

Development Management Sub-Committee Report

Wednesday 7 June 2023

Application for Planning Permission

117 - 145 Pitt Street & 9 Trafalgar Lane, Edinburgh, EH6 4DE

Proposal: Proposed residential development with associated landscaping, car parking, and infrastructure, including demolition of existing buildings and change of use from light industrial to residential use.

Item – Committee Decision

Application Number – 21/05861/FUL

Ward – B12 - Leith Walk

Reasons for Referral to Committee

The application is referred to the Development Management Sub-Committee as it is a major development and 28 letters of objection 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 proposed development is acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposal will deliver a sustainable and well-designed, predominantly residential scheme that will contribute to climate mitigation and adaptation and the restoration and enhancement of biodiversity. The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20-minute neighbourhood principles to be delivered. The proposal is compatible with these principles, as well as policy priorities that include sustainability in terms of transport and materials use, climate change mitigation and adaptation, and development on brownfield land.

Subject to recommended conditions and an appropriate legal agreement for a contribution towards education provision and healthcare provision, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the Edinburgh Local Development Plan, as well as the Council's non-statutory Edinburgh Design Guidance. There are no material considerations that outweigh this conclusion. There are no material considerations that outweigh this conclusion.

SECTION A – Application Background

Site Description

The site is rectangular and comprises five, single-storey light industrial buildings and their associated storage yards. It forms part of a perimeter block, measures 0.524 hectares in area and is relatively flat. There are some self-seeded trees and shrubs on the northern part of the site that are just behind the masonry wall and fence that are along the north boundary of the site. It has a frontage onto Pitt Street to the south, a frontage onto South Fort Street to the east and a frontage onto Trafalgar Lane to the north. Additionally, part of the site that includes part of the carriageway of South Fort Street.

The part of the site that includes part of the carriageway of South Fort Street is located within Leith Conservation Area. The majority of the site lies immediately adjacent to the western edge of the Madeira sub area of Leith Conservation Area.

The site is located approximately 80 metres to the southeast of Victoria Park Conservation Area.

To the south, on the opposite side of Pitt Street, is a row of industrial units, beyond which is the planted north embankment of the Water of Leith Walkway, which is part of Edinburgh's Core Network of paths and is designated as a local nature conservation site.

There are a number of listed buildings near to the site, which are:

- 16 South Fort Street (The Village Inn) and 1-3 (Odd Nos) Trafalgar Lane (Category C) LB27428.
- 8 & 10 South Fort Street (Category B) LB27421.
- 23-25 South Fort Street (Children's Centre) (Category B) LB27415.
- 3 & 3a South Fort Street/95 Ferry Road (Category B) LB27402.
- 5, 5A and 7A South Fort Street (Category B) LB27408.

Description of proposal

The existing five light industrial buildings and other structures/surfaces are to be demolished and two flatted buildings containing 98 flats, 25 of which are affordable (25%) are to be erected.

The largest of the two buildings is L shape in plan and has a frontage onto both Pitt Street and South Fort Street. It is 5 storeys with the top floor set-back for the majority of the length on both Pitt Street and South Fort Street. A four-storey, three-window bay section of the building integrally attaches to the listed building at 16 South Fort Street (LB27428), with the top floor set back along its length. The roof of this building is flat. The four-storey part and approximately a quarter of the five-storey part is proposed to have a green roof. Photovoltaic panels are proposed on the remainder of the flat roof. Private roof terraces are proposed along approximately two-thirds of the south elevation. All of the Pitt Street/South Fort Street flats have lifts provided within the stair cores. The materials are brick, roof tiles of an unspecified material, dark grey window frames, galvanised steel metal balustrades/balconies.

The smaller of the two buildings is an elongated rectangular shape and has a frontage onto Trafalgar Lane. The building is three-storeys with accommodation in the roof space. The roof is pitched and approximately a quarter of the south facing roof face have photovoltaic panels installed. Private roof terraces are proposed along approximately three-quarters of the south elevation. A single-storey pedestrian pend is proposed through the building, from which the inner courtyard is accessed off Trafalgar Lane. The ground floor flats have level access. The upper flats are colony style accessed from external stairs from the secure courtyard garden. The materials are brick, a mixture of dark grey ply membrane and low-profile sedum roof, dark grey window frames, and galvanised steel metal balustrades/balconies.

The accommodation proposed is as follows:

28 x one-bedroom flats (28.6%),
48 x two-bedroom flats (49%),
22 x three-bedroom flats (24.4%).

26 flats (27%) are single aspect.

29 ground floor flats (30%) have access to a private garden; 42 flats (43%) have a private balcony; 27 flats (28%) have a private roof terrace and all flats have access to the communal courtyard garden, and 12 flats (12%) have access to the courtyard communal garden only.

No car parking is proposed.

Cycle parking is provided in two internal and integral cycle stores in the Pitt Street/South Fort Street building and four internal and integral cycle stores in the Trafalgar Lane building. A total of 219 cycle spaces are provided comprising 72 Sheffield stands, 104 double tier stands and 43 non-standard spaces for cargo bikes or similar.

Four bin stores provided in the Pitt Street/South Fort Street building and one bin store is provided in the Trafalgar Lane building.

A full landscaping scheme for the site has been submitted.

Previous Scheme

The rear building line of the Pitt Street/South Fort Street building has been pushed back, with the result that the private and communal garden area in the inner courtyard has increased. The design and materials of two flatted buildings has changed. The ridge height of the Trafalgar Lane flatted block has been raised so that it is the same as that of the neighbouring row of townhouses in Trafalgar Lane to the west, which it integrally attaches to. The number of main door flats has increased. The number of cycle storage spaces has increased. The surface water management arrangement has changed to include green roofs and a rain garden. The pavement along both Pitt Street and South Fort Street has been increased in width to 3 metres minimum along their length.

