

Development Management Sub-Committee Report

Wednesday 8 February 2023

**Application for Planning Permission
land to East of 139 Leith Walk, Edinburgh.**

Proposal: Demolition of the existing warehouse building and construction of Sui Generis flatted dwellings including mainstream, affordable and student accommodation with a ground floor commercial unit and associated infrastructure, landscaping, and a reconfiguration of the existing car park.

**Item – Committee Decision
Application Number – 22/01563/FUL
Ward – B12 - Leith Walk**

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as 172 objections to the proposal have been made. 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 proposals comply with sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act in respect of its impacts on setting of listed buildings and Leith Conservation Area.

The proposals will deliver a mixture of purpose built student accommodation, mainstream housing including affordable units and commercial units on a site which has a number of constraints. The proposals are an acceptable density, scale, height, proportion, architectural form and materials and are appropriate for the location. The residential amenity aspects of the development are acceptable. Access arrangements and the levels of car and cycle parking is acceptable and the proposals will encourage active and sustainable transport use. The proposed landscaping, surface water, sustainability and waste collection arrangements are acceptable. Overall, the scheme represents the good use of brownfield land.

Though it departs from parameters set down in the place brief and infringes certain aspects of non-statutory guidance regarding the proportion of student housing, neighbouring daylighting, proportion of two-tier cycle racks, the extent of the infringements is limited and given the site constraints and urban landscape suitable for high density development, it is considered that the departures/infringements do not provide reasoned justification to refuse the application. Overall, the proposals will contribute to the regeneration of the wider area and are acceptable subject to conditions.

SECTION A – Application Background

Site Description

The application site is situated between Leith Walk and Halmrye Street near to the bottom of Leith Walk (139 Leith Walk). It is set behind a frontage along Leith Walk which contains shops and food outlets, health care uses (Inchkeith House and Allander House at Nos.131-141 Leith Walk) and a number of flatted homes. The site is approximately 1.3 mile from Edinburgh Waverley and 1.8 miles from the University of Edinburgh Main Campus.

The site is one of three sites that make up the Leith Walk / Halmyre Street place brief ("the place brief"), which was approved by Edinburgh Council's Planning Committee on 2nd September 2020.

The site covers approximately 0.951 hectares and consists of: (i) vacant brownfield land formally occupied by industrial uses. Part of that land, which abuts the former railway arches to the north, is largely surfaced with concrete slabs and is used by a car workshop operating in one of the former railway arches, to store vehicles; (ii) one of the archways of the former railway along the northern part of the site; (iii) an existing vacant single-storey modern warehouse building within the north western corner. It was formerly government offices and more recently was occupied by a gym and wellness business (Projekt 42) which has since vacated the premises and relocated to accommodation at Ocean Terminal; (iv) the existing car park behind Inchkeith and Allander House which are occupied by the NHA and which front onto Leith Walk. The NHS car park serves nurses and contractors working in Inchkeith and Allander House; (v) the access to the NHS car park off Leith Walk located at a point between No.131-141 and No.165 Leith Walk. Since the tram works commenced there is presently a left-in/left out access and egress arrangement at that access; (v) an access lane off Leith Walk at a point near to the northern end of the western boundary of the site, referred to as "Domino Lane" on account of it being adjacent to a commercial unit at Nos.119 and 121 Leith Walk, that is occupied by Domino's Pizza. It is from that lane that the above-mentioned warehouse building is accessed; and, (vii) the existing vehicular access road to the site off Halmyre Street to the east.

The northern boundary is formed by the railway arches and abutment of the former railway bridge over Leith Walk associated with the former Leith Walk West Goods Yard, with Manderston Street and Gordon Street immediately to the north. There are a number of small businesses operating within the arches, including car repair workshops, garages, a local music venue and a bingo hall.

The vacant former Capitol Theatre which now operates as a bingo hall, is located outside and to the north east of the site. The bingo hall forms a separate part of the place brief. To the east is a combination of housing and a care home accessed off Halmyre Street, and Thorntree Street. The remainder of the place brief site is to the immediate south of the site and is the Council owned former Tram Depot. It is presently being used for lay-down space to assist in the construction of the tram line extension. This is a temporary use of the site until the tram line is completed, and the intention of the place brief is that the site will be redeveloped. There is an immediate change in level of approximately 1.2m on the boundary between the former tram depot site and the proposed development area, which is most notable at the south east. Beyond the former Tram depot are buildings in Smith's Place. The frontage buildings on Leith Walk, which are located within Leith Conservation Area, bound the site to the west. On the opposite side of Leith Walk is the 1930s red sandstone building at Nos.106-154 Leith Walk.

Within the area, stone is the predominant material on traditional building frontages, with slate roofs. Heights range from single storey to four storeys. The vacant former Capitol Theatre (bingo hall) is the highest building in the area and is some 23.3 metres high to the top of its pitched roof.

The closest residential dwellings to the site are located on Leith Walk and Thorntree Street. The flatted dwellings on Leith Walk (111-115, 123-125 and 125A-129) have east facing windows currently overlooking the roof of the warehouse building. The property on Thorntree Street (19 Thorntree Street) has four gable windows facing west onto the site and a ground floor conservatory with windows facing west, south and east.

Parts of the site lie within Leith Conservation area including: (i) The access junction to the NHS car park; and (ii) The access to 'Domino Lane' off Leith Walk. At its meeting on 23 February 2022 the Planning Committee approved the extension of the Leith Conservation Area to include areas to the east and west of Leith Walk, on Manderston Street and Jane Street. The extended conservation area includes the stone railway archways associated with the former Leith Walk West Goods Yard, one archway of which falls within the site.

The buildings fronting onto Leith Walk and abutting the western boundary of the site, which are outwith the site, are also located within Leith Conservation Area.

The site is also adjacent or near to several listed buildings and structures:

- 7 Stead's Place (Category B) LB27792;
- 165 Leith Walk (Category C) LB26807;
- 169-177 (Odd Nos) Leith Walk and 1 Smith's Place (Category B) LB26819;
- 3-5 Smith's Place (Category B) LB26871;
- 7-9 Smith's Place (Category B) LB26885;
- 11 Smith's Place (Category B) LB26897;
- 13-15 Smith's Place (Odd Nos) (Category B) LB26909;
- 17 Smith's Place (Former Chemical works) (Category B) LB26921;
- 19 Smith's Place (Category A) LB26934;
- 12-16 (even Nos) Smith's Place Category B) LB26970;

- 6-10 (even Nos) Smith's Place (Category B) LB26958;
- 4 Smith's Place (Category B) LB26946;
- 185-193 (Odd Nos) Leith Walk (Category B) LB26832.

Description of Proposals

The proposal is for:

- (i) The demolition of an existing vacant single-storey warehouse building located on the north western part of the site;
- (ii) The erection of four buildings (blocks A, B, C and an ancillary block as delineated on application drawings) on the site as follows:

Block A, an affordable housing block containing 27 affordable flats, positioned in the north western part of the site. It is aligned east-west and has a north-south orientation. The north elevation of that block fronts onto the principal east-west orientated active travel route connecting Leith Walk and Halmyre Street. This block is 5 storeys in height and has a flat roof that is a 'blue roof' that also incorporates photovoltaic panels.

Block B, containing a mixture of student accommodation and commercial units (any use within class 1 (shops), class 2 (financial, professional and other services), class 4 (business) and class 10 (non-residential institutions) (block B), positioned roughly in the middle of the site. It integrally attaches to the east of the affordable block. It is aligned north-south and has an east-west orientation. There is a two-storey pend running east-west through the block through which there could potentially be vehicular access to the NHS car park and access to the rear gardens and bin store of the affordable units within the northern arm. The layout does not delineate changes to the layout of the car park that would permit vehicles to access and egress the car park from the pend. The applicant has title to only part of the NHS car park. The three commercial units are situated on the southern end of the block at ground floor level. This block is 6-storeys in height and has a flat roof that is a 'blue roof' that also incorporates photovoltaic panels

Block C, a built to rent flatted block located on the south-eastern part of the site, adjacent to the south of the Halmyre Street access. It contains 27 mainstream Build to rent flats. It is 5-storeys in height with maisonette flats on the fourth floor. It is rectangular in footprint and is orientated east and west. It has a mostly pitched roof with a small area of flat roof to the west.

An ancillary building adjacent to the north of the student accommodation block and associated with that block. It contains a cycle store, a lounge and a gym. It is aligned east-south and is single aspect and orientated south onto the principal east-west active travel route.

(iii) The reconfiguration of the existing NHS car park, including the reduction in the number of parking spaces from 65 to 31 spaces and the installation of 4 electric vehicle charging points.

The design of the proposed 4 blocks is relatively contemporary. Their external walls are finished in a combination of three colours of brick. Pitched roof sections are finished in grey metal and flat roof sections are utilised to attenuate water and slow surface water run-off rates. Elevational treatment is relatively contemporary and includes wide openings at ground floor level. The framing of windows and external doors are grey in colour.

The accommodation proposed is as follows:

- Affordable Flats - (27 in total) comprising 8 one bed units (30%), 13 two bed units (48%) and 6 three bed units (22%):
- Private BTR - (build to rent) Flats (27 flats) comprising 5 one bed units (18%), 16 two bed units (60%) and 6 three bed units (22%).
- Student accommodation - (230 managed student beds) comprising 215 studio units including 10 wheelchair accessible studio units (93%) and 15 cluster units (7%).
- 3 Commercial Units for use for uses within Classes 1, 2, 4 or 10 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 - comprising at total of 139 square metres floorspace.

Of the mainstream residential units 46% (25 units) are single aspect; 13% (7 units) have a private garden; 33% (18 units) have a balcony; and 100% have access to shared amenity space.

Vehicular, pedestrian and cycle access will be off Halmyre Street to the east, leading directly to a proposed one-way loop road designed as a shared surface primarily functioning as a cycleway/footway, but it also is designed for use by refuse vehicles/emergency vehicles. This shared surface connects to a proposed east-west orientated cycleway/footway accessed off and existing access lane lying between Nos.113 and 117 Leith Walk (Domino Lane). There is no vehicular access off Leith Walk from the vennel known as Domino Lane. It is surfaced in a combination of grey block pavements and setts.

A pedestrian and cycle access to the site to/from Manderston Street is to be provided under one of the former railway arches. This route is not designed for vehicular access.

A total of six parking spaces are proposed, which are adjacent to the east of the Private Build for rent block. They are all accessible parking spaces and equipped with electric vehicle charging infrastructure.

In total there are 366 cycle parking spaces across the site, 62 (17%) of which are single tier Sheffield stands. 95% of the cycle parking is within a secure building, the remaining 5% is either short-stay visitor parking (uncovered) or for use for cycle parking by a cycle hire scheme. The cycle parking is as follows:

Affordable block (block A) -

34 two tier Falco stands (internal store), 22 Sheffield stands for standard bikes (internal store), 4 stands for non-standard bikes (internal store) 10 visitor/future cycle hire scheme adjacent to Block A on 'Domino Lane' (External) - Total = 60 spaces + 10 visitor spaces.

Student accommodation block (block B) -

The cycle store is separated from the main building and located to the northern boundary within a secure building housing 226 two tier Falco stands (internal store) and 4 stands for non-standard bikes (internal store) - Total = 230 spaces.

Private BTR block (block C) -

6 short stay/visitor spaces on the east elevation (external), 34 two-tier stands (internal store) plus 20 Sheffield stands (internal and external). There is an enclosed bike store to the south east of the block with 4 Sheffield stands plus 6 spaces for non-standard bikes. - Total = 60 + 6 visitor.

In addition to this the applicant states that they would be willing to incorporate e-bike charging points within the bike stores.

Separate bin stores are provided for the student accommodation, affordable housing, and the mainstream flatted dwellings, with the full provision and range of bin types in each store. The bin stores are located within the buildings except for the affordable flats, which is within a detached bin store.

Communal open space for the affordable flats is located to the south and west of the building and extends to 353 square metres. Private gardens are provided for three ground floor affordable flats.

Communal private open space for the student accommodation block is located to the south of the block and extends to 246 square metres (10.25 square metres per flat). Private gardens are provided for three of the ground floor private flats.

The principal public open space is located roughly in the middle of the site between blocks B and C. It has an area of 426 square metres.

The student accommodation has a communal garden located on the west side of the building, which extends to 68 square metres. Policy Hou 3 does not apply to student accommodation because students often include internal amenity such as gyms, communal lounges, and study areas.

