

Development Management Sub-Committee Report

Wednesday 23 November 2022

Application for Planning Permission

1 Linksvie House, 26 Tolbooth Wynd, Edinburgh

Proposal: Demolition of single storey and three storey blocks of flats, 25 garage lock ups and plinth area with undercroft parking. The construction of 35 new build residential units and amenity space, communal external space with associated roads, footpaths and landscaping which includes updated public space /landscaping in the surrounding area. Alterations to be made to the base of the Grade A listed Links View House (as amended).

Item – Committee Decision

Application Number – 18/08051/FUL

Ward – B13 - Leith

Reasons for Referral to Committee

The application has been referred to the Development Management Sub-Committee because the applicant is The City of Edinburgh Council. Consequently, under the Council's Scheme of Delegation, the application must be determined by the Development Management Sub-Committee.

Recommendation

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

Summary

The proposal does not harm the character of the listed building or its setting or the setting of neighbouring listed buildings. It is therefore acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it does not have an adverse impact on the character or appearance of the conservation area.

The proposals comply with the Edinburgh Local Development Plan (LDP) and will not result in adverse harm to the special interests of the listed building or result in adverse harm to the character and the appearance of the conservation area. The infringement relating to the loss of trees and the capacity of some open spaces to receive sunlight is minor and the beneficial gain from the scheme outweighs these issues. Neighbouring developments will not be adversely affected, and future occupiers will have an acceptable level of amenity within the development. A legal agreement is required to secure contributions towards education, tram, and healthcare. This is to address the cumulative impact of the proposed development. In addition, a legal agreement is required to secure affordable housing on this site.

Overall, the proposal is acceptable and there are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The application site is approximately 11900 sqm that covers areas around Tolbooth Wynd, Linksvie House, Kirkgate and Coatfield Lane.

To the north of the site is the 1960s Linksvie House, an 11-storey slab block of flats and is category A listed (listed building reference: LB52404, date of listing: 30.01.2017). The building is an important example of modern Brutalist architecture and makes an important contribution as a post-war urban renewal/mass housing scheme.

Linksvie House is positioned on a rectangular plan slab block (plinth) with an undercroft that was used for car parking. It should be noted that the plinth is not part of the listing. The undercroft car park is vacant and has been subject to some fire damage. A total of 21 social housing flats previously occupied parts of the plinth and on Kirkgate before its demolition under Conservation Area Consent (application number 19/02728/CON). The plinth and pedestrian routes around Kirkgate are designated open spaces in the LDP.

Flatted developments characterise the pattern of development surrounding the site. Existing flats on Kirkgate comprise of four storeys with mature trees lining this thoroughfare. The public realm is fragmented in parts and lacks natural surveillance and welcoming spaces.

There are a number of listed buildings near to the site, including, South Leith Parish Church, Kirkgate, which is category A listed (LB27466, 12/14/1970); Trinity House, 99 Kirkgate, which is category A listed (LB27834, 12/14/1970); St Mary Star Of The Sea RC Church, 106 Constitution Street, which is category B listed (LB27358, 12/14/1970); and Church Hall, St Mary Star Of The Sea, 106 Constitution Street, which is category C listed (LB27372, 3/29/1995).

The site lies within the Leith Conservation Area.

Description of the Proposal

The proposal is for the demolition of 21 flats, and also the demolition of 25 garage lock ups and the plinth area with undercroft parking. It should be noted that this element of the proposal has already been carried out under Conservation Area Consent (application number, 19/02728/CON). This was due to a pre-evaluative archaeological requirement.

The proposal is to redevelop the site with 35 affordable housing units (100% onsite provision), with associated landscaping and public realm improvement works. Alterations to the base of Linksview House is to include a new internal community space.

The proposed units are to comprise of two and three storey flat roofed duplex terraces. All units are to have a main door access. The finishing treatment is to include lime wash for the external walls with sections of coloured glazed brick. Windows are proposed to be aluminium / timber composite and the doors are to be timber, coloured to match the glazed brick.

The housing mix includes the following:

- 1-bedroom x 5 (includes one accessible unit)
- 2-bedrooms x 12 (includes one accessible unit)
- 3- bedrooms x 17 (includes one accessible unit)
- 4 bedrooms x 1

Public improvement works surrounding the site include landscaping and the provision of amenity spaces with furniture/seating for both private and public use. A total of 54 trees within the site are proposed to be removed.

Cycle parking for the new build is to be located within the undercroft, accessed by an electronic key fob from Kirkgate. 103 private cycle parking spaces (including No.16 non-standard spaces) are to be provided with Sheffield stands.