Supporting documents

The following documents have been provided to support the application:

- planning statement.
- pre-application consultation report.
- design and access statement, including a daylight and sunlight and privacy assessment.
- Transport Assessment.
- surface water management plan.
- S1 Sustainability Statement.
- massing study.
- heritage statement.
- Noise Impact Assessment.
- affordable housing statement.
- Ecological Report.
- Landscape Management Plan.

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

Planning History

28 October 2020 - pre application consultation approved for proposed residential development with associated landscaping, car parking and infrastructure at 117-145 Pitt Street and 9 Trafalgar Lane (application number 20/03430/PAN).

05 February 2008 - Planning permission granted for the change of use from vacant land to a site to storage of second hand used cars at 117 Pitt Street. (Application number 08/00062/FUL).

Relevant Site History

20/03430/PAN

117 - 145 Pitt Street And

9 Trafalgar Lane

Edinburgh

EH6 4DE

Proposal is for a residential development with associated landscaping, car parking, and infrastructure.

Pre-application Consultation approved.

3 September 2020

08/00062/FUL

117 Pitt Street

Edinburgh

EH6 4DE

Change of use from vacant land to a site to store second hand used cars.

Granted

6 February 2008

21/05861/SCR
117 Pitt Street
Edinburgh
EH6 4DE
EIA screening request.
EIA Not Required
9 November 2021

Other Relevant Site History

None.

Pre-Application process

Pre-application discussions took place on this application.

Consultation Engagement

Archaeology

Environmental Protection

Transportation

Waste Services

Affordable Housing

Infrastructure, Structures and Flood Prevention

Communities and Families

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

Publicity and Public Engagement

Date of Neighbour Notification: 18 April 2023

Date of Renotification of Neighbour Notification: Not Applicable

Press Publication Date(s): 3 February 2023 7 October 2022 12 November 2021

Site Notices Date(s): 31 January 2023 4 October 2022 9 November 2021

Number of Contributors: 31

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) Compliance with Planning Legislation on Listed Buildings and Conservation Areas

Setting of 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."

Historic Environment Scotland's document 'Managing Change in the Historic Environment - Setting' states.

"Setting' is the way the surroundings of a 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".*

There are a number of listed buildings adjacent to but out with the application site and therefore the primary consideration in the assessment of the application is the impact of the development on the setting of these listed buildings.

The listed buildings affected to any significant extent by this development are listed in the background section of this report.

16 South Fort Street is a Circa 1810 building with early 20th century bar front, three-storey, 5-bay corner tenement with projecting bar at ground floor. Its walls are a mixture of coursed, polished cream sandstone and rubble to secondary elevations. The proposed Pitt Street/South Fort Street flatted building reduces in height to four-storey with the upper floor being set back next to 16 South Fort Street. Also, its front building line has been positioned back to reveal the original gable, chimney, and corner quoins of that adjacent listed building. Given this, it is subservient to 16 South Fort Street. The use of brick on all elevations of this proposed building helps to achieve a composition that contrasts and compliments with this listed building. Variety and interest are achieved with the incorporation of façade detailing including string courses.

The proposed Trafalgar Lane building is three-storeys with accommodation in its roof space. It is detached from the listed building at 16 South Fort Street. The height of its eaves and the ridge of its pitched roof both sit below the eaves and ridge line of 16 South Fort Street, and they align with the neighbouring terrace of town houses on Trafalgar Lane located to the immediate west of it, which it integrally attaches to. Consequently, this proposed building is subservient to the listed building and has a harmonious height, scale, and massing relationship to it, and also that of the other adjacent buildings in the street. The use of brick on all elevations of the proposed building compliments the existing brick traditional buildings on Trafalgar Lane and contrast and is complimentary to the listed building.

On all of the above counts, the proposed two flatted buildings are subservient to and do not have a detrimental impact on the setting of the listed building at 16 South Fort Street.

In terms of their scale, height, proportion, positioning, design and materials, the proposals would not have a detrimental impact on the setting of the neighbouring listed buildings at 23-25 South Fort Street, 3 & 3a South Fort Street/95 Ferry Road and 5, 5A and 7A South Fort Street.

Conclusion in relation to the listed building

The proposals preserve the setting of the adjacent/neighbouring listed buildings in accordance with the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 and relevant HES guidance.

The proposals harm the 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."

The site is so removed from Victoria Park Conservation Area such that the proposal would have no material impact on its setting.

Leith Conservation Area Character Appraisal emphasises the area's unique and complex architectural character, the concentration of buildings of significant historic and architectural quality, the unifying effect of traditional materials, the multiplicity of land use activities, and the importance of the Water of Leith and Leith Links for their natural heritage, open space, and recreational value.

Madeira forms a triangular area on the western part of Leith Conservation Area. The boundary of this part of the conservation area abuts the east boundary of the site and lies just outside the north boundary of the site. In relation specifically to Madeira, the character appraisal states:

'Madeira retains the appearance of a planned extension with its focus on North Leith Parish Church. Development, however, was sporadic and took place over much of the 19th century. The formality of the street layout, the apparent symmetry of the Georgian architecture and disposition of key buildings to create focal points and vistas all contribute to the impression of this area as Leith's own version of the New Town.'

Although the layout of the area is uniform and formal, *'the mix of plot widths, the variety of architects involved, the differing building types, larger front gardens and an air of faded grandeur all help to reinforce a more informal and relaxed character.'*

The 1st edition OS map of 1849 shows the application site developed with three now demolished tenements constructed along Trafalgar Lane, contemporaries of the surviving corner C-listed tenement adjacent to the site (16 South Fort Street) and part of the design first shown on Kirkwood's 1817 plan of Edinburgh. It is not until the last quarter of the 19th century that maps show that the southern half of the application site developed, probably for light industry.

The existing five single-storey light industrial buildings and their associated storage yards make the spatial structure of the area less intact. The proposed developed of flatted buildings fronting onto roadside boundaries of the site would complete the perimeter block layout. By doing so it would fit with the established formal perimeter urban layout that characterises the Madeira area in which the site is located. In terms of their height, scale, massing, positioning on the site, and form, the proposed flatted buildings would respect the street scene and the setting of the Conservation Area. The modern buildings in the area are a mixture of styles and materials and the modern design and finishing materials of the proposed buildings would be appropriate and would not detract from the setting of Leith Conservation Area.