A greenspace for public use has been proposed in the centre of the site which extends to 426 square metres. Further areas of public open space in the form of green and civic space are proposed to the north of the site along the principal east-west active travel route.

The landscaping will be a mix of hard and soft with trees and plants chosen to encourage biodiversity. Large, slow growing trees are proposed throughout the site and an appropriate soil depth of at least 700mm has been detailed by the applicant. There are no clashes between the tree root areas and proposed or existing below ground infrastructure.

A hybrid of below and above ground SUDs features is proposed, including rain gardens, blue roofs, permeable paving, open SUDS basins and localised cellular storage.

Five bird boxes, six bat boxes and two bee boxes are proposed throughout the site, both within landscaped areas on trees and on the proposed buildings.

Supporting Documents:

The following documents have been submitted in support of the application:

- Planning Statement;
- Pre-application Consultation Report;
- Affordable Housing Statement;
- Design and Access Statement;
- Transport Assessment;
- Flood Risk and Drainage Impact Assessment;
- Student Management Plan
- Daylight and Sunlight Analysis;
- S1 Sustainability Statement;
- Geotechnical and Geo-environmental Report;
- Townscape and Visual Impact Assessment (TVIA);
- Built Heritage & Townscape Visual Impact Assessment;
- Desk Based Archaeological and Heritage Report;
- Noise Impact Assessment;
- Air Quality Statement;
- Affordable Housing Statement;
- Extended Phase 1 Habitat Survey and Bat Survey;

These documents are available to view on the Planning and Building Standards Online Service.

Previous Scheme:

Although the core uses on the site have not changed from the original planning submission, the mix and location of the uses has been amended. The original layout proposed a slim, single-sided building on the northern part of the site, which would have accommodated 18 affordable housing units. The affordable flatted building has now been relocated south west and the number of affordable units has been increased from 18 to 27. The affordable accommodation mix has also changed to a similar mix as the built to rent, with a higher proportion of two bedroom properties and fewer one bedroom flats. The student accommodation block has reduced in footprint and scale. It is now arranged in a short "L" shape. The height of both the affordable and student accommodation blocks have been reduced.

Planning History

At its meeting on 19 August 2019 the EUDP commented that it was essential that a place brief and masterplan inform development on the wider place brief site. In September 2020 the Planning Committee approved the Leith Walk/Halmyre St Place Brief (The Place Brief) for the land between Leith Walk and Halmyre Street.

It sets high level principles established to shape the future development of the site. It sets a vision for the redevelopment of the site and includes site specific placemaking principles. The site the subject of this planning application forms part of the Place Brief site.

The high-level principles/key parameters set down in the Place Brief to guide the redevelopment of the Place Brief site are as follows:

- The vehicular access should be off Halmyre Street East. The vehicular route should be a loop road suitable for refuse vehicle and emergency vehicle access to each of the separate development parcels of the Place Brief (the CEC land, the reconfigured NHS car park and the Mecca Bingo site).
- Other than the substation service vehicle access, there should be no vehicular access to the site off Leith Walk, including to the NHS car park or the CEC site. The existing vehicular accesses to the NHS car park and CEC site off Leith Walk should be closed once the new access to them from Halmyre Street East is formed.
- Development should enable two active travel cycle and pedestrian accesses off Leith Walk comprising: (i) a primary east-west orientated active travel route from a point immediately south of the listed ticket office (in lieu of the existing access to the NHS car park) connecting to the Halmyre Street East access; and, (ii) A secondary east-west orientated active travel route connecting `Domino Lane to Thorntree Street.
- There should be a continuous north-south DDA compliant active travel route connecting Manderson Street (via the pend through the arch) to Halmyre Street South.
- The highest building on the site should not exceed the eaves height of the existing neighbouring four storey Victorian tenements on Thorntree Street.
- There should be comprehensive, integrated green and blue above ground sustainable urban drainage (SUDs) scheme as part of a coordinated landscape strategy for the Place brief site. Surface water management will require agreement on an area-wide solution spanning separate land ownerships.
- The principal public open space should abut one or more principal routes for active travel. It should be well-overlooked with active frontages, and receive good levels of sunlight. Proposed positioning of the principal public open space in the north west corner of the site, to the rear of properties on Leith Walk, is not acceptable. If bordering the abovementioned principal east-west active travel route, the open space should extend south into the CEC land, accommodating any change in level ' all as delineated on the development framework plan within the Place Brief.

In November 2021, the Council consulted on extending the Leith Conservation Area to the red stone arches of the former railway along the northern part of the site. The proposal was accepted by the Council's Planning Committee on Wednesday 23rd February. The extended area does not include the building that currently houses the Mecca Bingo Hall.

13 January 2022 - Under the Town and Country Planning (Environmental Impact Assessment) (Scotland) Regulations 2017, Screening opinion issued that EIA is not required for the demolition of existing warehouse building and construction of sui generis flatted dwellings including mainstream, affordable and student accommodation with ground floor commercial unit and associated infrastructure and landscaping and reconfiguration of car park at 139 Leith Walk. (application 19/00415/SCR).

14 February 2020 - Planning permission granted to enclose both ends of an open industrial unit (within a former railway arch) including formation of a pend to access rear, at 18 Manderston Street, EH6 8LY (application number 19/05009/FUL).

8 February 2019 - pre application consultation approved for proposed refurbishment of the existing building, or potential demolition for sui generis flatted accommodation (residential apartments), class 7 hotel/ serviced apartments, student accommodation and commercial uses (class 4 business use) and class 11 (gym) with associated footpaths, roads, landscaping and potential reconfiguration of existing car park at Land to East of 139 Leith Walk, Edinburgh. (application number 19/00415/PAN).

17 November 2017 - Planning permission granted for a single storey modular build space to create a charity run, community gym and wellness centre on vacant land 82 Metres Northwest Of 14 Halmyre Street Edinburgh. (application number 17/03539/FUL)

Neighbouring sites

26 February 2021 - Prior approval for Tram electricity substation, Former tram depot site, Leith Walk. ((application number 20/05632/PA).

12 October 2021 - Planning permission granted for the retention and refurbishment of existing sandstone frontage building, erection of two flatted buildings comprising 148 flats and associated works including car parking and landscaping at Steads Place - 106-162 Leith Walk, EH6 5DX. (Application number 20/05553/FUL).

21 October 2020 - Planning permission granted for proposed change of use from workshop to public house (retrospective) at 6 Manderston Street (application number 20/00981/FUL)

12 March 2012 - Application granted for certificate of lawfulness for existing use as a workshop for car repairs (class 5) at 22 Manderston Street. (Application number 12/00041/CLE).

20 December 2011 Planning permission refused for Change of use from workshop for car repairs to car sales and car repairs at 22 Manderston Street Edinburgh (application number 11/03360/FUL).

10 January 2008 - Prior approval granted for the erection of Tram substation, including building structure, fencing and access arrangements for the Edinburgh Tram Network at land adjacent to 167 Leith Walk, Edinburgh, EH6 5DT (application number 07/04947/PA).

Relevant Site History

19/00415/PAN
Land To East Of 139
Leith Walk
Edinburgh

Refurbishment of the existing building, or potential demolition for sui generis flatted accommodation (residential apartments), class 7 hotel/ serviced apartments, student accommodation and commercial uses (class 4 business use) and class 11 (gym) with associated footpaths, roads, landscaping and potential reconfiguration of existing car park.

Pre-application Consultation approved.
8 February 2019

Other Relevant Site History

None.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Communities and Families

Waste Services

Archaeology Officer

Housing Regeneration and Development (Affordable Housing)

Leith Central Community Council

Leith Harbour and Newhaven Community Council

Police Scotland

Infrastructure, Structures and Flood Prevention

Environmental Protection

Housing Regeneration and Development

Leith Central Community Council

Transportation Planning

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

Publicity and Public Engagement

Date of Neighbour Notification: 24 October 2022

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 28 October 2022/29 April 2022

Site Notices Date(s): 25 October 2022/26 April 2022

Number of Contributors: 175

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 setting of any 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."

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

- Managing Change: Setting which 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.

In this case, there are a number of listed buildings located in close proximity to the application site. These are listed in the Background section of this report. Given that the listed buildings are all out with the application site, the primary consideration in the assessment of the proposals is the impact on the setting of these listed buildings.

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

The nearest listed building to the site is the C listed building at 165 Leith Walk, (reference LB26807, listed 13/03/1995). This is a two-storey austere modern movement building dating from 1938. Its principal elevation fronts directly onto Leith Walk. The building is significant for its part in maintaining the streetline. The rear of the building faces eastwards onto the NHS car park. The proposed development, although higher than this listed building, will not have a detrimental impact on its setting.

Owing to their scale, proportion, positioning, form and design, the proposals would not detract from the setting of the other listed building located close to the site.

Therefore, the proposals are acceptable in terms of the impact on the setting of nearby listed buildings.

Conclusion in relation to the listed building

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

b) The proposals harm the character, appearance or setting of the conservation area?

Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states *"In exercise, with respect to any buildings or other land in a conservation area, of any powers under any of the provisions in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area."*

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

The Leith Conservation Area at this location exhibits a range of building types and architectural styles. In the Leith Walk sub-area the traditional tenement is acknowledged as the most prevalent building type.

The character appraisal states:

"Leith Walk is characterised by a mix of buildings of widely varied design, use, quality and relationship to the street. Victorian tenements set to the heel of the pavement predominate, particularly on the east side, with shops and pubs at ground floor level. In places tenements are interspersed with town houses or smaller tenements well set back with front gardens to the street." Additionally, the character appraisal emphasises the 'importance of the building line and the perimeter block as organising elements in the development pattern.

The Planning Committee recently approved the inclusion within the extended Leith Conservation Area of the row of railway arches to the north of the site. The proposed single-storey ancillary block on the northern part of the site is well below the height of the railway arches and so will not block views of them from within the site. The height, scale, massing and positioning of the proposed new buildings will respect Leith's railway history and will not detract from the setting of Leith Conservation Area, including its recently extended area.

Conclusion in relation to the conservation area

Overall, the proposals will preserve the setting of Leith Conservation Area. Thereby the proposals comply with Section 64(1) of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

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 Housing and Community Facilities policies Hou 1, Hou 2, Hou 3, Hou 4, Hou 6, Hou 8
- LDP Environment policies Env 3, Env 6, Env 8, Env 9, Env 16, Env 20, Env 21, Env 22
- LDP Design Principles for New Development policies Des 1, Des 2, Des 4, Des 5, Des 6, Des 7, Des 8
- LDP Transport Policies Tra 2, Tra 3, Tra 4
- LDP Employment Policy Emp 1, Emp 9
- LDP Delivery Policy Del 1
- LDP Resources Policies RS 1, RS 6

The following Council's non-statutory Guidance: 'Edinburgh Design Guidance'; 'Listed Buildings and Conservation Areas'; 'Student Housing'; 'Affordable Housing'; and 'Developer Contributions and Infrastructure Delivery', are all material considerations relevant when considering the above policies. The Leith Walk/Halmyre Street Place Brief, approved at planning committee on 2nd September 2020, is also a material consideration in the planning assessment of the application.

Principle

Mainstream housing, including affordable units

The site is located within the urban area, as defined in the Edinburgh Local Development Plan. LDP Policy Hou 1 (Housing Development), states that priority will be given to the delivery of the housing land supply and relevant infrastructure. The site is not identified as a strategic housing site in the LDP. Criteria (d) of Hou 1 supports housing on other suitable sites in the urban area provided the proposals are compatible with other policies in the plan. There is a need for a range of types of housing, including affordable housing across the city. The stated vision of the Leith Walk/Halmyre Street Place Brief is for development which includes a range of uses. The place brief states that there should be affordable housing choices to suit people and households with different needs and at different life stages. The principle of mainstream housing on the site is acceptable in land use terms and complies with Policy Hou 1.

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. The Council's Affordable Housing Supplementary Guidance states that the Council aims to secure 70% of new onsite housing for social rent.

Of the 54 residential flats proposed, 27 will be for private build to rent (BTR), which equates to 50% of the total mainstream residences. The other 27 flats will be affordable, and the tenure is 100% social rent, which is the highest priority tenure of affordable housing. These would be contained within proposed Block A and comprise 8 one bed flats, 13 two bed flats and 6 three bed flats. Twenty-two per cent of the affordable flats will have three bedrooms and are therefore suited for families. The mix of affordable flats is commensurate with the BTR flats within block C, which ensures there is not an over provision of any one type. The affordable housing will be owned and operated by a Registered Social Landlord (RSL), who have been involved in the design of the affordable housing and has provided a letter in support of the proposal.

