

# Development Management Sub-Committee Report

**Report returning to Committee - Wednesday 26 April 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**

**Report Returning to Committee**

At its meeting on 8th February 2023, the Development Management Sub-Committee agreed to continue consideration of application 22/01563/FUL, at land to the east of 139 Leith Walk, to allow for a hearing.

Due to NPF4 being adopted by Scottish Ministers on 13 February 2023, it is now part of the development plan against which these development proposals should be assessed.

## **Recommendations**

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

## **SECTION A – Assessment**

### National Planning Framework 4

NPF4 is now part of the Council's Development Plan. It contains various policy provisions under the themes of Sustainable Places, Liveable Places and Productive Places.

The relevant NPF4 policies to be considered are: 1 (Tackling the Climate and nature crisis), 2 (Climate mitigation and adaptation), 7 (Historic assets and places), 9 (Brownfield, vacant and derelict land), 12 (Zero waste), 13 (Sustainable transport), 14 (Design, quality and place), 15 (Local Living and 20 minute neighbourhoods), 16, (Quality homes), 21 (Play, recreation and sport), 22 (Flood risk and water management), 23 (Health and safety), and 31 (Culture and creativity).

## **SUSTAINABLE PLACES**

Policy 1 gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. It is to be applied together with the other policies in NPF4.

Policy 2 a) supports development proposals that are sited and designed to minimise lifecycle greenhouse gas emissions as far as possible and in 2 b) those that are sited and designed to adapt to current and future risks from climate change.

Policy 9 intends to encourage, promote and facilitate the reuse of brownfield, vacant and derelict land and reuse of empty buildings.

The existing former warehouse building is utilitarian in character and in disrepair. If the building was to recommence in leisure use, such a comprehensive refurbishment to meet modern occupational specification requirements would involve a considerable cost that could not be justified without a significant increase in the rental values, and this would render its reuse unviable in this location. Even if it were, the build performance would preclude optimum air tightness, thermal bridging and use of Air Source Heat Pumps (ASHPs) and Solar/Photovoltaic energy sources.

Apart from the build performance identified above, the form and design of the warehouse building is utilitarian and would not lend itself to conversion to residential use. Owing to its single-storey height it is not an efficient use of the site. Also, new residences would lack high-quality amenity space.

In terms of embodied carbon, the proposed new build option is far more efficient than the existing warehouse building even with gas boilers, albeit efficient boilers, creating less total carbon emissions and targeting an Energy Performance Certificate (EPC) 'A' rating.

The applicant has submitted the sustainability form in support of the application. Part A of the standards is met through the provision of a combination of air source heat pumps, high-efficiency boilers, and wastewater heat recovery. In addition, roof mounted photovoltaic (PV) arrays will facilitate on-site electricity generation. The proposal meets the essential criteria. 50% of the CO<sub>2</sub> reduction target is met through low and zero carbon generating technology and will also be required to meet the approved building regulation in Scotland. 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 meets the essential criteria 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.

An Air Quality Impact Assessment was submitted in support of the planning application and due to the low number of parking spaces proposed and the introduction of electric vehicle charging points, the proposals will not have an adverse impact on the air quality in the surrounding area.

The proposed development is therefore appropriate in terms of sustainability. It includes the replacement of the existing warehouse building, which is poor in terms of current environment standards. It contributes to the spatial principles of 'Compact Urban Growth' and 'Local Living' through the use of a brownfield site for sustainable, energy-efficient housing within an existing community. This will contribute to climate change mitigation in the short and long term.

The proposal meets the current standards set out in the sustainability form.

### *Brownfield, Vacant and Derelict Land and Empty Buildings*

The proposal is for the redevelopment of a brownfield site, part of which is derelict and part of which contains an empty, redundant warehouse building and in its current condition detracts from the character and amenity of the area. The proposed development will be a sustainable, high-density development that will optimise the use of brownfield land. The proposed use of the site will bring biodiversity gains.

### *Zero Waste*

Policy 12 states that development proposals will be supported where existing building materials and salvaged materials are reused in the project.

The applicant informs that steel from the existing warehouse building will be taken off-site and salvaged for either resale or recycling. Existing granite sets to the north east of the site will be salvaged and re-set as per the hard landscape plan accompanying the planning application. Where possible materials have been salvaged to reduce the total volume of site waste.