The existing public car parking spaces on Tolbooth Wynd are to be reconfigured with 19 spaces (16 standard spaces and 3 accessible spaces). This is to allow entrance to Linksview House to be more welcoming.

Within Coatfield Lane, 10 public car parking spaces are to be introduced (five standard spaces, one accessible space, one accessible electric charging space and three electric charging space).

A total of 17 public cycle parking with Sheffield stands is to be provided on Tolbooth Wynd and Coatfield Lane.

Supporting Information

The following information is available on Planning and Building Standards on-line Services:

- Phase 1 Desk Study Report (September 2018)
- Design Statement (September 2018)
- Existing Structural Report (September 2018)
- Archaeology Evaluation Report (June 2021)
- Fire Strategy Report (April 2022)
- Landscape Strategy (April 2022)
- Revised Tree Survey Report (April 2022)
- Addendum and Access Statement (April 2022)
- Revised Preliminary Ecological Appraisal (April 2022)
- Surface Water Management Plan
- Daylight Study

Scheme three

The original scheme was amended with the number of units increased from 32 to 35 units. The open space on Kirkgate has been retained and a new community space within Linksvie House was introduced. Other changes included the relocation of cycle parking to existing undercroft and the introduction of bats/bird boxes. Furniture/play park equipment's for the existing open space on Kirkgate was omitted.

Relevant Site History

19/02728/CON
1 Linksvie House
26 Tolbooth Wynd
Edinburgh
EH6 6DP
Complete Demolition in a Conservation Area.
Granted
1 August 2019

Other Relevant Site History

18/08052/LBC
1 Linksvie House
26 Tolbooth Wynd
Edinburgh
EH6 6DP
Proposal to demolish and rebuild part of Linksvie House base to the East of the building amounting approx 147 square metres.
Pending Decision

20/03364/LBC
1 Linksvie House
26 Tolbooth Wynd
Edinburgh
EH6 6DP

To alter the base of Linksvie House to enhance the user experience whilst walking through and around the tower.

Pending Decision

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Archaeology

Housing and Regulatory Services

Waste Services

Leith Harbour and Newhaven Community Council

Communities and Families

Environmental Protection

Waste Services

Historic Environment Scotland

Flood Prevention

Refer to Appendix 1 for a summary of the consultation response.

Publicity and Public Engagement

Date of Neighbour Notification: 23 June 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 1 July 2022; 12 October 2018;

Site Notices Date(s): 28 June 2022.

Number of Contributors: 21

Section B - Assessment

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.

Assessment

To address these determining issues, it needs to be considered whether:

a) **The proposals harm the listed building and its setting.**

The following HES guidance is relevant in the determination of this application:

- Managing Change: Interim Guidance on the Designation of Conservation Areas and Conservation Area Consent.
- Managing Change: Setting

Setting can be important to the way in which historic structures or places are understood, appreciated, and experienced. 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.

The proposals involve in the demolition and the re-development of an unlisted plinth that is structurally part of the setting to the category A listed Linksvie House. In terms of defining the setting of this historic asset, the existing 11-storey tower block visually dominates its surroundings where neighbouring buildings are between four and six storeys in height. The tower block faces onto a large rectangular concrete plinth to the south. The plinth provides multiple access to neighbouring streets on foot. The former flats on the plinth were one storey in height and they extended horizontally onto Kirkgate where they were three storeys, characterised by flat roofs with a concrete/brown brick finish. The flats were the remnants of the 1960s redevelopment of the area. In addition, surrounding buildings are characterised by a mix of treatment finish, including concrete, render, stone, and brick from different construction periods.

There are no public seating areas within the plinth and there is a harsh uncomfortableness associated with the size of the plinth against the monumental height of the tower block, that leaves users of this space exposed with some parts of the plinth lacking natural surveillance. The existing pedestrian link on Kirkgate provides key views to the tower block. Developments surrounding Linksvie House are fragmented in parts due to the historic slum clearance and post-war reconstruction. In summary, the defining feature of its historic asset is its towering, monumental presence, being an architectural example of mass housing of its time, with its key views and pedestrian links on Kirkgate.

While the former flats on the existing plinth and on Kirkgate have been demolished, the scale, form, design and positioning of these buildings did not form an essential component to the setting of Linksvie House or contribute positively to its setting. Its demolition, therefore, resulted in no adverse impacts on the key aspects of this historic asset.

Compared to the previous situation, new housing on the plinth would be set further back from the tower block and would be three storeys in height. This would be in-keeping with the subservient scale of developments that surrounds the tower block. In addition, the positioning of the new developments on the existing plinth and on Kirkgate would maintain key views and the importance of the pedestrian link on Kirkgate. The proposed development will not adversely affect the setting of the Linksvie House. The proposed development design, layout and positioning will also have no impact on the relationship setting of other nearby listed buildings.