Conclusion in relation to the conservation area

Overall, the proposals would 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.

National Planning Framework 4 (NPF 4) was adopted by the Scottish Ministers on 13 February 2023 and forms part of the Council's Development Plan. NPF 4 policies supports the planning and delivery of Sustainable Places, Liveable Places and Productive Places and are the key policies against which proposals for development are assessed. Several policies in the Edinburgh Local Development Plan (LDP) are superseded by equivalent and alternative policies within NPF 4.

The relevant NPF 4 and LDP policies to be considered are:

- NPF 4 Sustainable Places policies 1, 2, 3, 7, 9, 13.
- NPF 4 Liveable Places policies 14, 15, 16, 18, 20, 21, 22, 23.
- LDP Delivering the Strategy policy Del 1.
- LDP Design Principles for New Development policies Des 1, Des 3, Des 4, Des 5, Des 6, Des 7 and Des 8.
- LDP Caring for the Environment policies Env 12, Env 21, Env 22.
- LDP Employment and Economic Development Policy Emp 9.
- LDP Housing and Community Facilities policies Hou 1, Hou 2, Hou 3 and Hou 4.
- LDP Transport Policies Tra 2, Tra 3 and Tra 4.
- LDP Resources and Services policy RS 6.

The 'Edinburgh Design Guidance' is a material consideration that is relevant in the consideration of several LPD housing, design, and transport policies.

The non-statutory 'Listed Buildings and Conservation Area' guidance is a material consideration that is relevant when considering NPF 4 Policy 7.

Acceptability of the development in principle

NPF 4 Policy 1 (Tackling the climate and nature crises) gives significant weight to the global climate and nature crisis to ensure that it is recognised as a priority in all plans and decisions. The proposed development 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.

NPF 4 Policy 2 (Climate mitigation and adaption) part 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.

NPF 4 Policy 9 (Brownfield, vacant and derelict land) intends to encourage, promote, and facilitate the reuse of brownfield, vacant and derelict land, and empty buildings.

The application site is a brownfield site within Edinburgh's urban area. The existing light industrial buildings on the site are utilitarian in character and in reasonable structural condition. However, their build performance precludes optimum air tightness, thermal bridging, and use of Air Source Heat Pumps (ASHPs) and Solar/Photovoltaic energy sources. Apart from the build performance, the form and design of the industrial buildings are utilitarian and would not lend themselves to conversion to residential use. Moreover, owing to their single-storey height they are not an efficient use of the site. The demolition of the existing industrial building would facilitate the reuse of the site to deliver mainstream residential accommodation.

On balance the proposal complies with the overall policy objective to support sustainable re-use of brownfield, vacant and derelict land, and empty buildings, and to help reduce the need for greenfield development. The proposal complies with the intentions of NPF 4 policy 9.

Housing land

Within the urban area, LDP Policy Hou 1 part d) gives priority to the delivery of housing land supply and the relevant infrastructure on suitable sites in the urban area provided proposals are compatible with other policies in the plan. The site is not included in the LDP housing land supply study, and previous appeal decisions have made clear there is no obligation to consider all potential development sites in the urban area for windfall housing land supply before being considered for other uses. The proposal for mainstream residential flats at this site complies in principle with the requirements of Hou 1.

LDP Policy Hou 6 (Affordable Housing) states that planning permission for residential development, including conversions, consisting of 12 or more units should include provision for affordable housing amounting to 25% of the total number of units proposed. The proposal includes 25 affordable flats (25%) of the new homes across the site and will consist of one-, two- and three-bedroom homes, which will offer an integrated mix of homes. The homes will be provided in one block across four floors as follows: 11 one bed flats, 10 two bed flats and 4 three bed flats. The Council's Affordable Housing Supplementary Guidance states that the Council aims to secure 70% of new onsite housing for social rent. The applicant confirms that they have reached an agreement with a Registered Social landlord (RSL) Home Group to deliver 25 homes for social rent. The provision of 25% affordable housing units complies with LDP Policy Hou 6 and will be secured by a Section 75 legal agreement.

Employment Land

LDP Policy Emp 9 (Employment Sites and Premises) supports the redevelopment of premises in the urban area for uses other than business provided that the introduction of non-employment uses will not prejudice or inhibit the activities of any nearby employment use and the proposal will contribute to the comprehensive regeneration and improvement of the wider areas.

Pre Covid19, the Pitt Market, which is an independent street food and events venue, operated on part of the site at 125 -137 Pitt Street on a Saturday and Sunday. In a number of the letters of objection to the application, objectors raise concern over the loss of 'The Pitt' food venue, which they consider is a community use. 'The Pitt' were let the premises on a short-term temporary basis in the knowledge that they would have to relocate when the site was redeveloped. The Pitt website informs that The Pitt was moving to 20 West Shore Road in Spring 2023. Open air food markets are 'Sui generis' uses and not a community use which can come under class 10 (Non-residential institutions). In any event, there is no policy protection for open air markets or community uses.

As the site area falls under one hectare, there is no requirement for replacement business spaces to be provided. Nonetheless the proposed includes a ground floor commercial unit within part of the ground floor of the Pitt Street/South Fort Street. Having a mix of uses in the development will contribute to the sustainability and improvement of the area as a whole and is supported by LDP Policy Emp 9. The proposed commercial unit will provide an opportunity for a micro-business use, which has the potential to create local jobs and/or increase spending within the community.

The proposal complies with LDP policy Emp 9.

Principle conclusion

The proposal is acceptable in principle with reference to NPF 4 policy 9 as well as LDP objectives set out in policies Hou 1 and Emp 9. Further policy considerations are addressed below in relation to other policy themes.

Climate change, biodiversity, and sustainability

Policies 1, 2 and 3 of NPF 4 refer to climate change, mitigation, adaptation, and biodiversity matters. Linked to these policies is NPF 4 policy 20, which concerns blue and green infrastructure. LDP policies, noted below within the assessment text, also address these policy themes.