In terms of its architectural design the affordable block will be tenure blind.

An early iteration of a proposal for the redevelopment of the whole place brief site was discussed at the Edinburgh Urban Design Panel (EUDP) on 28 August 2019. A copy is available to view on the application file online. The EUDP advocated a tenure blind approach to affordable housing.

The Council's Housing Management and Development Section do not raise a concern with any aspect of the proposed affordable housing.

The affordable housing aspect of the proposal complies with the Local Development Plan Hou 6 and Affordable Housing Guidance (May 2021) through the amount, design and location of affordable flats. The on-site provision of the affordable units; including timescale for delivery, will be required to be secured through a Section 75 legal agreement.

Student Accommodation

LDP Policy Hou 8 (Student Accommodation) supports purpose-built student accommodation where:

- a) The location is appropriate in terms of access to university and college facilities by walking, cycling or public transport, and
- b) where the proposal will not result in an excessive concentration of student accommodation (including that in the private rented sector) to an extent that would be detrimental to the maintenance of balanced communities or to the established character and residential amenity of the locality.

The supporting non-statutory Student Housing supplementary guidance (SG) provides additional locational and design guidance.

One of the key points raised during the community engagement stage of the place brief was concern about the impact of the scale of student housing and short term lets in the area. The place brief's vision is to *'create an attractive new place which fosters the growth of a strong community and good quality of life by providing places where people can meet, with generations living side by side and a range of housing choices.'* The place brief states that there is the potential for a mix of housing to be provided on the site. Student housing may be accommodated, but the scale being proposed must be considered in the context of the impact on local services and amenities.

The principle of a proportion of student accommodation being provided on the application site is acceptable. The proposed quantum of student accommodation is assessed below.

Policy Hou 8 Student Accommodation outlines two criteria whereby planning applications for student accommodation will be granted. The first criteria relates to the accessibility of the site to the college and university facilities by walking, cycling or public transport. The second criteria relates to the concentration of students in a locality.

The site lies 1.7 miles south of the Holyrood campus, which is the nearest university campus, which is approximately 35-minute walk to or 14 minutes to cycle to. The site has very good accessibility to public transport with direct bus routes to the central University of Edinburgh campus and Edinburgh Napier Sighthill campus. Consequently, the proposal accords with the requirements of criterion (a) of Hou 8.

As mentioned above, part b) of the policy relates to the concentration of students in a locality. A locality has not been defined in the LDP or the Student Housing Guidance. A locality has previously been determined as either the ward zone (Leith Walk Ward) or the singular census zone. Other recent planning applications have also defined a locality to be the immediate census zone in which the site is located and all adjoining zones. The purpose is to provide a variety of data zones. In the case of this planning application, all three localities will retain a balanced community in terms of the concentration of students. The applicant has also included private and affordable housing as part of the planning application in accordance with the Student Housing Guidance, to mitigate an over-concentration of students, indicated to result in an unbalanced community. In any one of the localities, the concentration of students does not exceed 25%.

The Edinburgh Student Housing Guidance states that:

'Where the student population is dominant, exceeding 50% of the population, there will be a greater potential imbalance within the community, however this cannot solely be controlled through purpose-built student accommodation.'

However, it is acknowledged that whether or not student concentrations are above 50% of the population is very difficult to measure with any kind of certainty. Neither the guidance, nor the adopted LDP, gives a definition of "the locality" in relation to criteria B of LDP Policy Hou 8. Also, the Council's only real source of information of where students live (out with purpose-built accommodation) is from the 2011 census which is now over 10 years old.

The Planning Statement accompanying the application states that an analysis of the immediate census zone in which the application site lies reveals that there is currently no purpose-built student accommodation in the census zone. The Student Housing Guidance notes that where student concentrations exceed 50% there will be a greater potential imbalance within the community. Within the wider census zone (the immediate census zone and all census zones sharing a boundary) there has been no student accommodation and three mainstream housing developments built/commenced in that zone since 2011. With the proposed development built and occupied the concentration of students in the locality will be 13.2%. This includes the 2011 census data plus all the major developments in the locality since 2011.

The site is located in the Leith Walk Ward. A recent appeal decision for a mixed-use development at 106-162 Leith Walk (Steads Place) (PPA-230-2274) found that the Leith Walk Ward has a student concentration of 16%. This information was based on the 2011 Census Data and all other student accommodation and housing built within the ward since the census was recorded. In 2011 there were 28,666 people aged 16+ in the ward, of which 3470 were students, accounting for 12.1%

Since 2011 there have been roughly 1863 student bedspaces built in the Leith Walk Ward. By combining the 2011 Census Data with the completed housing units and student accommodation the total population in the Leith Walk Ward is roughly 33,775. Combining the student numbers from the 2011 census data and the number of bedrooms of completed student accommodation developments gives a total of 5,569, which is 16.4% of the population.

When considering a wider area of a 10 minute walk (approximately 800m) the 2011 census shows an overall student population concentration of 9%. This includes student accommodation operational/under construction at Shrub Hill, Murano Place and Iona Street. When reviewing the wider area as a whole, the resultant impact of the proposed development would increase the student population to 13%.

Overall, on balance, using the data available, it can be concluded that students do not make up more than 50% of the population of the locality. Therefore, the proposal accords with LDP policy Hou 8.

As noted above, the Student Housing Supplementary Guidance is a material consideration. However, it is not part of the development plan and therefore has less weight than the statutory provisions of the LDP, specifically Policy Hou 8. Criteria (c) of The Edinburgh Student Housing Guidance states that *'sites with greater than 0.25ha developable area must comprise a proportion of housing as part of the proposed development, to balance the mix of land uses and to contribute to housing land need. On these sites the new build residential gross floor area shall represent a minimum of 50% of the total new build housing and student accommodation gross floor area.'* In this application, the proposed student accommodation floor area equates to 55% of the total new build housing and student accommodation gross floor area for the application site. Although this is non-compliant with criteria c) of the SG if applied to the application site alone, taking the entire place brief site, the student accommodation gross floor area falls below 50% of residential floor area that the place brief site has the potential capacity to accommodate. Accordingly, it is concluded that the proposed quantum of student accommodation would not result in an excessive concentration of student housing across the place brief site. It should be noted that the Student Housing Guidance is non-statutory guidance.

Given that different parties have title to different parts of the place brief site, there is likely to be a number of separate planning applications for redevelopment of separate parts of it and they are unlikely to be redeveloped at the same time. These applications will be considered separately, and within the context of the development plan as necessary.

Criterion (d) of the Student Housing Guidance states that student accommodation should comprise a mix of type of accommodation, including cluster units, to meet varying needs of students. The student accommodation comprises a mix of type of accommodation including studio flats, wheelchair accessible studio flats and cluster flats. The proposal also includes communal amenity areas, both internal and external, which will encourage social activity between residents. Therefore, the proposal accords with criteria (d).

The impact of the proposed student accommodation on local services and amenities cannot be accurately quantified. Future occupants of the student accommodation will require healthcare facilities. The site is not within a healthcare contribution zone within the Council's Developer Contributions & Infrastructure Delivery Supplementary Guidance and therefore a contribution towards healthcare is not required. The future occupiers of the student accommodation will use existing local shops and businesses and therefore will help support and contribute to their viability. Uses that support local business is one of the key points that emerged from the community engagement carried out for the place brief.

Conclusion on student accommodation

The proposed student accommodation element of the proposal is in accordance with LDP Policy Hou 8 and broadly complies with the Student Housing SG.

Commercial and other uses

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

- a) the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use;
- b) the proposal will contribute to the comprehensive regeneration and improvement of the wider area and,
- c) if the site is larger than one hectare, the proposal includes floorspace designed to provide for a range of business users.

There are existing commercial uses within the former railway arches adjacent to the north of the site. Criteria a) of Policy Emp 9, relating to whether the proposed new uses can coexist with these existing commercial businesses without detrimental impact on their amenity and without inhibiting the operation of the businesses, is considered in the amenity section below.

The site is an urban brownfield site that in its current condition detracts from the character and visual amenity of the area, including the setting of the conservation area. The current warehouse unit in the north-western corner of the site, previously occupied as a gym, is utilitarian in appearance and of no intrinsic architectural interest. The proposed removal of the warehouse unit and the redevelopment of the site with a high quality mixed-use development will positively contribute to the regeneration and improvement of the wider area. Therefore, the proposal accords with criteria (b) of Policy Emp 9.

Although the site area is 0.985ha it forms part of the wider place brief site which is over one hectare and therefore criteria c) of policy Env 9 is applicable. The place brief requires that the proposed development on each development site includes opportunities for small flexible business spaces. The proposed 139 square metres of commercial floorspace within part of the ground floor of the student accommodation block (block B), is sufficient in quantity and will deliver opportunities for commercial uses, which is a key aspiration of the place brief.

Listed Buildings and Setting

The impact on the setting of the listed building and on the setting of neighbouring listed buildings has been assessed in section a) above which concluded that the setting would be preserved. The proposal complies with the objectives of LDP Policy Env 3.

Conservation area character, appearance and setting

The impact on the character, appearance and setting of Leith Conservation Area has been assessed in section a) above which concluded that this would be preserved or enhanced. The proposal complies with the objectives of LDP Policy Env 6.

Housing Mix and Density

LDP Policy Hou 2 (Housing Mix) emphasises the importance of providing a wide range of house sizes and types on development sites.

A range of one, two and three bedroom units are proposed. The Edinburgh Design Guidance recommends minimal internal floor areas for flats depending on number of bedrooms they have. The proposal complies with these recommended minimum sizes. The flat types and mix of sizes of units within the affordable housing block is proportionate to that of the private housing being provided on the site. Twelve of the units (22%) are over 91sq.m., comfortably meeting the 20% required for growing families. Four of these family units are on the ground floor and have private amenity space.

The proposals provide a good mix of accommodation of different sizes in compliance with Policy Hou 2.

LDP Policy Hou 4 (Housing Density) promotes an appropriate density of development, taking account of the character of the site and its surroundings, and access to public transport. This policy also requires that in established residential areas, care should be taken to avoid inappropriate densities which would damage local character, environmental qualities or residential amenity.

The density of the proposal is a relatively high density development that is commensurate with other modern flatted development in this part of Leith and is acceptable. High density development is encouraged where there is good access to a full range of neighbourhood facilities, including immediate access to the public transport network, which the site is.

Design matters

LDP Policies Des 1 - Des 8 set a requirement for proposals to be based on an overall design concept which draws on the positive characteristics of the surrounding area with the need for a high quality of design which is appropriate in terms of height, scale and form, layout, and materials.

LDP 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.

LDP Policy Des 1 (Design Quality and Context) states that proposals should be based on an overall design concept that draws on the positive characteristics of the surrounding area.

The purpose of policy Des 1 is to encourage innovation in the design and layout of new buildings, streets and spaces, provided that the existing quality and character of the immediate and wider environment are respected and enhanced, and local distinctiveness is generated.

The development pattern behind the Leith Walk frontages on the east side of Leith Walk is diverse. Tenements are the predominant form, but they show much greater variety in their design, heights, building lines, roofscapes and ages. The form of the proposed new blocks take reference from the traditional tenement buildings within neighbouring streets. However, they are different from them as they are of modern architectural style and detailing. Another distinct difference from the traditional tenements is that the facades of the buildings are stepped in places and wall finishes are distributed such that there is a change in material and colour to provide a vertical emphasis. The varying front building lines and varying building heights of the proposed new buildings breaks up the mass of their elevations. The façades are distinguished through vertical breaks in the form of recessed brick details and a change between a buff and red brick. The EUDP suggested that the industrial heritage of the area could be an appropriate urban response. The saw-tooth roofed form of block B reflects the industrial heritage of the site and wider area. Generally, the proposed buildings are complementary in their relationship to the predominant form.

To conclude, the design concept is appropriate in the context of the area and thereby the proposal complies with LDP Policy Des 1.

Policy Des 2 Co-ordinated Development states that planning permission will be granted for proposals that do not compromise the effective development of adjacent land or a masterplan, strategy or development brief.

