

**Leith Central Community Council
Leith Links Community Council
Leith Harbour & Newhaven Community Council**

**JOINT COMMUNITY COUNCILS' WRITTEN SUBMISSION
regarding 106 – 162 Leith Walk, Edinburgh**

Appeal reference PPA-230-2274

Appeal reference CAC-230-2004

June 2019

1. Introduction

- 1.1. This unprecedented joint submission by the three Community Councils with an interest in the buildings and the site at 106 – 162 Leith Walk, Edinburgh is made in response to both the Appellant's Appeals (PPA-230-2274 and CAC-230-2004).
- 1.2. It follows on from a joint deputation on 30th January 2019 to the Planning Authority's special meeting to decide the Appellant's planning application (18/04332/FUL) and application for complete demolition in the Leith Conservation Area (18/04349/CON), where the Community Councils argued against the scale and nature of the applications and specifically against the demolition of the buildings fronting Leith Walk.
- 1.3. The joint interest of the Community Councils (CC) arises from the location of the site - fully within Leith Central CC's area and in immediate proximity to Leith Links CC's and Leith Harbour & Newhaven CC's areas - but most importantly from the importance of the buildings and their uses for the local communities in the areas of all three CCs.
- 1.4. This submission is made in the context of a very **densely populated** neighbourhood (the most densely populated area in Scotland - Census 2011) where a **high percentage of residents walk** and use public transport (lowest car ownership per household in Edinburgh - Locality Profiles 2018), **enabling a close and symbiotic integration** of the residential hinterland with the commercial frontages on Leith Walk. It is obvious that any major intervention that may endanger an "ecosystem" that meets modern high-level Scottish planning objectives needs to be done sensitively.
- 1.5. This joint submission will highlight the importance of the building and its uses to the community, question the suitability of the location as student residences and provide detailed responses to the Appellant's Appeal PPA-230-2274 and Appeal CAC-230-2004.
- 1.6. **The original grounds for rejecting the applications for Planning Permission and Conservation Area demolition still apply. We, Leith Central CC, Leith Links CC, Leith Harbour & Newhaven CC respectfully ask for both appeals to be refused to encourage a more socially congenial redevelopment of the site and the sandstone building.**

2. Importance to the community

- 2.1. The vibrancy of Leith Walk and its densely populated residential hinterland relies on the multitude and variety of small shops and enterprises which collectively enable a "a walking culture" - vital for community cohesion and residents' general and mental health - and create a stimulating and "boulevard of interest".

2.2. Stead's Place is a prime example of this vibrancy. When the building - an iconic art-deco feature on Leith Walk and an echo of the railway era in the area (especially important after the demolition of Leith Central Station) - was incorporated into the Leith Conservation Area, it acquired the protection for its survival. The Character Appraisal (page 61) states that "Within the conservation area the local plan identifies Great Junction Street and Leith Walk as district shopping centres. The plan [...] resists the loss of shopping uses from the main frontages".

2.3. The legislation (Section 49) does not distinguish between listed and unlisted buildings in Conservation Areas. It is therefore regrettable that the leases of the occupants of the building have not been extended on a short-term basis and many of the shop frontages have been boarded up.

2.4. The neighbourhood already provides a substantial amount of 'itinerant occupancy' (students, hotels, B&Bs and short-term lets) which has created an imbalance by displacing legitimate demand for long term housing and impacts negatively on amenities for long term residents. The mix of uses proposed by the Appellant exacerbates the existing imbalance.