Drainage

NPF 4 Policy Env 22 (Flood risk and water management) 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 risk of flooding. There is no loss of existing blue or green infrastructure associated with the development proposal. A Surface Water Management Plan (SWMP) has been submitted and this includes a drainage strategy. Proposed sustainable urban drainage (SUDs) includes a combination of sunken rain gardens, underground cellular water storage tank, and areas of green roofs. The outflow will be to the existing Scottish Water combined sewer located nearby on Pitt Street. All SUDs will remain private and will be maintained by the site owner.

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 proposals satisfy the Council's Flood Prevention requirements. Scottish Water has not objected to the application. In addition to the above noted NPF 4 policies, the proposal complies with NPF policy 22 (Flood risk and water management) and LDP policies Env 21 (Flood Protection) and RS 6 (Water Supply and Drainage) which all seek to ensure sustainable water management and flood risk measures are in place for new development.

Biodiversity

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 buildings present on site provide few opportunities for roosting bats. Overall, the buildings are 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, and bee posts/towers to be placed within the site or incorporated into any new building(s) where possible etc. An informative for the inclusion of these within the development, if granted planning permission, is recommended.

There are a few trees on the site, mainly close to the northern boundary of the site. These trees do not provide any significant public amenity value. They are not identified in the ecology survey as having any particular ecological value. The removal of them to facilitate the proposal, which includes a landscaped courtyard incorporating landscape pockets of shrub planting and trees, will adequately compensate for the removal of the trees and is thereby acceptable in planning terms.

The proposed development will support and encourage local biodiversity and have no adverse impact on protected species or significant trees, in accordance with NPF 4 Policy 3 (Biodiversity) and LDP Policies Env 12 (Trees) and Env 16 (Species Protection).

Energy and sustainability

NPF 4 policy 19 in criterion f) supports development proposals that will be occupied by people where they are designed to promote sustainable temperature management by use of passive solutions and materials. Policy 11 a) iv of NPF 4 also supports development proposal for all forms of renewable technologies at a small scale. The applicant has submitted an energy statement of energy intent in support of the application. Part A of the standards is met through the provision of a combination of photovoltaic panels mounted on south facing roof pitches and on flat roof sections of the main building, and gas heat recovery flues. The proposal meets the essential criteria set out in the sustainability form. Additional desirable measures including use of sustainable materials and inclusion of green roofs.

The proposed development is therefore appropriate in terms of sustainability as it involves the location of housing and a commercial unit on an accessible brownfield location and the replacement of the existing buildings, which are poor in terms of current environment standards, with new structures conforming to current standards. This will contribute to climate change mitigation in the short and long term.

Waste

There is direct and unobstructed access for refuse storage and collection vehicles to/from the bin stores contained within each of the five integral bin stores. Swept path analysis has been provided to demonstrate that a refuse vehicle can access the site. Discussions have taken place with Waste Services, and they are content with the detail provided.

Transport

NPF 4 Policy 13 (Sustainable Transport) supports development proposals which improve, enhance, or provide active travel infrastructure. Additionally, it supports proposals where it can be demonstrated that the transport requirements generated have been considered in line with the sustainable travel and investment hierarchies.

LDP Policy Tra 2 (Private Parking) requires that developments make provision for car parking levels that comply with and do not exceed the parking levels set out in the non-statutory guidance.

The Council's Parking Standards allow for a zero-parking approach where justified. No car parking is proposed. Applications should include reasoned justification for the zero-parking proposed. 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. The TA states that the site is accessible by public transport (Lothian bus service 7, 14, 11 and 21) Access to bus stops is accessible on foot. The site is in an accessible location within an established mixed-use neighbourhood, with excellent direct links to walking, cycling and public transport networks. Access to bus stops on Ferry Road and Newhaven Road is some 400m away. The proposed development will integrate well with the existing transport networks in the Leith area and there will be no detrimental traffic or transport impacts.

The proposed zero-parking level is considered acceptable in the light of the progression of a controlled parking zone for the area. 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 NPF 4 principles of connected and healthy places that make moving around easy and reduce car dependency.

LDP Policy Tra 3 (Private Cycle Parking) requires that cycle parking and storage within the development complies with Council guidance. A total of 219 cycle parking spaces will be provided. These are located within 6 integral bicycle stores within the flatted blocks and are easily accessible. This includes the provision of 72 standard Sheffield stands (33%), 43 non standards spaces (20%) and 104 two-tier racks (47%). The cycle parking accords with the Edinburgh Street Design Guidance Factsheet C7 Cycle Parking.

The Roads Authority has raised no concern in relation to road safety or cycle parking provision. It is not considered necessary to require the siting of a car club vehicle at this site. Nearby car club spaces are available nearby on Pitt Street.

The proposal accords with LDP policies Tra 2 Private Car Parking and Tra 3 Private Cycle Parking and the Council's parking standards. The transport aspects of the proposal comply with the aims of NPF policy 13 which supports development that promotes and facilitates sustainable travel to prioritise walking, wheeling, cycling and public transport for everyday travel. The proposal allows for reduced car dependency and is also consistent with NPF 4 Policy 15 which supports developments that contribute to local living, including 20-minute neighbourhoods.

Owing to the proposal for zero private car parking an Air Quality Impact Assessment is not required in support of the application. Non provision of car parking and the proposed sustainable spatial and water heating systems will all assist with air quality management.

Design and liveable places

Policies 14, 15 and 16 of NPF 4 support development that delivers quality places, spaces and environments that can further contribute to achieving 20-minute neighbourhood principles. The delivery of good quality homes in the right location is also supported. LDP policies Des 1 to Des 8 also sets out requirements for new development in the City and require proposals to be based on an overall design concept which takes influence from positive characteristics of the surrounding area to deliver high quality design.

Liveable places

The proposal demonstrates a variety of the NPF 4 six qualities for successful places which are outlined in NPF 4 policy 14. For example, the proposal introduces new residential accommodation and commercial space, increasing the density of housing and footfall nearby Ferry Road local centre. The proposed uses are sustainable in terms of allowing people to live and stay in their area.