The Council's Waste Management Services have engaged with the applicant to agree a waste management strategy that ensures the future residents have access to four types of waste and recycling containers in each bin store. This is in line with the Council Waste Management Guidance for Architects and Developers. Dedicated storage for recycling containers will also be provided in each flat dwelling.

### *Sustainable Transport*

Policy 13 supports development proposals which improve, enhance or provide active travel infrastructure.

The site is in an accessible location within easy walking distance to a range of local services and the city centre amenities (approximately 1.7 miles from Princes Street) and has good linkages to public transport. The nearest bus stops are adjacent to the site on Leith Walk and on Easter Road. The Tram line along Leith Walk is scheduled to be open for service in Spring 2023. An informative has been applied recommending the development of a Travel Plan by the applicant to encourage the use of sustainable modes of travel. This is in keeping with the NPF4 principles of connected and healthy places that make moving around easy and reduce car dependency.

Parking is limited to six spaces, all of which will be accessible spaces and be equipped with electric vehicle charging points. Additionally, the number of parking spaces within the NHS car park is to be reduced from 61 to 34 spaces and four of the spaces will be equipped with electric vehicle charging infrastructure. The site is close to both Leith and Leith Walk town centres and the city centre commercial core and will be well served by local public transport, so many local journeys by private car will not be necessary. Also, 366 cycle parking spaces will be provided to encourage active travel. 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 contained in the Background section of the report presented to the Sub Committee on the 8 February 2023. 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.

The proposed low number of car parking, and electric vehicle charging points, will facilitate a transition towards more sustainable, lower emissions travel, including active travel and public transport and will contribute to climate change mitigation in the short and long term.

### ***Conclusion in relation to Climate Mitigation and Adaption***

To conclude, the proposed development will meet the sustainability requirements of Policies 1, 2, 9, 12 and 13 in terms of location on a brownfield site, energy efficiency and sustainable transport.

### **Historic Assets and Places**

Policy 7 aims to protect and enhance historic environment assets and places.

#### ***Setting of Listed Buildings***

There are a number of listed buildings located in close proximity to the application site. These are listed in the Background section of the report presented to the Sub Committee on the 8 February 2023. 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.

#### ***Setting of Conservation Area***

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 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.

### *Archaeological Remains*

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.

## **LIVEABLE PLACES**

### *Design, Quality and Place*

Policy 14 supports development proposals that are designed to improve the quality of an area and are consistent with the six qualities of successful places.

The surrounding area contains a wide mix of building styles. The proposed buildings take their cue from the predominant traditional tenemental form 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 saw-toothed roof form of the student block interprets the industrial part of the site and the wider area. The contemporary style of the buildings reinforces their distinctiveness, and they are complementary in their relationship to the predominant form.

The surrounding area contains a wide mix of building materials. 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. The proposed finishing materials will be complimentary to the existing materials in the area, including that of the traditional tenements.

Due to the multiple land ownership, there is no immediate prospect for the redevelopment of the site in its entirety. However, the 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.

Drawings have been submitted with the application delineating/illustrating how movement routes within the site will be connected to those on adjacent land both within and out with the place brief site and addressing the changes in level across the site, thus making moving around easy and reducing car dependency. The layout therefore achieves the 'connected' quality of a successful place.

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 active travel routes. 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 face onto an active travel route and beyond to the principal public open space. The active travel routes are attractive, through passive surveillance they feel safe and welcoming to use, are convenient, and supports woman's safety.

### *Local Living and Quality Homes*

Policy 15 supports development within existing settlement boundaries and which promotes 20 minute neighbourhoods.

Policy 16 supports development proposals for new homes that improve affordability and choice by being adaptable to changing and diverse needs, and which address identified gaps in provision. This could include, but is not limited to, build to rent; affordable homes, and homes for people undertaking further and higher education.

The proposed uses are sustainable in terms of allowing people to live and stay in their area. The proposal introduces new residential accommodation and commercial space, increasing the density of housing and footfall adjacent to Leith Town Centre and bringing new public open space between Link Links and Pilrig Park. Core services and amenities are located within a 15-minute walk from the site. The location of housing on a prominent and frequented north-south route within the city will support the prioritisation of woman's safety. The provision of a range of typologies of mainstream flats, including ground floor main door flats, lift access to upper floors and affordable flats, allows for the ability to age in place and provides housing diversity, helping to ensure that the homes and wider neighbourhood needs are met.