Historic Environment Scotland (HES) was consulted on the proposals and advised that "the location, scale and massing of this new development would in our view retain the monumental character and open southern setting of 11-storey Linksvie House".

With regards to the proposed alterations at the base of the tower block, the proposal seeks to reconfigure the existing reception area and replace a storage space with a new internal community space and external seating area. This element of the proposed works will not result in a diminution of the listed buildings special interest and is acceptable.

Conclusion in relation to the listed building

The proposal does not harm the character of the listed building, or its setting or the setting of neighbouring listed buildings. It is therefore acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

b) The proposals harm the character or appearance of the conservation area.

The site lies within the Leith Conservation Area and the character appraisal states the following:

The character of the Conservation Area derives from Leith's history both as a port and an independent burgh. Several fine Georgian and Victorian warehouses survive, some now converted for residential or office use'

The Kirkgate was old Leith's main street with a lively and varied streetscape. The intimate urban pattern of winding streets and densely grouped buildings of the Old Kirkgate was lost in the redevelopment of this area during the 1960s. The remaining historic remnants include the 15th century South Leith Parish Church, the earliest building in the area'

The New Kirkgate shopping precinct and housing development to the north disregard the distinctive organic structure and scale of the surrounding urban pattern. The Kirkgate is a courtyard of low-rise housing with zigzag rendered fronts which is terminated by the multi-storey slab of Linksvie House...

The form of the Kirkgate Centre incorporates features, such as the separation of pedestrians and cars and the grouping of buildings around a precinct, which are a product of the urban design principles prevalent in British post-war reconstruction and the development of new 'satellite' communities...

The character appraisal identifies the design and layout of the site as a product of slum clearance and post-war reconstruction. The redevelopment of the site has resulted in both physical and visual disruption to the spatial structure of old Leith's main street. Although the demolition of the unlisted flatted buildings has already been carried out, they related to the redevelopment of the Kirkgate during the 1960s. The design and layout of the former social housing block did not make a positive contribution to the character of the area and did not require to be preserved. Therefore, there was no requirement to address matters relating to the condition and costs of repairing and maintaining the buildings and their associated structures.

Compared to the existing situation, the proposed development will result in beneficial gains to the character and appearance of the conservation area. Existing features within the site, including the plinth, key pedestrian links, open spaces and trees have been incorporated and enhanced through its design. The proposed development would improve the existing situation in terms of generating coherence and distinctiveness where it will not result in adverse harm to the character or the appearance of the conservation area.

Conclusion in relation to the conservation area

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it does not have an adverse impact on the character or appearance of the conservation area.

c) The proposals comply with the development plan.

The development plan comprises the Strategic and Local Development Plans. The relevant Edinburgh Local Development Plan 2016 (LDP) policies to be considered are:

- LDP Environment policies Env 2, Env 3, Env 4, Env 5, Env 6, Env 9, Env 12, Env 1, Env 18, Env 21, Env 21;
- LDP Design policies Des 1, Des 2, Des 3, Des 4, Des 5, Des 6, Des 7, Des 8;
- LDP Housing policies Hou 1, Hou 2, Hou 3, Hou 4, Hou 6, Hou 10;
- LDP Transport policies Tra 2, Tra 3, Tra 4; and
- LDP Delivering the Strategy policy Del 1.

The non-statutory 'Edinburgh Design Guidance' is a material consideration that is relevant when considering the above policies.

Impact on Listed Building

The impact on the setting of the listed building, including the demolition of surrounding developments has been considered above in a). It was concluded that the demolition and re-development of the site would not be detrimental to the setting of the category A listed Linksvie House.

The proposal complies with LDP policies Env 2, Env 3, Env 4 and Env 5.

Conservation Area

The impact on the character and appearance of the conservation area has been considered above in b). It was concluded that the proposals would not have an adverse impact on the character of the conservation area and would preserve the appearance of the conservation area.

The proposal complies with LDP Policy Env 6.

Principle of housing

The site lies within the urban area in the adopted Edinburgh Development Plan. Due to former residential developments on parts of this site, the land is established for residential use. The principle for redeveloping the site for housing is therefore acceptable, subject to compliance with other policies in the LDP.

The proposals comply with LDP policy Hou 1.

Archaeology

Due to the application site occurring on the historic core of the medieval port of Leith and evidence from surrounding archaeological excavations, the original scheme had the potential to significantly impact on archaeological remains. It was therefore essential for the site to be evaluated prior to its determination in line with LDP policy Env 9 (Development of Sites of Archaeological Significance).