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. The provision of main door ground floor flats capitalised opportunity for passive surveillance onto the street, which supports the prioritisation of women's safety. The proposal facilitates active travel and is well-located for public transport to other parts of the City and without the need to use a car. With reference to distinctive design, this matter is considered further below within this report.

LDP Policy Hou 2 (Housing Mix) emphasises the importance of providing a wide range of house sizes and types on development sites. The proposals provide a good mix of accommodation of different sizes in compliance with this policy. A range of one-, two- and three-bedroom units are proposed. Twenty-three units (24%) contain three or more bedrooms, which meets the requirements of the Edinburgh Design Guidance.

The Edinburgh Design Guidance includes recommended internal floor areas for flat sizes. The flat types and mix of sizes of the affordable flats is proportionate to that of the private flats. All the units meet the space standards set out in the Edinburgh Design Guidance (EDG). Seventeen of the units (17.3%) are 91 square metres or over. This is only marginally short of the 20% required for growing families. This is considered a minor infringement given that 22% of the units are three-bed units.

Design considerations

LDP Policy Hou 4 states seek an appropriate density on sites giving regard to the characteristics of the surrounding area, the need to create an attractive residential environmental, accessibility and need to encouraging local services.

The proposed two flatted buildings and associated external courtyard have a combined area of approximately 0.36 hectares and therefore a density of some 273 dwellings per hectare. This is comparable to 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.

The site is in an accessible close to centre location where higher density development should be encouraged. Proposals would maximise the use of this brownfield site in an accessible close to centre location, where high density development can and should be directed to.

The prevailing residential urban grain is uniform with formal streets of tenement buildings arranged in perimeter blocks. The buildings located within the adjacent conservation area are mostly of stone construction with pitched slated roofs. Building heights range from two-storeys up to five-storeys. The tenement buildings on the principal streets, including Pitt Street and South Fort Street, are a mixture of four-storeys and five-storeys in height. The five-storey tenements are modern and are not higher than the traditional four storey tenements. The buildings on the secondary street of Trafalgar Lane are smaller 'lane scale' three-storey and four-storey in height. The enclosed courtyard of the perimeter blocks comprises the private shared amenity green space for residents. Taking the new build element alone, the proposed two new build flatted blocks complete the perimeter block and enclose a courtyard.

The largest of the proposed buildings is tenemental in scale and the smaller block is 'lane scale', and in this regard they are complementary in their relationship to the predominant form. The proposed scheme will contribute to a sense of place by reinforcing the established pattern of development and uses in the area which mostly comprises residential uses and some ground floor commercial uses with active uses at street level.

Overall, the design is high quality, the larger building is of contemporary architecture and the smaller building is more traditional. The development will be a positive addition to the streets and the area in compliance with design policies.

The heights, scale and massing, position, form, and style of the proposed two flatted buildings responds positively to neighbouring buildings and are harmonious to the character of this part of Leith. The largest of the two flatted buildings is five storeys in height. Although it is marginally higher than the existing modern tenement on Pitt Street that it would integrally attach to, its upper floor is recessed and so in close view at street level it would be barely perceptible. The flat roofed form helps to minimise the massing. Except for the front (South Fort Street) elevation the building, which is recessed back from the adjoining building at 16 South Fort Street, its building lines are positioned to line up with the building lines of neighbouring buildings.

The proposed Trafalgar Lane building is three-storeys with accommodation in its roof space. It is positioned to line up with the building lines of the neighbouring terrace of townhouses to the west. Additionally, its eaves level and the ridge level of its pitched roof also align with the aforementioned row of town houses. Accordingly, the building matches the scale of the existing building in the street and has a harmonious height, scale, and massing relationship to its neighbours. 3D modelling of the proposal demonstrates that the proposed buildings are proportionate in scale with the existing streetscape and fit into the existing urban skyline. The scale and massing of the proposal will not interrupt skyline views, including from Salisbury Crags, Calton Hill and from the protected skyline view C1b (Inchkeith Island from Castle lower Ramparts).

Overall, the heights, positioning, scale, design and finishing materials of the proposed two buildings are acceptable.

The proposed new buildings have been positioned and orientated with clearly defined fronts and backs. Active frontage and surveillance over streets that the buildings front onto is achieved by main door flats and a ground floor commercial unit. The front building line of the Pitt Street elevation is set back from the adjacent pavement to facilitate recessed balconies at ground floor level, which achieves defensible private space at ground level. Similarly, the front building line of the South Fort Street elevation is stepped back to facilitate provide narrow front gardens bounded by railings and defensible private space at ground level.

The central courtyard is laid out with a combination of green space and public realm, which 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. The central courtyard is not accessible by car, and this will contribute to creating a safer environment for children to navigate.

A landscaping plan for the secure landscaped courtyard has been provided. Communal open spaces and private gardens will be laid out as useable lawn. Mixed shrub planting and trees are planted in pockets at feature points where paths connect. Boundaries between communal areas and private spaces within the courtyard have been created using mixed species hedging. Access paths are lit with mid height bollard lighting posts. A condition has been added on landscaping implementation.

The proposal is well-designed and distinctive, in accordance with NPF 4 policy 14 and LDP policies Hou 4 (Housing Density), Des 1 (Design Quality and Context), Des 3 (Incorporating and Enhancing Existing and Potential Features), Des 4 (Development Design - Impact on Setting), Des 7 (Layout Design), and Des 8 (Public Realm and Landscape Design).