2.5. Prior to the Appellant's interventions, the site and its frontage to Leith Walk provided a multitude of uses in structurally sound buildings:

| <i>Shops</i> | <i>Tenant</i> |
|----------------|---------------------------|
| 106 Leith Walk | Amir Salmanzadeh |
| 108 | Doorway |
| 110 | Bed Shop |
| 112 | Bed Shop |
| 114 | Bed Shop |
| 116 | Bed Shop |
| 118 | Bed Shop |
| 120 | Bed Shop |
| 122 | Punjabi Junction |
| 124 | Punjabi Junction |
| 126 | Charcoal Grill |
| 128 | Penmans - Leith Walk Café |
| 130 | Doorway |
| 132 | VapourOhm |
| 134 | EEF FOODS |
| 136 | EEF FOODS |
| 138 | Leith Depot |
| 140 | Leith Depot |
| 142 | J J Beauty |
| 144 | Barnardos |
| 146 | Barnardos |

| | |
|----------------|-----------|
| 148 | Barnardos |
| 150 | Barnardos |
| 152 | Doorway |
| 154 | Frangos |
| | |
| Occupied Shops | 20 |
| Shops | 22 |
| Occupancy | 91% |

| <i>Office</i> | <i>Tenant</i> |
|------------------|-----------------------------------|
| 2 | Bed Shop |
| 3 | |
| 4 | Silverhub Studios / Janet McInnes |
| 4A | Silverhub Studios / Janet McInnes |
| 5 | |
| 6 | |
| 7 | Leith Yoga |
| 8 | Oria Tango |
| 9 | Athena & Co |
| 10 | Purple Social Care, |
| 11 | Iftikhair Hussain |
| 12 | Punjabi Junction |
| 13 | Punjabi Junction |
| 14 | Punjabi Junction |
| 15 | P&K Fire And Security |
| 16 | Leith Depot |
| 17 | Leith Depot |
| 18 | Magikats |
| 19 | Total Labour Solutions |
| 20 | |
| 21 | Alpha P Consulting |
| 22 | Cristina C Photography |
| | |
| Occupied Offices | 17 |
| Offices | 22 |
| Occupancy | 77% |

| <i>Workshop</i> | <i>Tenant</i> |
|-----------------|--------------------|
| 158A | Thornbridge Timber |

| | |
|--------------------|--------------------|
| 158B | Thornbridge Timber |
| 160 | Express Joinery |
| 162 A | Urban Paintball |
| 162 B | Urban Paintball |
| 164 | |
| 166 | Storage |
| | |
| Occupied Workshops | 6 |
| Workshops | 7 |
| Occupancy Rate | 86% |

The wide range of commercial uses (including social enterprises) enabled by the modularity and flexibility of the existing buildings underpinned the vibrancy of this stretch of Leith Walk. Occupancy rates are typical for Leith Walk and exceed most Scottish town centres.

3. Suitability of the location as student residences

3.1. Local Plan Policy Hou10 Student Housing and Policy Hou8 policies state:

Planning permission will be granted for purpose-built student accommodation where: a) the location is appropriate in terms of access to public transport and university and college facilities; and b) the proposal will not result in an excessive concentration of student accommodation in any one locality.

3.2. The proposed development is inappropriate in terms of access to public transport and college facilities.

3.3. Edinburgh has a number of university campuses. The proposed development is on the far North side of the city and campuses are concentrated on the South and far South side of the city, most notably the Bioquarter, Queen Margaret University, Heriot Watt and Easter Bush campuses.

3.4. It is not legally possible for a provider of student accommodation to restrict tenants by campus, nor is it plausible that this could be guaranteed in perpetuity.

3.5. A key feature of the proposed development is that tenants will be expected to use public transport or active travel.

3.6. A brief study of the relevant Lothian Buses timetables gives the **optimal** journey times from the Foot of Leith Walk to various campuses. These range from 15 minutes to the Holyrood Campus, to up to an hour for Heriot Watt and Easter Bush campuses. These time tables do not reflect real world journey times as experienced

in a city which is ever regenerating - a euphemism for delays caused by frequent and ongoing building and maintenance. It should also be noted that walking times from bus stop to lecture theatre should be added to give accurate journey times.