The Archaeology Evaluation Report (June 2021) in part, was delayed by COVID. This involved the wholesale demolition of existing buildings (approved under conservation area consent application 19/02728/CON) to allow parts of the site to be surveyed. Findings from the survey indicated that despite significant truncation of the site caused by the construction of the 1960's housing and Linksvie House, modern facilities/services, significant remains dating to at least the 15th century were found to occur across the site.

The proposals will involve significant ground-breaking works and will significantly impact on surviving archaeological remains, dating back to the medieval period. Based on the findings of the evaluation, it is accepted that in-situ measures are not warranted in this case. It is essential, however, that a programme of archaeological work is carried out across the site prior to development. This to fully excavate, record, analysis and publish the results from the excavation of any surviving archaeological remains affected by development. A programme of public/community engagement to be undertaken during the development is also required. A condition is therefore required to ensure compliance with LDP policy Env 9.

Development Design

Existing features within the site, including the plinth, key pedestrian links, open spaces and trees have been incorporated and enhanced through its design. The existing situation, in terms of surrounding development, is fragmented with poor natural surveillance. Re-purposing the existing plinth with more housing and defined external spaces would help to achieve a more welcoming and safer built environment that would generate coherence and distinctiveness.

The proposed development design seeks to be a contemporary addition to the 1960s scheme surrounding the site, where it seeks to reinterpret the palette of materials, colours, and forms of developments in and around the site. A materiality study was provided to demonstrate the mix of materials used on developments surrounding the site. In terms of the robustness and maintenance of the proposed lime wash finish on the new builds, it was advised that this can involve a 20-year cycle of re-application. In addition, allowing a lime-coloured façade to become a gently weathered façade can be viewed as a desirable outcome. The proposed lime wash finish is therefore acceptable and would be compatible with the mix of materials that surrounds the development.

The section drawings demonstrate that the proposed development height and positioning will not impact on key views in an around the site. The proposed development, therefore, will have a positive impact on its surroundings, including the character of the wider townscape.

In terms of accessibility and connectivity, a ramp is proposed from Giles Street that connects with the existing plinth, as well as a ramp to Coatfield Lane. New ground floor units will be fully accessible. The proposals also include accessible public car parking spaces.

A condition, requiring sample materials of the proposed finish is required. This is to ensure that the development is finished to a high standard, using materials as appropriate.

The proposal complies with LDP policies Des 1, Des 2, Des 3 and Des 4.

Open Space

The existing concrete plinth is designated as open space in the LDP. The proposal largely seeks to rationalise this space to make it more compact and sociable. New housing will largely be positioned on previously developed parts of the plinth and the beneficial gains derived from the scheme would far outweigh a slight reduction in this open space provision (approximately 180 sqm). The proposal would re-purpose the existing plinth with a new external amenity space with public furniture included. Parts of the plinth would be landscaped which would improve the existing situation for both existing residents and the new occupiers of the new build.

The revised scheme now retains the existing fenced off open space on Kirkgate with landscaping improvement works included. This is acceptable.

The proposals comply with LDP policy Env 18 (Open Space).

Public Realm and Community Safety

The revised scheme was accompanied by a letter from Police Scotland, who commented on aspects of windows and doors, access, mail delivery, perimeter, lighting, car parking, cycle store, bin stores, public amenity space/seating, community space and graffiti. Police Scotland advise that a Secured by Design certificate will be provided for this development upon production of relevant test certification for windows and doors and at the conclusion of a site inspection on completion of the development.

The Design and Access statement included a ground activity plan, showing the existing and proposed situation in terms of community safety and accessibility. The proposal would improve the existing situation in terms of enhancing community safety through enhanced natural surveillance and urban vitality and provide direct and convenient connections on foot and by cycle. The proposal complies with criterion (a) to (f) of LDP policy Des 7.

All external spaces, and features, including streets, footpath, civic spaces (plinth), green spaces boundary treatments have been designed as an integral part of the scheme to improve the existing public realm situation. The proposal complies with criterion (a) to (d) of LDP policy Des 8.

Sustainable Buildings

Sustainable measures within the scheme includes solar panels, electric car parking and cycle parking. Building Standards Technical Handbook requires new developments to accord with the current carbon dioxide emissions reduction target and this will be addressed through the building warrant stage. In terms of managing surface water and compliance with the standards for parking, this is addressed below.

The proposals comply with LDP policy Des 6.

Amenity

Neighbouring amenity

The amenity of neighbouring developments will not be adversely affected in terms of loss of privacy, outlook, daylight or result in adverse overshadowing.

Future occupiers' amenity

All the proposed units will meet the minimum floorspace standard contained in the Edinburgh Design Guidance.