Amenity of future occupiers

LDP Policy Hou 3 requires that 10 square metres per flat should be provided in communal areas for flatted blocks, and a minimum of 20% of the total site area should be useable greenspace. The development exceeds these standards. Some 613.4 square metres of the central courtyard is laid out as shared open garden ground. The green space area including private and public landscaped planted areas amounts to 1029 square metres, which is in excess of the 20% site area required. Private open space is provided at ground level for the larger family unit flats located on the south side of Trafalgar Lane. 85 of the flats have any private open space terrace or balcony afforded to them. The 11 flats that do not have private balconies, roof terraces or external ground provided, have access to the communal spaces within the courtyard. Future residents will also benefit from immediate accessibility of the Water of Leith Walkway. Additionally, the site is located nearby to the west of Keddie Garden play area, which is a 0.543 hectares public open space containing equipped children's play equipment.

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. 31 of the flats are single aspect which equates to 32% of the total number. None of the single aspect flats are north facing and all of them have a private garden or balcony to benefit living space.

Policy 23 of NPF 4 supports development that will have positive effects on human health and protect people and places from environmental harm. Policy Des 5 (Development Design - Amenity) sets out further policy requirements for new development to achieve a good standard of amenity for new development and to protect sensitive neighbouring land uses.

As a residential development in a residential area, it is not expected that additional noise will be created. A Noise Impact Assessment (NIA) has been provided and considers the potential noise impacts from the adjacent (currently closed) public house at 16 South Fort Street, the neighbouring industrial/commercial units on the south side of Pitt Street, and road traffic noise.

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".

Regarding the public house at 16 South Fort Street, the NIA recommends a conventionally built external wall with a cavity construction with sound reduction will suffice in providing sufficient noise separation from the existing public house. This will ensure that amplified music from the public house will be inaudible within the adjacent proposed flatted properties. A condition is recommended, which would ensure that the acoustic insulation is installed by a specified timescale and that it meets the required noise criteria (NR25).

With regards to noise from industrial/commercial premises to the south on Pitt Street, the NIA informs that noise from operations from these premises is likely to be negligible. No additional acoustic measures are required to be made to the proposed new flatted buildings to mitigate noise impact.

The NIA recommends that elevations of the proposed buildings facing onto public roads are to be fitted with double glazed windows with trickle vents all to meet sound attenuation requirements. Given that the public roads are urban roads and not major arterial roads/motorways, it would not be reasonable to impose a condition to mitigate traffic noise.

Subject to the recommended conditions to mitigate noise impact from the adjacent public house, the proposed residences can coexist with neighbouring non-residential uses.

With regards to daylight for the new development the no skyline test was used. The EDG states that a new development can be considered to receive adequate daylight into a space if it can be demonstrated that direct skylight will penetrate at least halfway into rooms at a height of the working plane 0.85m from residential spaces and where windows make up more than 25% of the external wall area. The study demonstrates that most of the rooms in the proposed new buildings pass the Vertical Sky Component 25-degree test except for nine ground floor windows and one first floor window in the Trafalgar Lane block. This is owing largely to the narrow lane width and height of the opposite building. To achieve further light to these rooms would require significant larger glazed areas, which would detract from the traditional street elevation and would result in problems of heat loss on a northern elevation and resultant increased energy requirements and overlooking and loss of privacy issues. The light values achieved are reflective of the current situation for all of the ground floor properties along the remainder of Trafalgar Lane. It is concluded that the currently proposed window arrangement is on balance the best solution for this tight urban site.

With regards to sunlight to new gardens and open spaces, the private gardens and the communal central landscaped courtyard will receive the required minimum 2 hours of sunlight during the spring equinox.

The infringement to the Edinburgh Design Guidance for Daylight to some of the proposed new residences is minor and does not provide reasoned justification to refuse the application.

Amenity of neighbouring residences

At its closest the proposed South Fort Street building is 18 metres away from the nearest residential property on the opposite side of South Fort Street, which is 13 South Fort Street. Back-to-back distance across the landscaped courtyard is 18 metres. This is an acceptable separation distance.

At its closest the proposed Trafalgar Lane building will be 8 metres away from the existing residential properties on the opposite (north) side of Trafalgar Lane. This is similar separation distance between buildings that presently exist elsewhere along Trafalgar Lane. Privacy distances across Trafalgar Lane are restricted by the existing lane urban form, which form is an inherent part of the hierarchy of streets within the Madeira area. The separation distance is acceptable in this tight urban environment.

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

A daylighting and sunlight study has been completed and accompanies the application. 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.

There are 106 windows in neighbouring buildings that look directly onto the proposed flatted buildings. Of these only 17 are in positions where the Vertical Sky Component (VSC) minimum angle test failed or were borderline.

Five ground floor windows at 23 South Fort Street (W10 to W14) that were identified as potentially borderline within the VSC test, calculated Average Daylight Factor (ADF) values that confirmed that all of these windows met their required ADF values for their existing room use, and thus are not adversely affected by the proposed buildings.

In Trafalgar Lane, the potentially affected windows serve nine ground floor flats within 18-28 Trafalgar Lane. Of these windows four meet the ADF target values and five fall below their target values and of these 1 (W8) serves a non-habitable small kitchen room, 3 (W3, W7, W9) serve bedrooms with intermittent use, and 1 (W5) serves a habitable living room space. Non-habitable rooms are not required to be assessed. Daylight requirements of bedrooms are deemed less important by the BRE guide. In the case of the living room the proposed the proposed to existing ADF ratio value fall just short of the 0.7 value required, coming to 0.69.

This shortfall in the standard is not significant. The study notes that these values are a direct result of the existing narrow lane width of Trafalgar Lane and are reflective of the existing situation for other ground floor properties along the remainder of Trafalgar Lane to the west, where existing buildings are of the same height and massing as the currently proposed lane building. The three-storey height matches the height of the adjacent mews building to the immediate west and recreates the urban massing that had historically been present on the south side of Trafalgar Lane. In all of these particular circumstances, given the tight urban form the infringements to the EDG for daylight is not significant and does not provide reasoned justification in itself to refuse the application.

The proposed Pitt Street building integrally to the gable of the tenement to the west at 111-115 Pitt Street, which has a first, second, third and fourth floor window in its the gable end, three of which serve a kitchen and one of which serves a bedroom. A lightwell is included in the proposed Pitt Street building in order not to cover over these 4 gable windows and provide some light to them. An Average Daylight Factor (ADV) assessment carried out of these 4 windows confirms that the third-floor window is unaffected, however the first and second floor windows, both of which serve a kitchen, will have reduced levels of daylight. Notwithstanding, the Edinburgh Design Guidance confirms that these windows are not protected as they are on a gable.