- 3.7. The access to public transport provided by the proposed development does not meet the criterion laid out by LDP.
- 3.8. Examples below, with a travel start time of just after 8.00 am:

| Student journey times from the Foot of Leith Walk to university campuses | | |
|---|---|--|
| Holyrood Campus | Bus #35 | Journey time: 15 to 20 minutes |
| Central Campus | Bus #7 | Journey time: 20 to 25 minutes plus walking time |
| Kings Buildings | Bus #7 | Journey time: 45 minutes minimum (30 minutes bus, walk 15 minutes) |
| Bioquarter | Bus #7 to ERI | Journey time: 52 minutes plus walking time |
| Queen Margaret Campus | Bus #7, 13 minutes to North Bridge, Bus #30, 40 minutes | Journey time: 53 minutes minimum. Can be done by changing from #7 bus to rail at Waverley station. |
| Riccarton Campus | Bus #25, #35 | Journey time: 55 or 60 minutes |
| Easter Bush Campus | Bus #7, 13 minutes to North Bridge, Bus #37, 45 minutes (buses half hourly) | Journey time: 58 minutes minimum |

- 3.9. This failure to comply with CEC's own standards should be seen in the context of the Scottish Government's recent rejection of SESPlan 2 after examination, as outlined in the letter from the Chief Planner:

"The Scottish Ministers are not satisfied that the [SESPlan 2] has been informed by an adequate and timely Transport Appraisal. The Scottish Planning Policy sets out Ministers' expectations for this in paragraphs 274 and 275. Concerns about the adequacy of the approach taken to the Transport Appraisal were repeatedly raised by the Scottish Government throughout the preparation of SESPlan 2. These concerns have not been adequately addressed by the authority. At Examination the

Reporter acknowledged that the plan is not consistent with Ministers' expectations for Transport Appraisal as set out in the Scottish Planning Policy."

4. Response to Appellant's grounds for Appeal PPA-230-2274

- 4.1. The Appellant's proposals for 106-162 Leith Walk are an inappropriate development without a sound business case following the withdrawal of a major partner, the University of Edinburgh (UoE).
- 4.2. While our previous objections to the proposal still apply, this section of our submission will highlight the significant changes that occurred since the rejection of the plans by the Planning Authority earlier this year.

4.3. The proposal's economic viability

- 4.4. On the 10th of May 2019, the University of Edinburgh (UoE) Senior Vice Principal Charlie Jeffery stated:

"There have been concerns in the Leith community about the University's involvement in the Stead's Place development which I have seen and I regret that we have been in a position where we have been seen as being against the community. I don't want that and my colleagues and successors don't want that.

Drum have submitted their appeal. We have been clear since very shortly after the initial proposals were rejected (on Jan 30, 2019) that we would not support an appeal unless there were very different plans put forward and a very different approach to community engagement from Drum. That hasn't happened so we have confirmed our decision to end our involvement in the Stead's Place development."

- 4.5. The appellant's proposal depended on 3 key elements being managed by the University of Edinburgh. Page 4 of their Planning Statement says:
 - To provide 523 student bedrooms for postgraduate students run by The University of Edinburgh.
 - To provide 56 hotel rooms run by The University of Edinburgh and open to the general public.
 - To create a generous ground floor multi use space comprising restaurant, study space and lounge open to the general public and run by The University of Edinburgh.
- 4.6. With the withdrawal of the UoE as the major partner in this process, the aforementioned elements are not supported anymore.