The proposal the subject of this application is the first planning application for redevelopment of part of the place brief site. The place provides a development

framework and general principles to guide the redevelopment of the vacant land between Leith Walk and Halmyre Street. The brief advises: *'A co-ordinated approach is to be taken to the redevelopment of the site. A masterplan or framework is required which demonstrates a co-ordinated approach.'* A masterplan or revised framework has not been submitted with the application. Given the multiple land ownership there is no immediate prospect for the redevelopment of the site in its entirety. However, the land owners of the three main parts of the place brief site and their design teams have been collaborating to find cross boundary solutions to deliver co-ordinated development across the place brief site. That collaboration has informed the proposed layout for the site and drawings have been submitted with the application delineating/illustrating how the current proposal will not compromise the effective development of adjacent land within the wider place brief site.

The proposed built form, and provision and location of open spaces would not compromise the effective development of adjacent land. The proposal demonstrates a co-ordinated approach to the provision of vehicle access, in particular service vehicles, pedestrian and cycle routes through the site, and addressing the changes in level across the site. The place brief delineates a north-south orientated pedestrian/cycle route through the site and the adjacent land to the south (the former tram depot) connecting Manderston Street to Halmyre Street south. The active travel route goes under the archway at No.18 Manderston Street. Although the applicant does not have title to the archway, they have a written servitude access right under it, over which the active travel route is taken. The servitude measures 8.53m wide, 18.29m long and has a clear height of not less than 5.58m. Given the existence of the servitude, the partial enclosure of both ends of the archway, which was granted planning permission 19/05009/FUL in February 2020, cannot be implemented and therefore this does not prohibit the delivery of the proposed pedestrian and cycle connection to Manderston Street. The north-south active travel route continues southwards up to and on the boundary with the former tram depot site, which site is at a higher level. The applicant has submitted an illustrative plan and section drawing delineating how a pedestrian/cycle ramp and steps could be formed within the site of the former tram depot site, which if formed would create a pedestrian and cyclist link between the two sites. The former tram depot site is not part of the current application site and the applicant does not have title to that land. Therefore, it would be the future developer of that neighbouring former tram depot, if ever developed, who would be responsible for forming the ramp and steps, that would link to the current application site and beyond to the south onto Halmyre Street south.

To conclude, the proposed will not compromise the effective development of adjacent land as therefore it complies with LDP policy Des 2.

LDP Policy Des 3 states that planning permission will be granted for development where it demonstrates that existing characteristics and features worthy of retention on the site and in the surrounding area, have been identified, incorporated and enhanced through its design.

There are existing areas of granite setts on the site that should be salvaged and reused within the site. This can be secured by a planning condition.

LDP Policy Des 4 states that development should have a positive impact on its surroundings, including the wider townscape and landscape, and impact on existing views including (amongst other matters) height and form. The Edinburgh Design Guidance (Section 15 - Density; p.30), states that back-land development must be designed to ensure that any proposed building is subservient to surrounding buildings and it does not have an adverse impact on spatial character.

The layout has been governed by parameters set out in the place brief. The place brief identifies two possible options for creating an east-west orientated active travel route connecting Leith Walk and Easter Road and beyond onto Restalrig railway path (core path 7). The first option is to demolish the bingo hall to allow a more legible route through the site from the existing lane between the buildings at Nos.111-115 Leith Walk and 117 Leith Walk and onto Thorntree Street. The second option presumes the retention of the bingo hall building and an active travel route directed around the building and continuing eastwards onto Halmyre Street. The current proposal is for option 2. However, if permission is granted for the proposal, it would not prohibit a legible route through to Thorntree Steet from being delivered at some point in the future. A future application for conservation area consent for the demolition of the bingo hall and planning permission for the redevelopment of the site on which it is on, would stand to be determined on its own merits.

The proposed new buildings are positioned and orientated to define a series of new routes through the site. Active ground floor frontages have been created along both the north and south sides of the east-west active travel route, which is the route from Leith Walk to Halmyre St north, connecting to Easter Road and Core Path 7 beyond. The building lines promote views to/from Leith Walk and the bingo hall building. The Leith Walk entrance to that active travel movement route is adjacent to pedestrian crossing points on Leith Walk and thus conveniently located. The proposed 3 commercial units are located on the east side of the southern arm of block B, providing a frontage over the north-south active travel route onto the principal public open space. The BTR building sits independently to the south east of the site. Main door flats within this block front over an active travel route onto the principal public open space. The active travel routes are attractive, safe and convenient and on all counts are acceptable in planning terms.

In summary, the proposal retains the primary vehicle access from the east off Halmyre Street as per the place brief and includes an east-west orientated active travel link through the site connecting Leith Walk and Easter Road and a north-south orientated active travel link connecting Manderston Street to Halmyre Street south. The placement of the buildings frames the active travel routes and creates new street frontages at ground floor level. They will enliven and animate the journey and provide passive surveillance, making them feel safe to use. The new buildings have clearly defined fronts and backs and have been designed around the constraints of the site. The layout is acceptable and compliant with Policy Des 4.

The surrounding area has a mix of building heights. A mix of four and five storey tenements can be found on Leith Walk, alongside some two and three storey buildings. The place brief states that the height of the Bingo Hall does not create a precedent for height as its scale and massing is exceptional. Furthermore, the place brief states that new buildings on the site should not exceed the height of the existing neighbouring four-storey Victorian tenements on Thorntree Street, which is equivalent to five storey modern flat roof height.

The proposed buildings are between one and six storeys in height. The highest building is the student accommodation block (block B), which is six storeys. Notwithstanding, its eaves line is the same as the eave's height of the traditional tenement buildings on Leith Walk and the ridge of its saw-toothed roof is only marginally higher than the ridge line of the neighbouring traditional tenement buildings on Leith walk, Halmyre Street and Thorntree Street. The townscape visual impact assessment (TVIA) submitted with the application demonstrates that there are no concerns with height of the buildings in distant city views. The proposals are barely perceptible in the visualisations and the saw-toothed roof in fact form helps to break up the massing and the muted colours help to blend it into the townscape. The affordable housing building (Block A) has a flat roof and is arranged over 5 floors. The flat roof allows for the introduction of a 'blue' roof and photovoltaic panels. The parapet height sits below the neighbouring tenements on Leith Walk. The BTR building is arranged over 5 floors. The eaves and ridge height of the BTR block sits below the neighbouring tenements, including those fronting onto Leith Walk.

The site is very well enclosed by other buildings. From the context elevations submitted with the application it can be concluded that the heights of the proposed buildings sit comfortably within the height context of surrounding buildings in city and local views.

The EUDP were supportive of the use of brick and not supportive of metal panel finish. The surrounding area contains a wide mix of building styles and materials. This includes sandstone to the buildings fronting onto Leith walk and the traditional tenements along Manderston Street and Thorntree Street. The more recent infill and backland buildings are finished in a combination of render and brick and metal panels. The primary finishing materials of the proposed new buildings is a mixture of brick, fibre cement panels and grey coloured standing seam cladding, which is characteristic of modern developments in the area and suitable for the context. Subject to samples being approved in advance they will be sympathetic to the character and amenity of the area.

Therefore, in terms of heights, scale, form, design and materials the proposals do not conflict with LDP Policies Des 3, Des 4, and Hou 4 or the EDG.

Policy Des 7 (Layout Design) sets out that developments should have regard to the position of buildings on the site and should include a comprehensive and integrated approach to the layout of buildings, streets, footpaths, cycle paths and open spaces.

The positions of the buildings in relation to the movement routes helps to create an interesting sequence of streets and spaces in the development. The proposed layout encourages the use of cycling and walking. The only proposed car parking provision is six accessible spaces in front of the private BTR flatted block. These would be served with electric car charging points. The proposal complies with Policy Des 7.

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

A landscaping plan has been provided. Boundaries between communal areas and private spaces have been created using a mixture of hedges and railings. In addition, between private gardens there will be fences. The planting scheme uses a hierarchy of planting mixes. Large, slow growing trees are proposed throughout the site. Tree species have been amended to propose larger and longer living trees, specifically suited to urban environments. Smaller trees have also been retained to provide structural planting and variety within the landscaping. The blue/green roof on the ancillary building and the affordable housing is a combined blue/green roof that both treats and attenuates water. The sedum roof is planted with wild flower and also contributes to biodiversity gains on site. The drainage and landscape layouts have been developed in tandem and the positioning of trees and drainage infrastructure will not compromise the health of the proposed trees. Above ground planters are proposed along the southern boundary of the NHS car park because the existing drainage routes do not allow for a 700mm deep sub-base for trees to establish. Instead, the planters will accommodate shrubbery and offer a green edge and some screening to the reconfigured car park. Overall, the landscape design is high quality. A condition has been added on landscaping implementation.

In summary, the proposed response to public spaces and landscape design is acceptable and in compliance with Policy Des 8.

Open space and landscaping:

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.

All of the seven ground floor flats have direct access to small private outdoor gardens. The affordable and BTR buildings have more than 10sqm of communal garden space per flat as per LDP Policy Hou 3. Additionally, the affordable and BTR have a communal garden with an area of 352sqm and 246sqm respectively. Furthermore, the student accommodation block has a communal garden of 68 square metres area. Owing to their location in the development, the private communal open spaces benefit from being south and west facing and thus being afforded good levels of sunlight and more than the minimum advised in the Edinburgh Design Guidance.

The place brief states that a principal area of public open space of no less than 1,500 square metres is required to meet a range of uses and activities which was to form a focal point. An illustrative layout plan within the place brief delineates a curved, but direct active travel route from Leith Walk to Halmyre Street with a green open space along its route and at the footpath intersections. This open space extended southwards into the CEC owned former tram depot site.

The proposal is different from that delineated in the place brief master plan drawing. Instead, a principal central public greenspace extending to 426 square metres and separate pockets of secondary public open space is proposed. The combined area of the proposed public green spaces is 654 square metres. Additionally, the wide northern most east-west active travel route is laid out as civic space with raised planters incorporating seating placed within it. The hard and soft landscaped open spaces are suitable for a range of recreational and amenity uses.

Although falling below the size of the public open space indicated in the place brief, the proposed quantity and quality of the proposed soft and hard landscaped public open spaces is acceptable for the number of units proposed within a high density area. The underground attenuation under the central open space would not prohibit its recreational use. Counting all elements of open space within the site including pockets of landscaping and landscape verges, but excluding the active travel routes, the development includes a total of some 653sq.m of greenspace, which equates to 22% of the site. Future residents will also benefit from close proximity to Pilrig Park and Restalrig Railway Path.

Overall, the proposal is acceptable in terms of the level of both communal and private green open space afforded to future residents.

Amenity for Future Occupiers

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 and immediate outlook.

The EDG recommends that no more than 50% of the total units should be single aspect, although it justifies a limited increase in single aspect units for build to rent developments. Of the mainstream flats 25 out of a total of 54 flats (46%) are single aspect and therefore the proposal complies with the EDG. The proportion of single aspect flats is acceptable for a site given the proposal is a high density development which is of a similar character to existing neighbouring developments and is an effective use of an urban site.

Through an amendment made to the application sixteen ground floor flats within the mainstream flatted blocks (12 in the private BTR block and 4 in the affordable block) have been reconfigured to be self-contained dual aspect units with front door access and private gardens. This change achieves a broad the mix of typology of units on the site.

A daylighting and sunlight study has been completed and accompanies the application. To ensure that this assessment can be appropriately evaluated against The Council's planning policy, daylight calculations have been undertaken in accordance with the Edinburgh Design Guidance document published January 2020 utilising the assessment methodologies detailed in the Building Research Establishment Report 'Site Layout Planning for Daylight and Sunlight 'A Guide to Good Practice' 2nd Edition, 2011 (the 'BRE guide').

With regards to daylight for the new development the analysis demonstrates that 361 of the 394 rooms analysed (92%) will meet or exceed the target levels. The remaining 33 rooms fall below the target levels. All rooms in the affordable block pass. There are 5 rooms in the BTR block that are marginal fails, and there are 28 fails in the student accommodation block. The rooms that marginally fail/fail are bedrooms where daylight requirements are less important by the BRE guide, particularly where access to a well daylit living room is available. The results for the three blocks are as follows: For Block A, all 79 rooms assessed (100%) attain direct sky visibility over at least 50% of their floor areas at work top height and therefore fully satisfy the target criteria.