Ground Conditions

Due to the previously developed nature of the site, a condition has been applied requiring a site contamination investigation to be carried out and any necessary mitigation measures to be put in place in the interests of future occupiers of the development, as recommended by Environmental Protection. Should the application be granted, a condition is recommended to ensure that the site is made safe for the proposed end use.

Built heritage and archaeology.

NPF 4 Policy 7 aims to protect and enhance historic environment assets and places.

Setting of Listed Buildings

NPF 4 Policy 7 (Historic assets and places) supports proposals for the alteration or extension of a listed building, or works that impact on its setting, where its character, special architectural or historic interest are not adversely affected.

This has been assessed in section a) and the proposals comply with NPF 4 Policy 7.

Character and Appearance of Conservation Area

NPF 4 Policy 7 only supports development proposals in conservation areas where they preserve or enhance the character and appearance of the conservation area and its setting.

This has been assessed in section a) and the proposals comply with NPF 4 Policy 7.

Archaeology:

Archaeological remains may survive on site, which may include evidence for the 19th century industrial and residential development of the site, the development of the 18th century Hillhousefield House Estate, and the 16th century Siege of Leith. It is therefore essential that a programme of archaeological work (archaeological evaluation) is carried out prior to development. The loss of the existing 20th century buildings from the site is not regarded as significant. However, they form an important part of the development history of this site and wider local areas which has been associated with light industry since the Victorian Period. Accordingly, it is recommended that as part of the wider archaeological mitigation for the site that a programme archaeological historic building survey is undertaken of these buildings prior to their demolition.

Subject to the recommended condition on archaeology, the proposal complies with the aims and intentions of NPF 4 policy 7.

Infrastructure First

NPF 4 Policy 18 (Infrastructure First) supports development proposals which provide (or contribute to) infrastructure in line with that identified as necessary in LDPs.

LDP Policy Del 1 (Developer Contributions) requires contributions to the provision of infrastructure to mitigate the impact of development. The Action Programme and Developer Contributions and Infrastructure Delivery Supplementary Guidance sets out contributions required towards the provision of infrastructure.

Transportation

The Roads Authority was consulted and do not advise of a requirement for a developer contribution for transportation infrastructure.

Education

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-2 of the 'Leith Trinity Education Contribution Zone'.

The education infrastructure actions that are identified are appropriate to mitigate the cumulative impact of development that would be anticipated if this proposal progressed. A contribution of £720,020 infrastructure contribution (£376,040 primary infrastructure and £343,980 secondary infrastructure) (Quarter 4 2022 valuation subject to indexation) will be secured through a Section 75 legal agreement should the committee be minded to grant planning permission.

Health Services

Part of the site is included within the Leith Waterfront health care contribution, as identified in the Council's finalised Developer Contributions and Infrastructure Delivery Supplementary Guidance. The Edinburgh LDP action programme identifies the need for new medical practice accommodation as part of health centre provision to mitigate the impact of new residential development within the locality. Policy Hou 10 (Community Facilities) of the LDP states that planning permission for housing development will only be granted where there are associated proposals to provide any necessary health and other community facilities. The intention of the Supplementary Guidance is for new development to contribute towards local, necessary improvements to the health care provision within the immediate locality. Although only part of the application site falls within the identified boundary of the relevant contribution zone Leith Waterfront, the application seeks to promote a large number of residential units, the occupants of which will require health care provision. Therefore, a developer contribution of £945 per dwellings should be applied in this instance, which equates to £92,610 for the 98 dwellings and this will be secured through a Section 75 legal agreement should the committee be minded to grant planning permission.

NPF 4 policy 18 notes that where planning obligations are entered into, they should meet five tests, which reflect those in Planning Circular 3/2012 (Planning Obligations and Good Neighbour Agreements). Subject to securing the above contribution towards education and healthcare infrastructure, the proposal is acceptable and complies with the above noted development plan policies.

Conclusion in relation to the Development Plan

The proposed development broadly complies with the provisions of NPF 4, the 2016 Edinburgh LDP and associated guidance, and there is not considered to be any significant issues of conflict.

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

The following matters have been identified for consideration:

Emerging policy context

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. No impacts have been identified.

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

Public representations

A summary of the representations is provided below.

material objections

- zero parking would exacerbate existing parking congestion.
- The area has already undergone too much development and is now over dense.
- Insufficient infrastructure.
- Traffic congestion.
- air pollution and health impacts.
- Implications on climate crisis of demolishing existing buildings and erecting new buildings.
- Existing commercial uses on the site will be lost and not replaced.
- harm to character of the area.
- loss of community hub that is the Pitt Market and a zero-waste initiative that sells second hand goods.
- Inadequate car club spaces in the street.
- insufficient capacity at local GP surgeries.
- artificial swift nesting boxes should be incorporated.
- Loss of privacy to properties in Trafalgar Lane.
- Loss of daylight and sunlight to existing residences in Trafalgar Lane
- Positioning bins opposite existing properties in Trafalgar Lane would result in nuisance and health hazard.
- Noise nuisance owing to intensification of activity on Trafalgar Lane.
- Disabled people disadvantaged in terms of loss of light and noise nuisance.
- Proposed new buildings should be no higher than surrounding buildings.
- New Trafalgar Lane building would have an overbearing impact on neighbouring properties.
- The design is not in keeping with/sympathetic to the established character and appearance of the area.
- Inadequate school infrastructure and health care services to support the new development.
- Inadequate neighbour notification.
- Inadequate commercial uses incorporated.
- Inadequate cycle parking.
- Better alternative uses of the site would be class 1, class 2, class 4, and class 10 uses.
- Crammed development.