- 4.7. While other Edinburgh universities and colleges offer some various forms of postgraduate taught courses, none offers one year postgraduate taught courses on the same scale. Since UoE's withdrawal from the development, future UoE PGT students will now be offered student accommodation from the UoE's portfolio, as stated by UoE's representatives.
- 4.8. Since the hotel section of the development was to be linked to visiting families of the overseas students, the justification for the hotel is not valid anymore.
- 4.9. The 1000m2 social study space, the restaurant and other shared spaces were first about providing services to the resident students and then secondly to other members of the community. This was part of the UoE's commitment to outreach and initial brief.
- 4.10. As the associated services (catering, hotel, student accommodation, cleaning and maintenance) were to be run by the UoE, one can only assume that material changes will have to occur to meet the requirements of future tenants.
- 4.11. Without the participation of the UoE it is highly likely that this appeal is about getting permission for a speculative development, since it no longer has any committed student accommodation operator on board. It is also likely that with a future service provider, the hotel element would simply be absorbed into the student accommodation element and the number of student rooms increased. A careful look at the floor plans reveals that the hotel and student rooms are merely separated by sets of doors. Both programs share the same fire escape routes, which means that the boundary between both student accommodation and the hotel is not permanently set.
- 4.12. In effect without the UoE's commitment, it is entirely possible to see an agency of student bedrooms far larger than currently stated.
- 4.13. It is worth highlighting that these observations are not detailed in the appeal forms and that the UoE's withdrawal from the proposal is not mentioned. It is worth noting that timing is not the reason behind these omissions, as the UoE informed the appellant of its withdrawal weeks ahead of submitting the appeal documents.
- 4.14. **Plans lodged for the appeal are not up to date**
- 4.15. A number of plans submitted as part of the appeal differ from the versions of the plans that were used for the original applications. The plans underwent a number of revisions during the Planning Application submission.
- 4.16. We have observed that a number of floor plans, site plans and elevations submitted for the appeal are not consistent with the January 18th 2019 revisions.

- 4.17. One serious point of concern is that the elevations lodged for the appeal are not the latest set of elevations:
- 4.18. The elevations fail to show a 2m chimney (boiler) which was originally missing from the first set of elevations but was shown on the latest sets of drawings. However, the drawings lodged for the appeal once again fail to show the 2m chimney. According to the Appellant's Environmental Health Response, it is located on top of the 7 storey section of the student residence adding an additional 10% to the height. Chimneys should be accounted for when assessing a building's height. In its earlier versions of the plans, the developer had used the height of chimneys in neighbouring buildings to justify the height of its proposals. We believe this omission to be misleading as it makes the building appear lower than it does on the Planning application.
- 4.19. The Town and Country Planning Act 1990 section 65 states:

(6)If any person—

- (a) issues a certificate which purports to comply with any requirement imposed by virtue of this section and contains a statement which he knows to be false or misleading in a material particular; or*
- (b) recklessly issues a certificate which purports to comply with any such requirement and contains a statement which is false or misleading in a material particular, he shall be guilty of an offence.*

4.20. **Case Precedence**

- 4.21. The Appellant has submitted three examples of Case Precedence - 13/04405/FUL, 5/01921/FUL and 15/00643/FUL.
- 4.22. By using precedents which didn't comply with planning guidance but have been approved, the developer suggests that their non compliant scheme should be approved. If anything, this highlights the fact that some wrong decisions may have been made in the past. In our situation, while the case officer made similar recommendations, the Councillors applied the appropriate guidance and ruled against the recommendations of the planning officer.

4.23. **Daylight and overshadowing**

- 4.24. The Appellant's Daylight and Sunlight Analysis (DSP 001(g)) states:

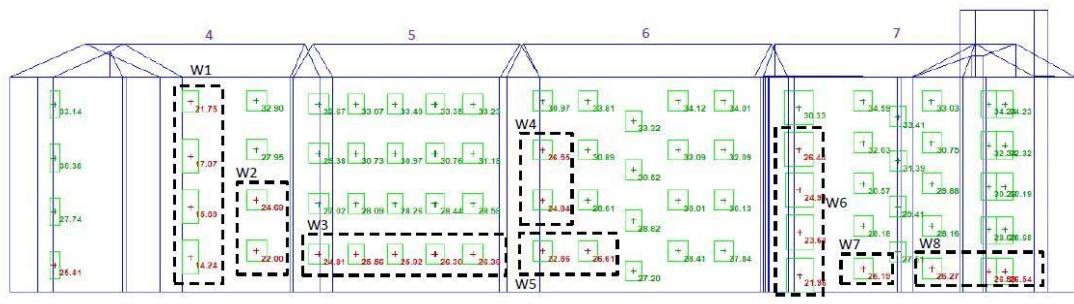
There are several windows to the Stead's Place apartments that do not achieve a Vertical Sky Component (VSC) ≥27% or the allowable 0.8 reduction factor post development. However, the actual reduction factor for these windows are between 0.75 – 0.8, which is within close range of the allowable 0.8 value. As such the

reduction of daylight to these windows will be very close to the requirements of Policy Des 5a.