Overall, 32 units will be dual aspect and the daylight section drawings demonstrates that future occupiers will have adequate levels of daylight within the development.

In terms of privacy, the Edinburgh Design Guidance states that the pattern of development in an area will help to define appropriate distances between buildings and consequential privacy distances. This means that there may be higher expectations for separation in suburban areas than in historic areas. The proposed privacy distance is compatible with the pattern of development of the area and future occupiers will have reasonable levels of privacy within the development and outlook.

The previous flatted situation had no private amenity space for residents. In addition, private open spaces are not characteristic of the pattern of development within this area. Most of the proposed units are to have a definable private space to their front door (approximately 25 sqm). In addition, the proposed duplex terraces on the first floor are to have small area (approximately 30 sqm) of private amenity space. A new communal landscaped area is to be included within the existing plinth (approximately 200 sqm) and the existing open space on Kirkgate is to be retained and enhanced (approximately 1050 sqm). Compared to the existing situation, the usability of the proposed open space (both private and public) would be limited to a degree in its capacity to receive sunlight due to neighbouring developments and shading from existing trees. The proposed open space provision represents a significant improvement to existing situation, and this is a relevant material consideration. In addition, the beneficial gains of the scheme, including enhanced natural surveillance and public realm works to external spaces outweighs the infringement to LDP policy Hou 3 as future occupiers will have reasonable levels of amenity within the development in this location.

The proposal will provide a mix of 1, 2, 4 and 4 bed dwellings where 10% will be accessible homes, 50% family homes and 100% affordable homes. The proposal complies with LDP policy Hou 2 (Housing Mix).

In terms of existing and proposed impacts on amenity, the proposal complies with LDP policies Des 5, Hou 2 and Hou 3.

Parking Standards

The site is not within a controlled parking zone area and there is limited scope to control existing public car parking spaces. In addition, LDP policy Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) is not applicable to the assessment of public car and cycle parking. There are no public car or cycle parking standards contained in the Edinburgh Design Guidance. Public car parking would see the inclusion four active charging spaces and five accessible spaces.

Future occupiers of the new build will not have an allocated private car parking space, and this is acceptable. The proposal is highly accessible to public transport and within walking distance to nearby amenities.

There is a requirement to provide 66 private cycle parking spaces and the proposal exceeds this requirement. The proposed Sheffield stands comply with the Council's C7 Cycle Parking Fact Sheet.

The proposal complies with LDP policy Tra 2, Tra 3 and Tra 4.

Trees

There are 86 trees within the application site. The proposed development will result in the loss of 54 trees (13 category B; 37 category C and four category U) with 32 trees to be retained.

Most of the well-established trees along the Kirkgate (including one category A tree) and to the front (North) of Linksvie House are to be retained. Two trees on Kirkgate are in poor condition due to in-grown wire and will be replanted with similar species. Within the existing plinth, 15 trees would be removed and replaced with 14 new trees as part of the new open space provision on the plinth. While the loss of the trees within the site equates to 63% of existing trees, the beneficial gains derived from the proposed scheme compared to the existing situation is a relevant material consideration that outweighs this infringement.

The landscape proposals, including soft and hard features demonstrates a coherence of tree planting and planting strategy throughout the site and this outweighs the loss of the existing trees. The removal of existing trees within the site is therefore acceptable.

The proposal complies with LDP policy Env 12.

Ecology/Protected Species

The submitted Preliminary Ecological Appraisal (PEA) demonstrates that bats are not a constraint to the proposed development. The proposals comply with LDP policy 16 (Species Protection).

The revised scheme incorporates bat and bird boxes within the new building structures. In addition, five bat and five bird boxes are to be installed on existing suitable trees. The proposal, therefore, complies with LDP Des 3 in terms of incorporating and enhancing potential features through its design, Edinburgh Design Guidance, and meets the objectives of the Edinburgh Biodiversity Action Plan.

Flood Impacts

The proposal will not increase a risk or be at risk of flooding itself and will not be prejudicial to existing or planned flood defence systems. The proposals comply with LDP policy Env 21 (Flood Protection).

Pollution/Contamination

A Ground Investigation Report was submitted and is currently being reviewed by Environmental Protection. Therefore, a condition is required to ensure that contaminated land is fully addressed. This is to ensure compliance with LDP policy Env 22.

Affordable Housing

The proposed 35 units are intended to provide 100% of affordable housing on site. This is fully compliant with LDP policy Hou 6 (Affordable Housing). A legal agreement is required to secure this provision.

Developer Contributions

LDP policy Del 1 (Developer Contributions and Infrastructure Delivery) states a requirement to mitigate any negative additional impact (either on an individual or cumulative basis) and is commensurable to the scale of the proposed development.

Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery (August 2018) sets out how developer contributions are identified and calculated.

Tram

The application site is within 250 metres of a tram contribution zone and falls within zone 1. On this basis, a contribution of £92,000 is required for 35 units towards the development of the tram network.

Transport Actions

Table 9 in the LDP sets out Transport Proposals and Safeguards. Active Travel proposals within safeguard T7 seeks the provision of various off-road cycle/footpath links. The Edinburgh Local Development Plan Action Programme was updated in December 2021 and no transport actions/costs were identified for this site.

Healthcare

The application site is within Leith Waterfront (northeast) healthcare contribution zones. The Edinburgh Local Development Plan Action Programme sets out an action for a new practice to mitigate impact of new residential development in Leith Waterfront. The cost of delivering this action is £4.5m for 10,000 patients through LDP developments. A breakdown of this cost equates to £945 per dwelling. The proposed development represents 14 units of a difference compared to previous situation and is therefore required to contribute £13,230 towards healthcare.

Education

The calculations are based on the difference in the number of bedrooms proposed compared to previous situation, prior to the demolition of the former flats. This would be commensurate with the scale of the proposed development.

No. of beds.	Existing Units	Proposed Units	Difference
1	16	5	0
2	2	12	10
3	3	17	14
4	0	1	1

The application site is within LT-1 Sub Area for Leith/Trinity Education Zone. The Edinburgh Local Development Plan Action Programme was updated in December 2021. However, development in this area affects Broughton, Leith and Trinity primary school catchment areas and the high schools they are aligned to, Drummond, Leith and Trinity and two contribution zones: Drummond and Leith-Trinity. A new contribution zone is therefore necessary to assess the cumulative impact of housing developments in this area.

Both the Action Plan and the Education Appraisal (2021) has identified a requirement for additional primary and secondary school capacity in this area. This includes a new 13 Class Primary School, 2 PS Classes (Broughton Primary School), additional places at Drummond High School and additional places at St Thomas of Aquin's RC High School.

Supplementary Guidance set out in the Council's Developer Contributions and Infrastructure Delivery document states if a proposed development will generate more than one secondary school pupil and more than one primary school pupil then a full contribution will be required.

The proposed development is estimated to generate 2 early learning and childcare (ELC) pupils, 4 primary pupils and 2 secondary pupils. A full contribution towards primary infrastructure is required at a rate of £4,613 per flat. In addition, a full contribution towards secondary infrastructure is required at a rate of £3,262 per flat. The proposed difference of 25 units for each infrastructure (£115,325 + £81,550) is required to contribute a total sum of £196,875 towards education infrastructure

Waste Strategy

The existing road layout will not be altered as a result of the proposal and a swept path is therefore not required. The applicant has advised that their waste requirement has been discussed with Waste Services. The proposed waste arrangement as outlined in the Design and Access statement does not preclude assessment of the proposal.

Conclusion in relation to the Development Plan

The proposals overall, complies with the Edinburgh Local Development Plan and will not result in adverse harm to the special interests of the listed building or result in adverse harm to the character and the appearance of the conservation area. The infringement relating to the loss of trees and the capacity of some open spaces to receive sunlight is so minor as the beneficial gains from the scheme significantly outweighs these issues. Neighbouring developments will not be adversely affected, and future occupiers will have an acceptable level of living amenity within the development. A legal agreement is required to secure contributions towards education, tram, and healthcare. This is to address the cumulative impact of the proposed development. In addition, a suitable legal agreement is required to secure the affordable housing provision on this site.

d) There are any other material considerations which must be addressed?

The following material planning considerations have been identified:

SPP - Sustainable development

Scottish Planning Policy (SPP) is a significant material consideration due to the LDP being over 5 years old. Paragraph 28 of SPP gives a presumption in favour of development which contributes to sustainable development. Paragraph 29 outlines the thirteen principles which should guide the assessment of sustainable development.

The proposal complies with Paragraph 29 of SPP in terms of supporting good design and the six qualities of successful places, supporting climate change mitigation and adaptation, improving health and well-being by offering opportunities for social interaction, protecting the amenity of new and existing development, protecting, and enhancing historic environment. The proposed development is therefore sustainable.

Emerging policy context

The Revised Draft National Planning Framework 4 was laid before the Scottish Parliament on 08 November 2022 for approval. As it has not completed its parliamentary process, only limited weight can be attached to it as a material consideration in the determination of this application.

While City Plan 2030 represents the settled will of the Council, it has not yet been submitted to Scottish Ministers for examination. As such, little weight can be attached to it as a material consideration in the determination of this application.

Equalities and human rights

Due regard has been given to section 149 of the Equalities Act 2010. No impacts have been identified.