For block B, two hundred and five (205) of the 233 rooms assessed to this property (88%) attain direct sky visibility over at least 50% of their floor areas at work top height and therefore fully satisfy the target criteria. The remaining 28 rooms are bedrooms where daylighting requirements are deemed less important by the BRE guide, particularly where access to a well daylighted living room is available. For block C, seventy-seven (77) of the 82 rooms assessed to this property (94%) attain direct sky visibility over at least 50% of their floor areas at work top height and therefore fully satisfy the target criteria. Three of the remaining five rooms are bedrooms where daylighting requirements are deemed less important by the BRE guide, particularly where access to a well daylighted living room is available. The remaining two rooms attain 41.88% and 49.71% DD which is close to the 50% target. On balance this can be considered comparable with other similar high density schemes in an urban area in Edinburgh.

With regards to overshadowing, the analysis demonstrates that 7 out of 13 of the amenity areas assessed will meet the target criteria for sunlight as at least 50% of their areas will continue to receive at least two hours of direct sunlight on 21 March. The remaining 6 amenity areas fall below the target levels for the spring equinox. These comprise communal gardens, public spaces and private gardens which fall below the target because of their position relative to an existing building immediately to the north and west of the site, which causes an obstruction to the sun during March 21. However, they will pass the target criteria for summer solstice (June 21).

Overall, the results demonstrate that the proposed development achieves a high level of compliance in respect of the prescribed daylight and sunlight targets for new development. There are some impacts, however these are acceptable given the urban nature of the site. The infringement to the Edinburgh Design Guidance for daylight is minor and does not provide reasoned justification to refuse the application.

Neighbouring Occupiers

The application site is near several residential properties. Representations have been made concerning the development's impact on residential amenity. The Daylight and Sunlight Assessment submitted with the application provides analysis on the impact of the proposed development. Vertical Sky Component (VSC) modelling was used on residential properties directly surrounding the site. The Edinburgh Design Guidance requires this to be more than 27 % or 0.8 of the former value of daylight. The EDG goes on to state that the vertical sky method can be measured using more complex methods that are set out in the BRE guide. When there is concern about potential levels of daylight, the Council will refer to the BRE Guide, Site Layout Planning for Daylight and Sunlight ' A Guide to good practice.

Vertical Sky Component (VSC) modelling has been used to demonstrate if there would be any impact from the proposed development on the nearest residential properties. Five surrounding buildings containing residences were identified as requiring assessment for daylight impact: 19 Thorntree Street, 26 Thorntree Street, 111-115 Leith Walk, 123-125 Leith Walk and 125A-129 Leith Walk. The daylight assessment report analysis demonstrates that all of the windows in the Leith Walk residences achieve more than 0.8 times the former value and thus they meet the EDG requirement.

There were 68 existing windows assessed against the vertical sky component criteria. Of the 68 windows, 65 passed the VSC test (96%). The three windows that failed are located to the east of the site at 19 Thorntree Street. Two of the windows that failed serve the same room, along with 5 other windows that pass the VSC test. This room is located on the ground floor of 19 Thorntree Street and is south-facing. It was analysed using the average daylight factor and passed. The remaining and only room which fails the VSC and ADF test is on the first floor (W1). It is the only room in the surrounding context that fails the daylight tests for VSC and ADF. To pass the VSC test the window must retain 80% of its existing daylight. With the proposed development, the window would retain 76% of the existing daylight. Therefore, the window only marginally fails the VSC test (4%). In any case, the window is situated on a gable and according to the Edinburgh Design Guidance gable windows are generally not protected in terms of daylight.

Overall, the surrounding residents will retain good levels of daylight amenity.

Overshadowing assessment was carried out for the rear gardens of No.19 Thorntree Street and Nos.111-115 Leith Walk. The analysis demonstrates that these gardens meet or exceed the BRE target criteria for sunlight because at least 50% of their area receives at least two hours of direct sunlight on 21 March with the proposed development in place.

In terms of privacy, Block A will be 18m to the nearest flats on Leith Walk. Such separation distance is acceptable in a relatively constrained urban environment and is not atypical of the pattern of development in the area. At such distance there would be no significant mutual overlooking of windows in the rear elevation of residential properties within buildings on Leith Walk the windows in the west elevation of block A. Block C will be 13m to the flats at 19 Thorntree Street. However, windows in that block will be at an oblique angle to No.19 Thorntree Street and therefore there will not be direct overlooking. This is considered acceptable in this tight urban context.

At its closest block B would be some 11 metres to the west of the bingo hall building, which potentially could in the future be converted to or redeveloped for residential use. The facing windows of block B have been angled to avoid windows looking directly onto the bingo hall. In these circumstances, the separation distances are acceptable in an urban environment and would not compromise the effective future development of the bingo hall or the land on which it stands.

Overall, the application is acceptable in terms of privacy and overlooking.

Outlook:

In terms of their height, scale, massing and positioning the proposed buildings would not have an unduly dominant impact on existing neighbouring properties or a significant impact on their immediate outlook.

Noise:

A noise impact assessment prepared by RMP Acoustic Consultants has been provided in support of the application. It considers road traffic noise, noise impact of existing business uses in the area to the proposed new uses and, noise impact of the proposed new uses.

Noise from existing sources:

The Agent of Change Principle is now enshrined in section 41A of the 1997 Act where:

"a development that is the subject of an application for planning permission is a noise sensitive development if residents or occupiers of the development are likely to be affected by significant noise from existing activity in the vicinity of the development and requires that the planning authority must, when considering under section 37 whether to grant planning permission for a noise sensitive development subject to conditions, take proper account of whether the development includes sufficient measures to mitigate, minimise or manage the effect of noise between the development and any existing cultural venues or facilities including in particular, but not limited to live music venues or dwellings or businesses in the vicinity of the development, and may not, as a condition of granting planning permission for a noise-sensitive development, impose on a noise source additional costs relating to acoustic design measures to mitigate, minimise or manage the effects of noise".

The NIA has assessed the noise from the existing car workshops operating within the former railway arches to the north and advises that the likely impact would be seen as low.

The adjacent bingo hall has external plant which operates at noise levels likely to impact upon the noise sensitive rooms of the proposed development. The bingo hall plant remains out with the control of the applicant however they are comfortable that a mutual agreement can be reached with the bingo hall that will allow the noise to be suitably attenuated. A planning condition could be imposed to ensure that noise from the plant is attenuated to a level that would not harm the amenity of any of the proposed new residence prior to them being occupied.

The NIA has assessed potential noise breakout from the nearby events venue (Leith Arches) and found that potential entertainment noise levels could impact upon the proposed residential properties. The Leith Arches is open on some nights past 8pm, primarily Thursday to Saturday. It is noted that they offer a venue hire for private events, which includes a full PA system for amplified music but only allow acoustic bands (no drum kits or amplified bass). The report recommends acoustic glazing units and acoustic ventilators as a means to achieve mitigation by means of closed windows to flats on affected elevations of blocks A and B. The council's Environmental Protection Section state that occupants should be able to ventilate their properties without being affected by noise. The applicant has provided an additional supporting letter from RMP Acoustic Consultants who advise that the existing residential properties are likely to be affected by noise as much as the proposed properties. This is particularly pertinent to the affordable housing flats (Block A), which have been relocated within the updated application from the northern boundary and are now 35 metres from the noise source. However, there are existing flats on Leith Walk that are within 15 metres from the Leith Arches noise source and RMP therefore advise that the proposed dwellings will not be more adversely affected by noise than the existing residents due to the increased distance from the venue and the increased noise abatement factored into the modern window and façade design thus advising that the high-level façade, window, and ventilation design should further protect the proposed properties.

The council's Environmental Protection section state that a closed window standard to mitigate noise is not supported by them. Furthermore, they inform that the Council has a number of existing music noise complaints on record from local residents advising that they have been affected by music noise from the Leith Arches venue. Therefore, they are concerned that this development could not only impact upon residential amenity but also further impact upon the Leith Arches operations. However, they accept that as the existing residential properties are closer than the proposed noise sensitive properties, the proposed development should not make the present situation any worse than presently exists. The Planning Authority considers that the proposed acoustic glazed units and acoustic ventilators to achieve mitigation by means of closed windows is the best option to minimise noise impacts from the Leith Arches. Subject to these measures being implemented prior to the first occupation of the flats, the amenity of their occupiers would not be significantly adversely impacted in terms of noise and thereby the proposal complies with Policy Des 5. Subject to the noise mitigation being implemented, the proposal would not prejudice or inhibit the activities of the Leith Arches and thereby would not conflict with part a) of Policy Emp 9.

The existing tram works site compound is located directly to the south of the proposed development. The applicant has confirmed that CEC Estates have indicated that the site will remain in this use until tram construction is complete at which point it will be redeveloped for residential development, thus removing the noise issues of concern which could affect the proposed development the subject of this current application.

The NIA also recommends glazing and ventilation specifications to achieve internal noise limits to mitigate road traffic noise. However, given that surrounding public roads including Leith Walk are urban roads and not major arterial roads/motorway, it would not be reasonable to impose a condition to mitigate traffic noise.

In summary, the proposals will not inhibit existing neighbouring commercial uses and thereby it complies with Policy Emp 9.

Noise from proposed new sources:

The three commercial units on the ground floor of block B are intended for any use within classes 1, 2, 4 and 10. Normal operations associated with Use Classes 1, 2 and 4 would be able to coexist with residences without detriment to amenity. Also, normal operations associated with some uses falling within Use Class 10 premises including exhibition space, library or reading room, would be unlikely to impact upon residential amenity by way of noise. However, noise output from a class 10 day nursery/day centre or place of public worship, may necessitate structural acoustic insulation measures to achieve inaudibility. In the interests of protecting the amenity of neighbours, a condition should be imposed specifying that: (i) a nursery or place of worship will not be operated within any of the commercial units without planning permission being sought and obtained; and, (ii) any other use within class 10 does not commence operation unless and until a noise assessment is submitted for the prior approval of the planning authority and any recommended noise mitigation measures are implemented.

With regards to the proposed amenity block, the NIA recommends mitigation to control noise levels from the gymnasium, the internal plant room and bin store contained within it. This includes recommended ceiling/roof, walls and glazing specifications to ensure that noise from within shall be inaudible within neighbouring noise sensitive properties. Additionally, the NIA recommends mitigation to control noise levels from the proposed air source heat pumps (ASHPs). The recommended noise controls to mitigate noise from the proposed new development alluded to the NIA could be secured by planning conditions.

Air Quality

An air quality statement has been provided which advises that the development will have a negligible impact from the operational phase. Air source heat pumps are also provided for spatial and water heating.

Environmental Protection supports the sustainable measures proposed.

In terms of sustainability and associated air pollution, a combination of air source heat pumps, 10 high-efficiency boilers, wastewater heat recovery, and solar panels have been proposed within the 3 blocks (A, B and C). Environmental Protection states that whilst the inclusion of the sustainable measures is supported by them, they are concerned that gas as an energy source to heat the premises and water is proposed as gas only serves to increase localised air pollution and impacts upon climate change. The proposal complies with the requirements of Policy RS 1 Sustainable Energy and therefore it would not be reasonable for the planning authority to refuse to grant the application on grounds that gas is being proposed as an energy source.

Fumes/Odour

The report on the fumes/odour impact assessment of commercial operations from vehicle repair workshops, coachworks and other commercial operations operating within the railway arches submitted with the application, informs that odour from the existing coachwork operations has the potential to cause significant loss of amenity.

The stacks serving the spray booths/curing ovens are located below the height of the railway arches and thus are likely to be poorly dispersed in some atmospheric conditions. The proposed residential and student accommodation buildings are up to 6-storeys in height and overlook the installations. Emissions of solvents and particles are likely to be sufficiently dilute that health effects are highly unlikely.

The report concludes that the assessment advises that odour from the existing operations is predicted to exceed SEPA's odour benchmark at existing sensitive receptors on the upper floors of some rear-facing elevations on Leith Walk, based on worst-case assumptions regarding current usage and assuming with full-scale operations at both Dunwell Coachworks and RS Coachworks. Predicted odour impacts have been assessed in accordance with the framework proposed by IAQM Guidance. The combined odour impact from both coachworks is predicted to be of moderate adverse significance or less at all new buildings within the proposed development, based on these same pessimistic assumptions. The odour impact from RS Coachworks is predicted to be of slight adverse significance or less at all new buildings within the proposed development.

The assessment highlights that the scheme being assessed in this application (scheme 2), delineates the more sensitive residential areas further from the odour sources and is therefore unlikely to impact upon the amenity of the new residential/student residential properties.

The report concludes that the combined odour impact from both coachworks is predicted to be of negligible significance at all new buildings within the proposed development in terms of the IAQM Guidance, based on actual paint use.

The council's Environmental protection Section do not raise any issue with fumes/odour impact assessment conclusion.

