part of its interior, is usually derived from a number of factors, including the degree to which an interior remains intact from key periods in its history. The plan form, that is the arrangement and division of internal spaces into rooms and circulation spaces such as halls and corridors is a key component of the character and special interest of any building. Historic features such as doors, Historic Environment Scotland - Longmore House, Salisbury Place, Edinburgh, EH9 1SH Scottish Charity No. SC045925 VAT No. GB 221 8680 15 windows, fireplaces, cupboards and decorative plasterwork also make a significant contribution to the building's special interest.

The office block's interior spaces have particularly fine original decorative detailing with grape and vine theme. The quality of the building's interior includes: a tripartite inner entrance door with etched glass panels; open-plan ground floor with fluted Corinthian columns, compartmental ceiling and ornate cornices, timber partitions with etched glass panels, safe with original door and fittings. Carved timber staircase, etched glass to stair windows and 17th century style plaster ceiling to stair hall. Principal room (former Board Room) at 1st floor with compartmental ceiling and elaborate grape cornice. Smaller room with oval cupola, coved ceiling decorated with plaster garlands, doves and laurel wreaths.

Any scheme for conversion of the listed building to residential use must be able to demonstrate that the building's cultural significance, expressed by the fine quality of its interior design and detailing would be preserved or enhanced by the proposals. Our detailed comments, which relate to proposed works to the office block are set out below:

Rear first floor room

The scheme would see the subdivision of the oval cupola-lit first floor room to form two bedrooms and an ensuite. This would result in the loss of this historic space and its particularly finely decorated coved ceiling decorated with plaster garlands, doves and laurel wreaths, and cupola. We would ask that this element of the scheme be resisted, and consideration given to alternative solutions for this room that would avoid its subdivision.

Former Board Room

The proposals show the former board room converted to create a living room/kitchen. The high quality original decorative scheme for this room includes 6-panel timber doors that flank a central chimney piece. The scheme would see both doorways infilled, and kitchen units fixed over both doors, this would in our view significantly diminish the character and architectural interest of this significant space and should in our view be

resisted. Alternative potential design solutions to sensitively incorporate kitchen facilities into this high-status space should be explored.

Entrance door

The proposals show the removal of the original timber panelled double doors at the main entranceway. These original features make a considerable contribution to the building's Historic Environment Scotland - Longmore House, Salisbury Place, Edinburgh, EH9 1SH Scottish Charity No. SC045925 VAT No. GB 221 8680 15 cultural significance and should, in our view be retained and overhauled as necessary. The list description notes that behind the entrance doorway is a tripartite inner entrance door with etched glass panels. The proposals show the removal of the inner doorway. For the avoidance of doubt, if this is a historic doorway we would ask that it be retained.

Additional ground and first floor alternations

Further dountaking and subdivision of ground and first floor rooms are shown on the application drawings. The submitted heritage statement notes that most rooms and spaces in the office block have lowered ceilings but that it is known that decorative grape and vine motif plasterwork exists above. The list description for the building states that the open-plan ground floor has fluted Corinthian columns, compartmental ceiling with ornate cornices, timber partitions with etched glass panels. Along with a safe with original door and fittings.

Further information on the quality of surviving original and historic layout, fabric and decorative features would be required to enable us to fully assess the potential impacts of the proposals on the category B listed building's cultural significance. However, for the avoidance of doubt, there is a presumption in favour of retention of historic features such as doors, windows, fireplaces, cupboards and decorative plasterwork that make a significant contribution to the building's special interest.

Planning authorities are expected to treat our comments as a material consideration, and this advice should be taken into account in your decision making. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However, our decision not to object should not be taken as our support for the proposals. This application should be determined in accordance with national and local policy on listed building/conservation area consent, together with related policy guidance.

Flood Planning

This application can proceed to determination, with no further comments from CEC Flood Prevention.

Transport

No objections

Environmental Protection

I refer to the above and would advise that Environmental Protection has no objections to the proposed development.

The application proposes the change of use and extension of existing office premises to 22 residential flats. Offices and residential properties surround the site.

Parts of the site may have become contaminated from previous operations on the development land. A garden/external area is proposed which should be assessed for contamination to ensure it is made safe for the proposed end use. A condition is recommended to that effect.

The site sits adjacent to two air quality management areas and any proposed traffic would feed directly into these areas. The applicant proposes a car free development which is supported by Environmental Protection.

Therefore, Environmental Protection offers no objection subject to the following condition:

Condition

Prior to the commencement of construction works on site:

(a) A site survey (including initial desk study as a minimum) must be carried out to establish to the satisfaction of the Head of Planning, 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 remedial and/or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning

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 to the satisfaction of the Head of Planning.

Affordable housing

For applications of 20 or more units, the Council expects the 25% affordable housing contribution to be delivered on-site. However, the Council's planning guidance on 'Affordable Housing' sets out that if options for onsite delivery have been explored but are not viable, then as a last resort a commuted sum payment can be agreed in lieu of onsite affordable housing.

Housing Management and Development accepts that payment of a commuted sum in lieu of onsite affordable housing can be justified for this application. The required commuted sum has been calculated as £188,012 and this should be secured through a S75 agreement.