Consideration has been given to human rights. No impacts have been identified through the assessment and no comments have been received in relation to human rights.

Public representations

The revised scheme attracted a total of 3 comments, with 1 objecting, 1 support and 1 general comment. A summary of the representations is provided below:

material considerations

- Public realm improvements will enhance Linksview House category A listed status - Addressed in Section (a) and (c).
- Proposals will create much more open, welcoming, accessible and safe public space - Addressed in Section (c).
- Development height will impact on daylight to neighbouring properties - Addressed in Section (c).
- Impact on healthcare and schools - Addressed in Section (c).
- Impact on parking and planning disabled parking - Addressed in Section (c).
- Proposals should incorporate swift nests - Addressed in Section (c).
- No accessibility assessment for new builds/ground floor properties not necessarily accessible for disabled people- Addressed in Section (c).
- Loss of open space - Addressed in Section (c).

non-material considerations

- Potential impact on mobile phone and television aerial and satellite signal - not a planning matter.
- Loss of pedestrian access to Kirkgate - there is no loss of pedestrian access within the revised scheme.
- Limited disabled parking in the area, how will existing issues of blocked spaces on Tolbooth Wynd be addressed - not within the scope of the application to address/resolve.

The original scheme in October 2018 attracted a total of 17 objections. A summary of the representations is provided below:

material considerations

- Development design uglier than the flats on Coatfield Lane - Addressed in Section (c).
- Development design provide no link to the historic buildings within the area- Addressed in Section (a) to (c)
- Impact on residential amenity in terms of loss of daylight and loss of privacy - Addressed in Section (c).
- Loss of open space/contrary to LDP policy 18 (Open Space Protection) - Addressed in Section (c).
- Too close to Coatfield -- Addressed in Section (c).
- Inadequate parking provision for 32 units for area where parking is a problem - Addressed in Section (c).
- Impact on trees - Addressed in Section (c).
- Plans for undercroft unclear - Addressed in Section (c).
- Welcome the provision of social housing - Addressed in Section (c).

non-material considerations

- Opposed to buildings being sited on what is residents back gardens - the proposed development is not sited on residents back gardens in the revised scheme.
- Impact on views - no right to a particular view.
- Consultation event did not indicate plans to build a block between the two blocks - this does not preclude assessment of the proposals. The application was re-advertised, and neighbours re-notified as a result of the revised scheme.
- Construction disruption - not a planning matter.
- The proposals involve a hotel use - the proposal is for housing only.
- With regards to the proposed tram route on Constitution Street, Kirkgate is the obvious safe alternative to Constitution Street for both pedestrians and cycles, given the lack of a dedicated cycle lane on Constitution Street. The current proposals represent a wasted opportunity to enhance Kirkgate as a significant thoroughfare and gateway to the Shore- the application is assessed as submitted and revised. It is not within the scope of the application to resolve.

Leith Harbour and Newhaven Community Council objected to the original scheme on grounds that the design did not address concerns relating to lack of greenspaces, ecology/loss of trees and that the scheme made no reference to people with special needs and elderly facilities - This is addressed in Section (c). It should be noted that it is not within the scope of the application to confirm if former tenants can return to the site once developed.

Conclusion in relation to identified material considerations

The material issues have been identified and addressed. There are no outstanding material issues resolve.

Overall conclusion

The proposal does not harm the character of the listed building or its setting or the setting of neighbouring listed buildings. It is therefore acceptable with regard to Section 59 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposal is acceptable with regard to Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 as it does not have an adverse impact on the character or appearance of the conservation area.

The proposals comply with the Edinburgh Local Development Plan (LDP) and will not result in adverse harm to the special interests of the listed building or result in adverse harm to the character and the appearance of the conservation area. The infringement relating to the loss of trees and the capacity of some open spaces to receive sunlight is minor and the beneficial gain from the scheme outweighs these issues. Neighbouring developments will not be adversely affected, and future occupiers will have an acceptable level of amenity within the development. A legal agreement is required to secure contributions towards education, tram, and healthcare. This is to address the cumulative impact of the proposed development. In addition, a legal agreement is required to secure 100% affordable housing on this site.

Overall, the proposal is acceptable and there are no material considerations that outweigh this conclusion. It is recommended that the application be approved.

Section C - Conditions/Reasons/Informatives

The recommendation is subject to the following.

Conditions:-

1. The development to which this permission relates must be begun not later than the expiration of three years beginning with the date on which this permission is granted. If development has not begun at the expiration of this period, the planning permission lapses.
2. No development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (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.
3. 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.

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.