To conclude, the proposal is acceptable in terms of daylight, sunlight, privacy, air quality and odour impacts. Subject to the recommended controls to mitigate the impact of noise, the proposal is also acceptable in terms of noise impact and existing and proposed residence will be afforded adequate residential amenity. Therefore, the proposal complies with criteria a) of policy Des 5.

Contaminated Land

The site has been in use/past use for commercial and industrial uses for a significant time. These uses have the potential to contaminate the site. Site contamination and ground gas information has been provided in support of the application.

Should the application be granted, a condition is recommended to ensure that the site is made safe for the proposed end use.

Transport:

Access

LDP Policies Tra 2 (Private Car Parking) and Tra 3 (Private Cycle Parking) set out the requirement for private car and cycle parking. The Council's Parking Standards for developments are contained in the Edinburgh Design Guidance.

A Transport Assessment (TA) has been submitted in support of the application. This has been assessed by transport officers and is considered an acceptable reflection of the estimated traffic generated by the development. Most of the trips to be generated by the development are by sustainable transport (walking, cycling and public transport).

The principal vehicular access to the site is from Halmyre Street at a point on the eastern boundary of the site. In terms of traffic generation, when considered against the potential traffic generated if all the existing uses were full occupied, then the proposal would result in no net increase in traffic.

Swept path analysis has been provided to demonstrate that a refuse vehicle can access and manoeuvre within the site. Discussions have taken place with Waste Services, and they are content with the detail provided, subject to some minor alterations. These can be adequately dealt with through the quality audit and Road Construction Consent process. The geometry of the movement route through the site is such that along its length pedestrians and cyclists can pass alongside stationary refuse and service vehicles.

Except for the vehicular access to the substation at a point on the southern end of the western boundary of the site, the framework drawings contained within the place brief delineates closure of the vehicular accesses off Leith Walk and the redetermination of these accesses as pedestrian and cycle accesses to east-west orientated active travel routes bisecting the place brief site.

In this application it is proposed that access for pedestrian and cyclists to/from Leith Walk would be from the existing lane located at a point near to the northern end of the western boundary of the site, which is to the immediate north of the two-storey building at 117 Leith Walk, the ground floor unit of which is presently occupied by Domino's Pizza.

There is an existing vehicular and pedestrian access to the site located to the immediate south of the building occupied by the NHS at No.139 Leith Walk. It is presently used by vehicles accessing/egressing the NHS car park and by pedestrians accessing/egressing the rear entrance to the NHS property at No.139. The access is not wide enough for two-way movement of vehicles. Due to the restricted width of the access and the existing retaining wall along the southern edge of the site, there is no scope to reconfigure the access to achieve a segregated vehicular carriageway and footpath/cycleway. There is an existing metal barrier separating vehicles from pedestrians.

The NHS have an irredeemable legal servitude right of use of the access to their car park and rear of their building. Owing to the tram line extension along Leith Walk to Newhaven, the access will at some point be altered to a left in / left out junction. In this application, a vehicle access to the NHS car park from Halmyre Street north is proposed from a pend within the student accommodation block. If that pend is formed it will provide an alternative access to the NHS car park from the east from Halmyre Street.

However, the NHS confirm that they are not agreeable to relinquish the servitude and that they wish to continue to access their car park via the Leith Walk access. The applicant has title to the majority of the NHS car park and the proposal includes its reconfiguration, which will result in a reduction in the number of car parking spaces within it from the current 92 spaces to 31. The proposal does not include access to the NHS car park via the proposed pend, but instead, the access off Leith Walk to the NHS car park is retained and shall be shared with pedestrians and cyclists accessing/egressing the site. If pedestrians and cyclists choose to use the existing car park access their desire route would be in an east-west orientation along the southern edge of the car park off/onto the north-south active travel route at a point in the south east corner of the car park.

Raised moveable planters are to be positioned along the south side of the car part to provide a barrier separating the pedestrian/cyclist movement route from parking spaces within the car park. The Roads Authority do not object to the continued shared use by vehicles, pedestrians and cyclists of the existing NHS car park access.

Given that a vehicular pend through the student accommodation is included in the application, if formed it would provide an alternative access to/from the NHS car park to/from Halmyre Street should the NHS or future occupier of it reconfigure the layout of the car park.

At a future date if the NHS relinquish their servitude or if title to and servitude access to the car park is transferred to a new owner and the new owner relinquish the servitude, a redetermination order could be made to close the Leith Walk access to vehicles and for it to continue use solely for pedestrians and cyclists.

To conclude, the proposed development has been designed to ensure east-west and north-south active travel routes connections as envisaged by the place brief. A principal defined east-west active travel route is proposed from 'Domino Lane'. However, the existing NHS access will not be promoted as an active travel route at this stage due to its continuous use as a private access. The proposal safeguards the future repurposing of the NHS car park access as an east west active travel route.

Car Parking

The EUDP questioned the retention of the existing NHS car park and suggested that it could be repurposed as green open space. However, the NHS have title to a large proportion of the car park and they confirm that they wish to retain it as a car park. The reconfiguration of the car park will result in the reduction of parking spaces and the provision of four electric vehicle charging points within it.

The proposed moveable raised planters will reduce the visual effect of the car park.

Regarding car parking for the proposed new build development the 2017 parking standards contain no minimum amounts. The standards allow for a maximum of 57 parking spaces for the proposed residential flats in zone 1.

A total of six parking spaces are proposed, adjacent to the Halmyre Street Access, and these are all disable parking bays equipped for electric vehicle charging.

Applications should include reasoned justification for the proposed parking provision. In the Transport Statement (TA) it is stated that the proposed development would have direct links to walking and cycling networks given that it links directly to the existing footways on Leith Walk and Halmyre Street, which in turn link with footways and footpaths on the wider network and will link to cycleways on Leith Walk once construction works on the Edinburgh Tram extension is complete. Access to bus stops and tram stops is available near to the proposed development on Leith Walk.

The TA contains information relating to 2011 census data for car ownership. The data showed that car ownership in the area was around 0.38 cars per household. Car ownership in the proposed development could be expected to be lower than that given the relatively few car parking spaces that are proposed, the opening of the Edinburgh tram extension and the incorporation of Halmyre Street (and the proposed development) in the extension of the Controlled Parking Zone. The census data shows that that fewer than one in five residents of the homes in Halmyre Street drive to their place of work or study.

The site is within an established mixed-use neighbourhood that is well connected to public transport and with excellent access to walking and cycling networks. The site location meets with sustainable transport requirements at both local and national policies relative to major travel generating developments.

The proposed development integrates well with the existing transport networks in the Leith area and there will be no detrimental traffic or transport impacts. Limiting vehicle activity within the site will help create a safe environment for pedestrians and cyclists.

The proposed low parking level is considered acceptable in the light of the current works to complete the tram line to Newhaven and the progression of a controlled parking zone for the area, anticipated spring 2023.

In summary, the site is within an accessible location with very good access to public transport. Based on the justification provided, the proposed low level of car parking is considered acceptable at this location. The proposal promotes active travel over private car use.

Cycle Parking

LDP Policy Tra 3 (Private Cycle Parking) requires that cycle parking and storage within the development complies with Council guidance.

The place brief states that cycle storage should be integrated within the buildings. Four cycle stores are proposed. Three are integrated into Blocks A, B and C and one is detached, which is the communal cycle storage for the student accommodation block.

In terms of total numbers, the proposal delivers 100% cycle parking requirement for each block. A mixture of two-tier, single-tier and non-standard cycle spaces are proposed. Visitor spaces are also proposed near to both the Leith Walk and Halmyre Street accesses. In total, there are 366 cycle parking spaces, 16 of which are for visitors. All the cycle parking for the future residents is in an enclosed store which is secure and dry. A full breakdown of the cycle parking is detailed in the background section of this report. Due to the number of cycle parking spaces required, and the relatively limited footprint of the development, the spaces are provided predominantly in two tier storage racks. This aspect of the proposals does not accord with the Edinburgh Street Design Guidance Factsheet C7 Cycle Parking, which requires a maximum of 50% of provision to be in the form of two tier racks. If the guidance was met in full it would result in the loss of family properties on the ground floor of Block A and Block C. In this particular circumstance and given the high density of this development it is considered that the proposed provision is an acceptable compromise to maintain adequate active frontage.

The Roads Authority has raised no concern in relation to road safety or cycle parking provision. Given that there are no on street parking spaces proposed, it is not considered appropriate to require the siting of a car club vehicle at this site. Nearby car club spaces are available at two neighbouring sites.

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

Archaeology:

LDP Policy Env 8 (Protection of Important Remains) and Policy Env 9 (Development of Sites of Archaeological Significance) seek to protect archaeological remains from being adversely impacted from development.

The City Archaeologist has been consulted on the proposals and has referred to the site as being of significant archaeological interest. The development will require significant ground breaking works which will have a significant impact upon the site's archaeological heritage. Given the significant archaeological resources expected to occur across the proposed development site, it is essential that if permission is granted that a programme of archaeological excavation is undertaken in order to fully excavate and record any significant remains occurring on this site. Additionally, the proposals will see the demolition of a warehouse building on the site. The building may contain elements of earlier 19th century structures. Accordingly, if permission is granted it is essential that a detailed historic building survey is undertaken prior to and during demolition/strip out works of the building.

It is recommended that a condition is attached to any permission seeking a programme of archaeological works including appropriate historic building recording.

Water Management

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

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

The site is not identified on SEPA's flood maps as being at risk of flooding but a Surface Water Management Plan (SWMP) has been submitted and this includes a drainage strategy.

Proposed sustainable urban drainage (SUDs) includes a combination of surface water drains, filter trenches, a deep SUDs trench, porous paving and an underground cellular water storage tank positioned under the public open space between blocks B and C. The outflow will be to the existing Scottish Water combined sewer which crosses the site. All surface water drains, filter trenches, porous paving and the cellular storage tank will remain private and will be maintained by the site owner.

The proposed SUDs scheme is considered an acceptable drainage solution for a high density development on a brownfield site located in an urban environment. The applicant has provided the relevant flood risk assessment and surface water management information for the site as part of the self-certification (with third party verification) process. The Council's Flood Planning officers have reviewed the drainage strategy and does not raise any concerns.

Scottish Water has not objected to the application. The development will be required to go through a separate statutory regime in terms of connection to Scottish Water assets, including connecting to sewars.

Education:

LDP Policy Del 1 - Developer Contributions and Infrastructure Delivery requires that development proposals contribute towards infrastructure provision where relevant and necessary to mitigate any negative additional impact of development. In August 2018 the Council approved draft Supplementary Guidance on Developer Contributions and Infrastructure Delivery.

Residential development is required to contribute towards the cost of education infrastructure to ensure that the cumulative impact of development can be mitigated. This site falls within Sub-Area LT-1 of the 'Leith Trinity Education Contribution Zone'.

There is capacity at the primary school but the developer is required to contribute towards additional secondary school places.

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed. The following contribution is required:

£175,275 infrastructure contribution (41 flats x per unit rate of £4,274) for addition secondary places - Quarter 4 2017 valuation subject to indexation).

Healthcare:

The application site is not located within a Health Care Contribution Zone and there are no identified health care actions in this area. No contribution towards health care is sought.

Transport:

The Roads Authority was consulted and raised no objections, subject to the following developer contributions for the following infrastructure works. The contribution is based on the proposed residential and student accommodation units: -

Edinburgh Tram (Zone 1) - a total of £297,44 (£117,147 for 54 residential units and £180,298 for 230 student accommodation units.)

The Roads Authority recommend that in support of the Council City Mobility plan policy, the applicant should make a financial contribution towards the provision of car club vehicles in the area. The nearest car club provision is Springfield Street, within a relatively short walk of the application site.

An informative for the provision within the area of car club space(s) is recommended.

Given the proposed low parking provision and future controlled parking zone, contributions towards junction improvements and other transport infrastructure are not considered appropriate, other than towards the tram.

A S75 legal agreement is recommended as the suitable method of securing the above stated contribution and ensuring the scheme complies with policy Del 1.

Ecology:

A preliminary ecological survey (ES) was undertaken. It concludes that overall, the site is assessed as providing low suitability to support protected species and no evidence of protected species was identified during the survey. The existing warehouse building provides few opportunities for roosting bats. Overall, the building is assessed as providing negligible roost potential for bat species and no further surveys are recommended. The ES recommends modest post-construction ecological enhancements at the site including bird nesting boxes, bat boxes, swift boxes, bee posts/towers to be placed within the site or incorporated into any new building(s) where possible etc. If planning permission is granted it is recommended that an informative for the provision of these within the development be included.