There is a need for all types of homes in Edinburgh, including student accommodation. The proposed student accommodation use is sustainable in terms of access to local shops, services and facilities, thus helping to contribute to their viability, and will reduce car dependency.

The proposals are in accordance with Policies 15 and 16.

### *Play, Recreation and Sport*

Policy 21 seeks to encourage, promote and facilitate spaces and opportunities for play, recreation and sport.

The combination of green space and public realm proposed will encourage, promote and facilitate opportunities for inclusive, informal and incidental recreation, and for children and young people to play and move around safely, whilst also incorporating blue and green infrastructure.

It is anticipated that families will occupy the buildings and where possible the family properties have been situated on the ground floor with access to private gardens. In addition to the private gardens there are secure communal gardens. Car use is also minimised throughout the site which should contribute to creating a safer environment for children to navigate.

On all of the above counts the open space provision complies with Policy 21.

### *Flood Risk and Water Management*

Policy 22 seeks to strengthen resilience to flood risk by promoting avoidance as a first principle and reducing the vulnerability of existing and future development to flooding.

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.

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 proposed SUDs scheme is considered an acceptable drainage solution for a high density development on a brownfield site located in an urban environment. The proposed SUDs complies with Policy 22.

### *Health and Safety*

Policy 23 seeks to protect people and places from environmental harm, mitigate risks arising from safety hazards and encourage, promote and facilitate development that improves health and wellbeing.

Conditions are recommended to mitigate potential noise from the proposed new commercial units on the ground floor of block B and the from the gymnasium, the internal plant room and bin store contained within the amenity block of the student accommodation.

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.

### ***Conclusion in relation to Liveable Places***

The proposed development is in accordance with Policies 14, 15, 16, 21 and 23.

## **PRODUCTIVE PLACES**

### *Community Wealth Building*

Policy 25 seeks to provide a practical model for building a wellbeing economy at local levels. Development proposals which contribute to local community wealth building strategies and are consistent with local economic priorities will be supported. This could include, but is not limited to, increasing spending within communities and local job creation.

Policy 26 seeks to encourage, promote and facilitate business and industry uses and to enable alternative ways of working such as home working, live-work units and micro-businesses.

The incorporation of 139 square metres of commercial floorspace within the development will provide opportunities for job creation. The student accommodation is a managed building and will require staffing for maintenance and management, therefore bringing new jobs into the area. The proposal is therefore compliant with Policies 25 and 26.

### *City, Town, Local and Commercial Centres*

Policy 27 seeks to encourage, promote and facilitate development in the city and town centres, recognising they are a national asset. This will be achieved by applying the Town Centre First approach to help centres adapt positively to long-term economic, environmental and societal changes, and by encouraging town centre living.

The site is immediately adjacent to the Leith Town Centre identified in the LDP. The introduction of mixed residential accommodation adjacent to the town centre promotes town centre living, compact urban growth, and 20-minute neighbourhoods. The vitality and viability of town centres across Edinburgh and Scotland are affected by the level of footfall and investment. New residential development on the edge of an identified town centre such as this will bring opportunities for new and existing local business to take advantage of an increased local footfall and spending power.

### *Culture and Creativity*

Policy 31 states that development proposals within the vicinity of existing arts venues will fully reflect the agent of change principle and will only be supported where they can demonstrate that measures can be put in place to ensure that existing noise and disturbance impacts on the proposed development would be acceptable and that existing venues and facilities can continue without additional restrictions being placed on them as a result of the proposed new development.

The report on the application presented to the Sub Committee on 8 February 2023 fully considers the proposals against the agent of change principle. Planning conditions are recommended to safeguard the residential amenity of the future occupants of the residences and to ensure the proposals do not jeopardise the continued operation of neighbouring commercial uses.

### ***Conclusion in relation to productive places***

The proposal is in compliance with Policies, 25, 26, 27 and 31.

### **Overall conclusion**

The proposed development complies with the aims and objectives of the above policies, providing sustainable uses, with good access to local facilities, without reliance on private car use. It is in compliance with Policy 1, which underpins NPF4 in seeking to tackle global climate crises.

### **Other Material Considerations**

There are no new material considerations arising from those previously considered on 8 February 2023 by this Committee. It is, therefore, recommended that the application is granted.

A copy of the original Committee report can be found in the list of documents on the [Planning and Building Standards Portal](#)

or [Council Papers online](#)

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