These have been addressed in the sections above.

non-material comments

- Disruption during periods of construction.
- Dust emissions during periods of construction.
- Construction work would give rise to obstruction to pedestrians.
- Noise nuisance from vehicles.
- Loss of outlook.

- Existing problems of noise nuisance from construction works on other nearby sites.
- Structural damage to neighbouring properties resulting from demolition of existing buildings and construction of the proposed buildings.

Leith Harbour and Newhaven Community Council

No comments were received.

Conclusion in relation to other matters considered.

The proposals do not raise any issues in relation to other material considerations identified.

Overall conclusion

The proposed development is acceptable in terms of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997.

The proposal will deliver a sustainable and well-designed, predominantly residential scheme that will contribute to climate mitigation and adaptation and the restoration and enhancement of biodiversity. The development plan encourages well-designed, compact urban growth that is sustainable and allows for 20-minute neighbourhood principles to be delivered. The proposal is compatible with these principles, as well as policy priorities that include sustainability in terms of transport and materials use, climate change mitigation and adaptation, and development on brownfield land.

Subject to recommended conditions and an appropriate legal agreement for a contribution towards education provision and healthcare provision, the proposal is acceptable and complies with National Planning Framework 4 and the aims of the Edinburgh Local Development Plan, as well as the Council's non-statutory Edinburgh Design Guidance. There are no material considerations that 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 first occupation of any residential unit within the South Fort Street flatted block hereby approved, an external wall with acoustic insulation achieving noise criteria NR25 within those new residential units shall be erected between the new flatted block and the building at 16 South Fort Street (The Village Inn) and 1-3 (Odd Nos) Trafalgar Lane, which it will integrally attach to.

3. 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 transportation infrastructure including cycle parking. Development shall be carried out in accordance with the approved phasing unless agreed in writing with the Planning Authority.
4. 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.
5. 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 groundwork 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.
6. 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.
7. 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.

8. The approved drainage arrangement and SUDs provision shall be implemented prior to first occupation.

9. The proposed commercial unit contained within the ground floor of the South Fort Street/Pitt Street building shall only be used for uses within Classes 1, 2, or 4, within the Town and Country Planning (General Permitted Development) (Scotland) Order 1992, unless planning permission has been sought and obtained for a use that falls within a different use class of the above stated Order.

Reasons

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

Informatives

It should be noted that:

1. Consent shall not be issued until a suitable legal agreement relating to education, healthcare and affordable housing has been concluded and signed. The legal agreement shall include the following:
 - a. Education - £720,020.
 - b. Healthcare - £92,610.
 - c. 25% of the total number of residential units proposed should be affordable housing in accordance with Council policy.

The legal agreement should be concluded within 6 months of the date of this notice. If not concluded within that 6-month period, a report will be put to committee with a likely recommendation that the application be refused.

2. The applicant should contribute the sum of £2,000 to progress a suitable order to redetermine sections of footway and carriageway as necessary for the development.
3. The applicant should contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions, as necessary.
4. The applicant is required to reinstate footway to cover entire frontage of the site on Pitt Street and Trafalgar Lane to the satisfaction and at no cost to the Council.
5. In accordance with the Council's City Mobility Plan policy, the applicant should consider developing a Travel Plan including provision of 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.
6. bird nesting boxes, bat boxes, swift boxes and bee posts/towers should be incorporated into the new building(s) and installed within the site.

Background Reading/External References

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

Further Information - Local Development Plan

Date Registered: 4 November 2021

Drawing Numbers/Scheme

1a, 2a, 3f, 6c, 09b, 10b, 12h, 14a, 15a, 16a, 17c, 18b-22b, 25b, 26a, 27b, 28b, 29a, 30, 31a-33a, 34, 35, 36a

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: Archaeology

COMMENT: No objection. A condition is recommended.

DATE: 2 March 2023

NAME: Environmental Protection

COMMENT: No objection.

DATE: 7 December 2021

NAME: Transportation

COMMENT: No objection. Informatives are recommended.

DATE: 7 November 2022

NAME: Waste Services

COMMENT: No objection

DATE: 4 April 2023

NAME: Affordable Housing

COMMENT: No objection subject to S75 legal agreement to secure 25% affordable housing.

DATE: 2 March 2023

NAME: Infrastructure, Structures and Flood Prevention

COMMENT: No objection.

DATE: 2 March 2023

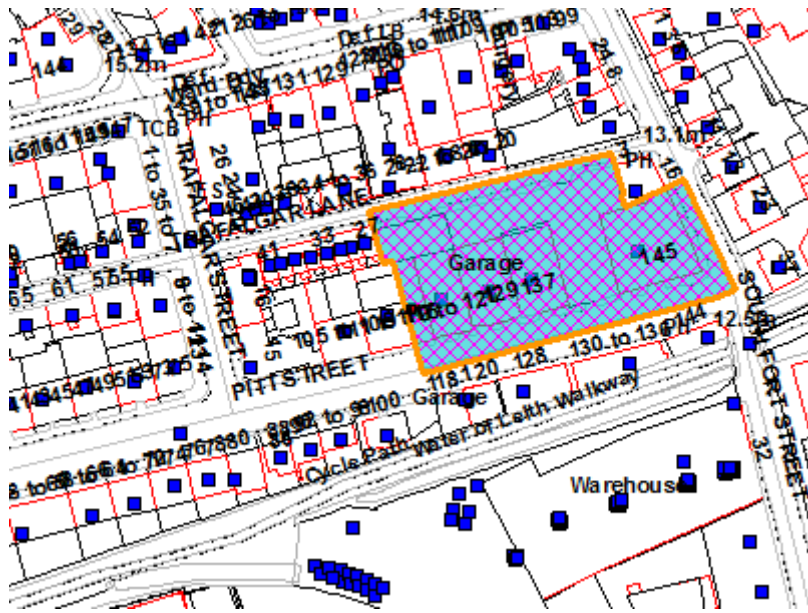
NAME: Communities and Families

COMMENT: No objection. Advised that a developer contribution towards education provision should be secured through a Section 75 legal agreement.

DATE:

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

Location Plan



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