Waste:

Policy Des 5 Development Design - Amenity requires refuse and recycling facilities to be integrated into the design.

A bin store has been provided for each of the three residential blocks. The layout of the development delineates a direct and unobstructed access for refuse storage and collection vehicles to/from the bin stores. Waste Services does not raise a concern with the proposal and the proposal complies with Policy Des 5.

Conclusion in relation to the Development Plan

On the whole, the proposals are in accordance with the development Plan and associated guidance. The proposals are an acceptable design, scale, height and density are appropriate for the location and there will be an acceptable level of amenity achieved. Access arrangements and the levels of car and cycle parking is acceptable as are the proposed landscaping, surface water, sustainability and waste and recycling arrangements. There are no material considerations which outweigh the proposals accordance with the Development Plan.

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

The following material planning considerations have been identified:

Leith Walk/Halmyre St Place Brief

The high level principles/key parameters set down in the Place Brief to guide the redevelopment of the Place Brief site are as follows:

- The vehicular access should be off Halmyre Street East. The vehicular route should be a loop road suitable for refuse vehicle and emergency vehicle access to each of the separate development parcels of the Place Brief (the CEC land, the reconfigured NHS car park and the Mecca Bingo site).
- Other than the substation service vehicle access, there should be no vehicular access to the site off Leith Walk, including to the NHS car park or the CEC site. The existing vehicular accesses to the NHS car park and CEC site off Leith Walk should be closed once the new access to them from Halmyre Street East is formed.

- Development should enable two active travel cycle and pedestrian accesses off Leith Walk comprising: (i) a primary east-west orientated active travel route from a point immediately south of the listed ticket office (in lieu of the existing access to the NHS car park) connecting to the Halmyre Street East access; and, (ii) A secondary east-west orientated active travel route connecting `Domino Lane to Thorntree Street.
- There should be a continuous north-south DDA compliant active travel route connecting Manderson Street (via the pend through the arch) to Halmyre Street South.
- The highest building on the site should not exceed the eaves height of the existing neighbouring four storey Victorian tenements on Thorntree Street.
- There should be comprehensive, integrated green and blue above ground sustainable urban drainage (SUDs) scheme as part of a coordinated landscape strategy for the Place brief site. Surface water management will require agreement on an area-wide solution spanning separate land ownerships.
- The principal public open space should abut one or more principal routes for active travel. It should be well-overlooked with active frontages, and receive good levels of sunlight. Proposed positioning of the principal public open space in the north west corner of the site, to the rear of properties on Leith Walk, is not acceptable. If bordering the abovementioned principal east-west active travel route, the open space should extend south into the CEC land, accommodating any change in level, all as delineated on the development framework plan within the Place Brief.

The proposals compliance with the place brief is addressed within this report. There are areas of non-compliance, however they are considered to be acceptable.

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.

LDP Policy Des 6 (Sustainable Buildings) requires that developments can demonstrate that the current carbon dioxide emission reduction targets are met (including at least half of the target being met through the use of low and zero carbon generating technologies) and that other sustainable features are included in the proposals. The buildings meet the carbon dioxide reduction targets set out in Section 6 (Energy) and Section 7 (Sustainability) of the current Scottish Building Regulations through a combination of energy efficiency and low or zero carbon technology. Thereby, the proposal is in accordance with LDP Policy Des 6.

Emerging policy context

The Revised Draft National Planning Framework 4 was approved by the Scottish Parliament on 11 January 2023 to proceed to adoption. On adoption the Revised Draft NPF 4 (2022) will form part of the Council's Development Plan, but at present it just remains a significant material consideration rather than it forming part of the development plan. As adoption of the Revised Draft NPF 4 (2022) is understood to be imminent, and it is now the settled position of Scottish Ministers and the Scottish Parliament, it requires to be given significant weight. Revised Draft NPF 4 (2022) lists various policy provisions under the themes of Sustainable Places, Liveable Places and Productive Places.

Policy 1 of the Draft NPF 4 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions.

In conclusion, the proposed development is considered to broadly comply with the provisions of NPF 4 and there is not considered to be any significant issues of conflict.

City Plan 2030

On 30 November 2022 the Planning Committee approved the Schedule 4 summaries and responses to Representations made, to be submitted with the Proposed City Plan 2030 and its supporting documents for Examination in terms of Section 19 of the Town and Country Planning (Scotland) Act 1997. At this time 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. The following impacts have been identified through the assessment:

- Noise issues will be mitigated with the proposed mitigation measures.
- A range of types of residential units are proposed including ground floor flats.
- The only proposed new parking spaces is 6 disabled spaces in recognition that there may a need for disabled people to have access to a car.
- The proposed development does not prohibit barrier free active travel to the adjacent land within the place brief site.

In conclusion, there will be no negative impacts in terms of equalities.

Public representations

A summary of the representations is provided below:

These issues have been addressed above in sections relating to impact on heritage, principle of uses, design, amenity, neighbouring occupiers, transport and archaeology.

A total of 175 public representations were received to scheme 1 and 2, of which 172 are in objection, 2 are neutral and 1 is supportive towards the application.

material considerations - objections

Built Heritage

- Design of buildings detract from Leith Conservation Area.

Principle of uses/development

- The city is being developed for tourists at the expense of permanent residents. - The proposed development does not include a hotel or short term let accommodation.
- The development should include community uses and be community led and minded. - The application stands to be determined as submitted. It would not be reasonable for the planning authority to insist that the applicant be a community led body.
- More green spaces, GP surgeries and nurseries are needed.

Place Brief

- Contrary to key principles of the approved Halmyre Street place brief.
- Lack of co-ordination with rest of Halmyre place brief site which the planning application site forms an integral part of.

Mainstream Housing

- Proposal does not address shortage in affordable mainstream rented accommodation in the city. - There is a need for all types and tenures of residential property within the city. The proposal includes 54 mainstream residential units for rent.
- Insufficient quantity of affordable homes proposed. - 27 affordable units (50% of the total) are proposed. These are all for social rent managed by an RSL. Social rent is the highest priority affordable tenure type.
- Narrow mix of residential unit types, absence of homes for disabled, elderly and others with special needs.
- All of the development should comprise affordable housing.
- Loss of land for businesses and insufficient flexible commercial/small business spaces proposed within the scheme.
- Affordable block is not tenure blind in terms of location, design, level of amenity afforded to it.
- A portion of the development should be for use as an indoor market or for small business units. - The place brief does not necessitate the provision of an indoor market.

Student Housing

- Proposed mix of uses would not create a balanced, sustainable community. More family housing needed for low and medium income families. Does not meet a range of housing needs including housing for elderly and people with special needs. There is a need for sheltered housing and not student housing. - The proposal includes mainstream and affordable housing, including units suitable for occupation by families.
- Concern about a transient community and that student accommodation will be utilized as short term lets out with term times.
- Concerns about built to rent model. - The Council do not have a policy presuming against built to rent properties.
- The student accommodation block does not fully address the shortage of student accommodation as it is aimed predominantly at first year students. After the first year students have to find accommodation within mainstream flats. - There is a need for all types of housing across the city.
- Students don't contribute to the area.
- The site is too far from universities for the student accommodation to be sustainable.

Design matters

- Does not adhere to Secured by Design principles.
- Security concern of commercial units within railway arches being adjacent to a proposed active travel route and the consequent need for those commercial units to introduce intrusive/unsightly security measures.
- No details of fencing and enclosures submitted. - Sufficient details of boundary treatments is delineated/specified on submitted landscape drawings.
- No chimneys are delineated.
- Buildings too high, harmful to the Conservation Area.
- Use of fibre cement panels facing existing residential properties would exacerbate the intrusive impact of the building.
- The architecture of the proposed buildings is unattractive and inappropriate to its context
- Density, and scale and massing of the buildings does not respect dominant urban grain, which is four-storey Victorian tenement perimeter block.
- Safety concerns of sunken rain gardens, including risk of falling into them.
- Insufficient quantity and quality of open space proposed.
- Loss of green space.
- An orchard should be planted between the new buildings.

Transportation

- Lack of accessible parking, including for disabled people.
- Internal road infrastructure does not permit adequate drop off points.
- Insufficient quantity of car parking causing parking displacement onto neighbouring streets and resultant parking congestion.
- Pedestrian and road safety concerns.
- Cycle parking should be integral to the buildings and not detached.
- No details of cycle storage has been submitted.

- There is a need for short stay and long stay car parking in the area. Acknowledged that a low parking development is acceptable given the site's accessible location.
- Lack of electric vehicle charging points.
- Insufficient infrastructure to meet needs of student e.g., public transport to access campuses on the periphery of the city.
- The proposal will hinder vehicular access to an existing properties.

Sustainability

- The application is contrary to the Edinburgh Local Development Policy Des 6 Sustainable Buildings as it has not 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.
- Does not address the climate emergency in terms of renewable construction materials.
- No heat pumps or green energy recovery systems are proposed.

Infrastructure

- Inadequate school, healthcare and utilities.
- Lack of infrastructure to support proposal.

Amenity

- Impact of sunlight and daylight to existing properties.
- Inaccurate and unreliable technical data.
- Discrepancies between application drawings.
- Noise nuisance both to the existing and proposed residents.
- Potential adverse impact on the operation of existing businesses.
- Impact on amenity from fumes.
- Does not meet Secure by Design standard.
- Anti-social behaviour from students.
- Impact of overlooking to existing properties.

Other matters

- Archaeological evaluation of site has not been carried out.
- The location of lower level windows in 129 Leith Walk should be delineated on a section drawing.

Non-Material considerations:

- PDSA flats are unduly expensive to rent.
- Developers profits before the needs of the community.
- Concerns about structural damage to neighbouring buildings from bore testing carried out on the site and future piling foundations of the proposed buildings.
- There should be a clause in the lease of the units that residents don't have cars.
- Loss of music venues across the city owing to noise complaints.
- Too much development happening in Leith.
- Impact on local business of tram works and associated bus route diversions.

- Concerns about risk to human health from asbestos contamination during demolition of the existing former warehouse on the site. - Not relevant to planning, this is a matter controlled by Building Standards.
- Superfluous amount of student accommodation in the area, contributing to rising property prices in the city. - purpose built student accommodation reduces the demand from students for tenancies of mainstream residential properties, that otherwise could be let to non-students or sold/bought as mainstream residences.
- Existing problems of antisocial behaviour taking place under the archways on Manderston Street
- Title to land a legal right to access the site, including via the archway at 20 Manderston Street, and to develop land contained within the site.
- Public health concern about risk of asbestos contamination during the demolition of warehouse building.
- The site should be developed for Council housing and useable public open space.
- No need for student housing in Leith.
- Loss of land at Leith shore.
- Students don't pay Council tax.
- Concerns about existing roads and pavements not being maintained.
- residential property prices in Leith.

Support comments:

- Landscape architecture is well-considered.
- The architecture distribution and composition are well-considered and developed except for the affordable block which is bland.
- The proposed development closely aligns with the high-level principles and objectives set out in the place brief.

Community Council

Leith Central Community Council (LCCC), Leith Harbour and Newhaven Community Council (LHNCC) and Leith Links Community Council (LLCC) made the following comments on the proposal. These issues have been addressed above in sections relating to impact on heritage, principle of uses, design, amenity, neighbouring occupiers, transport and archaeology:

- Conflicts with the key principles of the Halmyre Place Brief.
- Proportion of student accommodation not compliant with Student Accommodation SG and would create an unbalanced community.
- Buildings out of scale with surrounding area and not the traditional four-storey tenements in the locality.
- Inadequate public space.
- Scheme feels unsafe
- Does not offer small flexible business space.
- Would prejudice continued operation of existing businesses.
- Lack of street frontages onto movement routes and public open spaces.
- Cycle stores should be integral to buildings and not detached.
- Potential noise nuisance to existing residence.
- Concern about impact of odours and fumes from existing businesses.
- Inadequate sunlight and daylight afforded to new residences

- Harmful impact on sunlight and daylight of existing properties.
- Sunken attenuation gardens are a health and safety risk.
- Insufficient quantity and lack of quality of private open space.
- Layout does not follow Secure by Design principles.
- Affordable block is not tenure blind.
- Inadequate parking for disabled people and inadequate drop off points.
- Health and safety concerns with the demolition of the existing modern warehouse.
- Application is incomplete with missing drawings and has conflicting information within drawings and on documents.
- Development does not demonstrate coordination with the rest of the place brief site.
- Fails to consider the concerns raised by the EUDP.
- Contrary to LDP policies Des 1, Des 2, Des 4, Des 5, Hou 2, Hou 10, and the Edinburgh Design Guidance.
- Would not relate or contribute towards a sense of place.
- location of 3 commercial units not alongside primary active travel route will result in them failing.
- impact of odours from existing ventilation flues and any proposed ventilation flues has not been demonstrated.
- Does not have safe public spaces. No detail of public lighting has been provided.
- public spaces will be overshadowed owing to building heights.
- Building layout and design not respectful of existing urban grain.
- Overlooking to existing neighbouring residential properties.
- It has not been demonstrated how the current carbon dioxide emissions reduction target would be met.
- No chimneys are proposed.
- A police report has not been provided.
- Communal facilities associated with the students accommodation is pinched.