4. Notwithstanding the approved drawings, samples of all the proposed external materials shall be made available to the Planning Authority and approved in writing by the Planning Authority before work is commenced on site.
5. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.
6. The trees on the site shall be protected during the construction period by the erection of fencing, in accordance with BS 5837:2012 " Trees in relation to design, demolition and construction".

Reasons: -

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. In order to safeguard the interests of archaeological heritage.
3. In order to ensure that the site is made suitable for its intended use.
4. To consider this matter in more detail and to ensure that the proposed development is finished to a high standard, using materials as appropriate.
5. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
6. In order to safeguard existing trees as part of the site.

Informative

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.

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.

These matters are:

Education - The proposed development is estimated to generate 2 early learning and childcare (ELC) pupils, 4 primary pupils and 2 secondary pupils. A full contribution towards primary infrastructure is required at a rate of £4,613 per flat. In addition, a full contribution towards secondary infrastructure is required at a rate of £3,262 per flat. The proposed difference of 25 units for each infrastructure (£115,325 + £81,550) is required to contribute a sum of £196,875 towards education infrastructure.

Healthcare - £13,230

Tram - £92,000

Affordable Housing - 100%

2. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.
3. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
4. The application was accompanied by a Species Protection Plan for Breeding Birds (SPP). Adherence to this SPP is required.
5. This consent grants planning permission only. In particular, it does not include listed building consent or conservation area consent.
6. The applicant is required to discuss their waste strategy with Waste Services.

Background Reading/External References

To view details of the application go to the [Planning Portal](#)

Further Information - Local Development Plan

Date Registered: 28 September 2018

Drawing Numbers/Scheme

01,02B, 03-13, 14B, 15A-16A, 17B, 18A-20A, 21B, 23B-25B,30B, 31A, 32-36, 37A-39A, 40-48.

Scheme 3

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Laura Marshall, Planning Officer
E-mail: laura.marshall@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Archaeology

COMMENT: The application has been assessed as having a potential significant adverse impact and as such may be contra to Policy ENV8 (b) regarding the protection of archaeological remains.

It is therefore essential that the site is evaluated prior to determination in line with policy ENV 9.

DATE: 25 October 2018

NAME: Housing and Regulatory Services

COMMENT: No objections.

DATE: 9 January 2019

NAME: Waste Services

COMMENT: Waste Strategy to be agreed with Waste Services.

DATE: 23 October 2018

NAME: Leith Harbour and Newhaven Community Council

COMMENT: Objected to original scheme.

DATE: 12 November 2018

NAME: Communities and Families

COMMENT: No objection, subject to education contributions being provided.

DATE: 2 November 2022

NAME: Environmental Protection

COMMENT: No objections, subject to conditions and informatives.

DATE:

NAME: Waste Services

COMMENT: Waste strategy to be agreed with Waste Services.

DATE: 22 June 2022

NAME: Historic Environment Scotland

COMMENT: No objection.

DATE: 28 June 2022

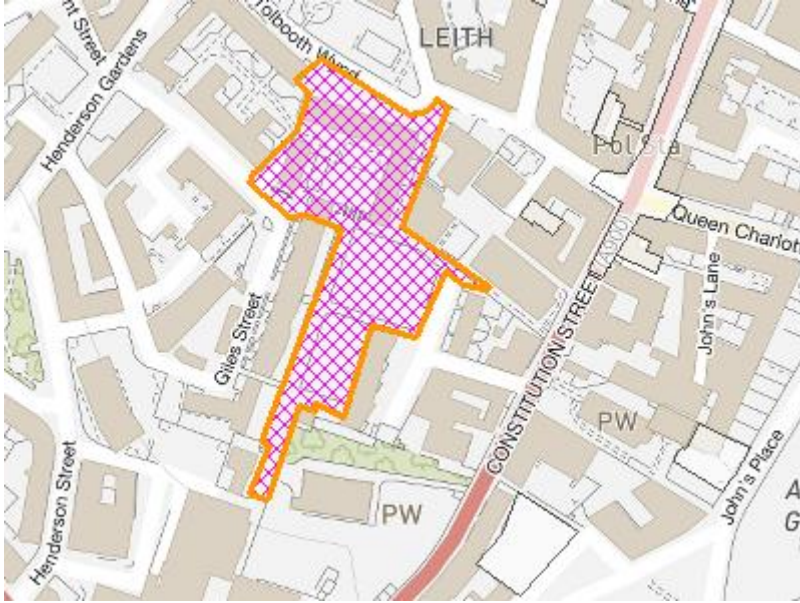
NAME: Flood Prevention

COMMENT: No objections.

DATE: 27 October 2022

The full consultation response can be viewed on the [Planning & Building Standards Portal](#).

Location Plan



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