Conclusion in relation to identified material considerations

The proposed development does not raise any concerns with regards to equalities or human rights issues and the proposal complies with the SPP Sustainability Principles. The material considerations do not raise any matters which would result in recommending the application for refusal. Therefore, the application should be granted.

Overall conclusion

The proposals comply with sections 59 and 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act in respect of its impacts on setting of listed buildings and Leith Conservation Area.

The proposals do not fully adhere to the parameters of the place brief, including in relation to the location of the principal east-west active travel route, the maximum height of the highest building, and location and quantum of open space envisaged. Site constraints and matters relating to title of land and servitude access rights have prevented adherence to some of the parameters of the place brief. Other deviations from the parameters of the place brief, including the maximum building height, are not significant departures.

The proposals will deliver a mixture of purpose-built student accommodation, mainstream housing including affordable units and commercial units on a site which has a number of constraints. The proposals are an acceptable density, scale, height, proportion, architectural form and materials and are appropriate for the location. The residential amenity aspects of the development are acceptable. Access arrangements and the levels of car and cycle parking is acceptable and the proposals will encourage active and sustainable transport use. Also, the proposed landscaping, surface water, sustainability and waste collection arrangements are acceptable. Overall, the scheme represents the good use of brownfield land. Though it infringes certain aspects of non-statutory guidance regarding the proportion of student housing, neighbouring daylighting, proportion of two-tier cycle racks, the extent of the infringements is limited and given the site constraints and urban landscape suitable for high density development, it is considered that the infringements do not provide reasoned justification to refuse the application. Overall, the proposals will contribute to the regeneration of the wider area and are acceptable subject to conditions.

There are no other material considerations which outweigh this conclusion.

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. Prior to the commencement of development, a phasing plan and phasing schedule shall be submitted to and approved in writing by the Planning Authority. The phasing schedule shall include the construction of each phase of development, the provision of affordable housing, the provision of open space, SUDS, landscaping, public realm and historical interpretation work, and transportation infrastructure including vehicular and cycle parking. Development shall be carried out in accordance with the approved phasing unless agreed in writing with the Planning Authority.
3. Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out by the applicant 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.

4. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before above ground work is commenced on site. A full size sample panel(s) of no less than 1.5m x 1.5m of all facade components should be erected at a location agreed with the Planning Authority.
5. No demolition/development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (historic building survey, excavation, public engagement, interpretation, analysis & reporting and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
6. The approved soft landscaping scheme shall be fully implemented within the first planting season of the completion of the development. All planting carried out on site shall be maintained by the developer to the satisfaction of the Planning Authority for a period of 5 years from the date of planting. Within that period any plants which are dead, damaged, missing, diseased or fail to establish shall be replaced annually with others of a size and species similar to those originally required to be planted, or in accordance with such other scheme, as may be submitted to and approved in writing by the Planning Authority.

Notwithstanding that delineated on landscape drawings the development shall not begin until details of the location and design of bollards and other measures to be taken to make accesses and areas of public realm within the site unsuitable for motor vehicle use, has been submitted to and approved in writing by the Planning Authority.

7. The approved drainage arrangement and SUDs provision shall be implemented prior to first occupation.
8. The 10 car parking spaces (6 accessible & 4 NHS parking spaces) as shown on drawing number 1659 / 11 Rev D and dated 9/12/22 which include electric charging points, shall be served by a minimum of four 13- amp 3Kw (external three pin-plug) with capacity in mains for 32 - amp 7Kw electric vehicle charging sockets (or as otherwise agreed with the Planning Authority). They shall be installed and made operational in full prior to the development being occupied. There shall be no variation therefrom unless with the prior written approval of the planning authority.
9. The proposed commercial units contained within the ground floor of block B as delineated on drawing No.2344_313 Rev D, shall only be used for uses within Classes 1, 2, 4, or, except a day nursery/day centre or a place of public worship any other use within Class 10 of the Town and Country Planning (General Permitted Development) (Scotland) Order 1992 subject to the following restrictions:

- (i) Notwithstanding the provisions of The Town and Country Planning (General Permitted Development) (Scotland) Order 1992, or any Order amending, revoking or re-enacting that Order, planning permission has been sought and obtained for the use of or change of use to any of the 3 commercial units to a nursery/day centre or a place of public worship;
- (ii) Prior to occupation of any of the commercial units for any use within Class 10 of the above stated Order except as a day nursery/day centre or place of worship, the planning authority shall be provided with a written statement detailing the proposed operations and the potential of those operations to cause noise disturbance to occupiers of nearby existing and proposed residential properties. The planning authority shall then identify in writing whether a full noise impact assessment will be required to ensure nearby residential amenity is protected. Any noise assessment should, if required, specify mitigation measures designed to protect residential amenity and the class 10 use must not commence prior to any proposed mitigation measures being implemented and evidence has been submitted to and approved by the planning authority demonstrating that the mitigation measures have been implemented in full.
10. The noise mitigation measure specified in the technical report R-9248-EK2-RGM, dated 7 October 2022, to control noise breakout from the gymnasium, internal plant and the bin stores hereby approved, shall be implemented in full prior to them first coming into use.
11. No residential unit within the affordable block (block A) and student accommodation block (block B) hereby approved shall be occupied until noise emissions from the external plant of the neighbouring bingo hall building at 24 Manderston Street, has been attenuated to achieve NR25 noise levels within the residences in those residential blocks. The noise attenuation shall be taken with the windows in the residences closed. There shall be no variation therefrom unless with the prior written approval of the planning authority.
12. Prior to the first occupation of the proposed residential units within the affordable block (block A) and the student accommodation block (block B) hereby approved, glazing units with a minimum insulation value of R_w 45 dB or R_w+C_{tr} 40 dB q , and acoustic ventilators providing a minimum acoustic rating $D_{n,e,w}$ 51 dB, shall be installed for the external doors and windows of the bedrooms and living rooms of the flats on the affected block A and block B facades highlighted in Appendix B in the RPM Acoustic Noise Impact Assessment report, dated November 2022.
13. Noise emissions from all plant, including the air source heat pump system, shall achieve NR25 within the nearest residential property. Prior to the first occupation of any residence hereby approved, details of the acoustic attenuation measures to be implemented to achieve the stated acoustic attenuation shall be submitted for the prior written approval of the planning authority.

14. No residential units within the affordable block (block A) and the student accommodation block (block B) shall be occupied unless and until the moveable raised specimen tree/shrub planters to be sited within the reconfigured NHS car park, as delineated on the docketed drawing Nos.1659/10 Rev D and 1659/11 Rev D, have been sited and the soft landscaping within them planted. Thereafter they shall be retained in the positions delineated on the abovementioned drawings unless otherwise approved in writing by the planning authority. There shall be no variation therefrom unless with the prior written approval of the Planning Authority.
15. Notwithstanding that delineated on the approved landscape drawings, the existing granite setts on the site shall be salvaged for reuse within public areas within the site.
16. Notwithstanding that delineated on drawing No. 2344_354, a revised drawing delineating adopted verges extending up to and on the boundary of the application site shall be submitted for the prior written approval of the planning authority.

Reasons

1. To accord with Section 58 of the Town and Country Planning (Scotland) Act 1997.
2. To ensure that the development is implemented in a manner which mitigates the impact of the development process on existing land users and the future occupants of the development.
3. In order to protect the development's occupants and human health.
4. In order to enable the Planning Authority to consider this/these matter/s in detail.
5. In order to safeguard the interests of archaeological heritage.
6. In order to ensure that a high standard of landscaping is achieved, appropriate to the location of the site.
7. To ensure the required infrastructure is in place.
8. In the interests of sustainable travel.
9. In the interests of amenity of existing and future neighbouring residential properties.
10. In the interests of safeguarding residential amenity.
11. In the interests of safeguarding residential amenity.
12. In the interests of safeguarding residential amenity.

13. In the interests of safeguarding residential amenity.
14. In the interests of ensuring satisfactory landscaping of the car park, in the interests of the residential amenity of the future residents of Blocks A and B, and safeguarding the character and visual amenity of the area.
15. To ensure the incorporation within the development of existing features that make a valuable contribution to the character and visual amenity of the area.
16. To ensure that the shared surfaces/cycleways/footways within the site can in the future be extended over the verges and link to future shared surface/road/cycleway/footway connections within the adjoining land, thereby ensuring co-ordinated development in compliance with adopted Edinburgh Local Development Plan Policy Des 2 (Co-ordinated Development).

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement relating to education, affordable housing and transportation has been concluded and signed. The legal agreement shall include the following:
 - a. Education - £175,275;
 - c. Affordable Housing - 25% of the total number of mainstream residential units proposed should be affordable housing in accordance with Council policy;
 - c. Transportation - £297,44.

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. 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 applicant should contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary.
5. The applicant should contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed.

6. The applicant should note that any requirement for a stopping up order for the site must be raised with the Council as soon as possible. The applicant should be advised that the successful progression of such Orders is subject to statutory consultation and advertisement and cannot be guaranteed.
7. All accesses must be open for use by the public in terms of the statutory definition of 'road' and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification.
8. The applicant should note that the Council will not accept maintenance responsibility for underground water storage / attenuation.
9. A Quality Audit, as set out in Designing Streets, should be submitted to the Council, as Roads Authority, prior to the grant of Road Construction Consent.
10. The applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport.
11. The applicant should note that new road names will be required for the development and this should be discussed with the Council's Street Naming and Numbering Team at an early opportunity.
12. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property.
13. Any gate or doors must open inwards onto the property and not onto adopted footway or road.
14. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard BS 8300-2:2018 as approved.

15. In order to encourage wildlife into the site bat and swallow nesting bricks should be incorporated into the building facades.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 11 April 2022

Drawing Numbers/Scheme

06C, 07A, 08A, 09A, 12D, 13A, 14A, 15A, 16A, 17A,18A, 19A, 20A, 21C, 22A, 23A, 24A, 25A, 26A27A, 28A, 29A, 44B, 49B, 53A, 54A, 55A, 62B, 6465, 66, 67, 68, 69, 70, 71, 72

Scheme 2

David Givan
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Adam Thomson, Planning Officer
E-mail:adam.thomson@edinburgh.gov.uk

Appendix 1

Summary of Consultation Responses

NAME: Communities and Families

COMMENT: No objection, a developer contribution is recommended.

DATE: 5 December 2023

NAME: Waste Services

COMMENT: No objection.

DATE: 12 February 2022

NAME: Archaeology Officer

COMMENT: No objection, it is recommended that a developer contribution is secured.

DATE: 5 December 2022

NAME: Housing Regeneration and Development (Affordable Housing)

COMMENT: No objection.

DATE:

NAME: Leith Central Community Council

COMMENT: Objection

DATE: 23 May 2022

NAME: Leith Harbour and Newhaven Community Council

COMMENT: Objection

DATE: 23 May 2022

NAME: Police Scotland

COMMENT: No objection.

DATE: 26 April 2022

NAME: Infrastructure, Structures and Flood Prevention

COMMENT: No objection.

DATE: 25 November 2022

NAME: Environmental Protection

COMMENT: No objection, a condition on site decontamination, and conditions to mitigate noise are recommended.

DATE: 13 December 2022

NAME: Housing Regeneration and Development

COMMENT: No objection.

DATE: 23 November 2022

NAME: Leith Central Community Council

COMMENT: Objection. (scheme 2)

DATE: 8 December 2022

NAME: Transportation Planning

COMMENT: No objection. A developer contribution towards the Tram is recommended and, informatives are recommended.

DATE: 21 December 2022

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

Location Plan



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