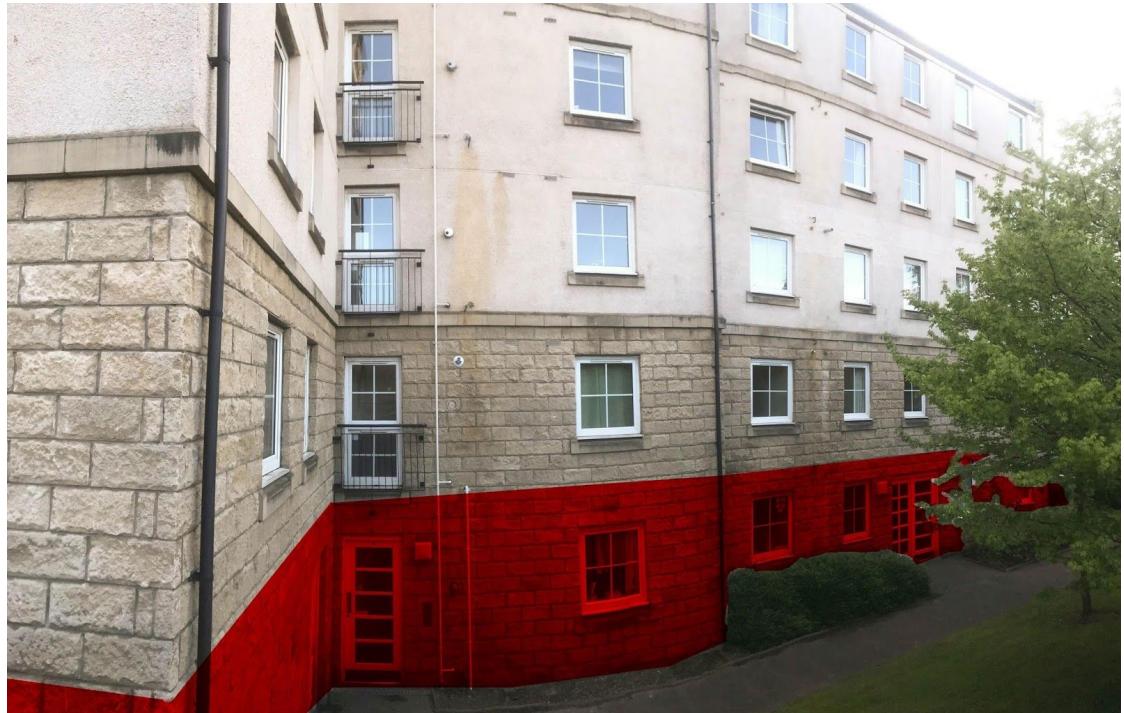
- 4.25. “Very close” is not the same as meeting the requirements of Policy Des 5a and so fails to meet the Policy minimum requirements.
- 4.26. We have now examined the lodged Daylight & Sunlight Assessment and it does seem that the 3D model that has been used for the analysis might be incorrect in a more serious way in terms of:
 - Window layout - 4 floors are shown in 3D model vs. 5 floors in real life
 - Ground levels - the existing Stead's place block sits one full floor lower than the developer's proposal

[see illustrations below for detail]

- 4.27. This modelling inaccuracy would imply that even more windows in the Stead's Place block fail minimum daylight requirements.
- 4.28. **Window layout inconsistencies**
- 4.29. 3D model of Stead's Place



vs.



(Windows in red are missing from 3D model)

4.30. **Ground level inconsistencies:**

4.31. 3D model

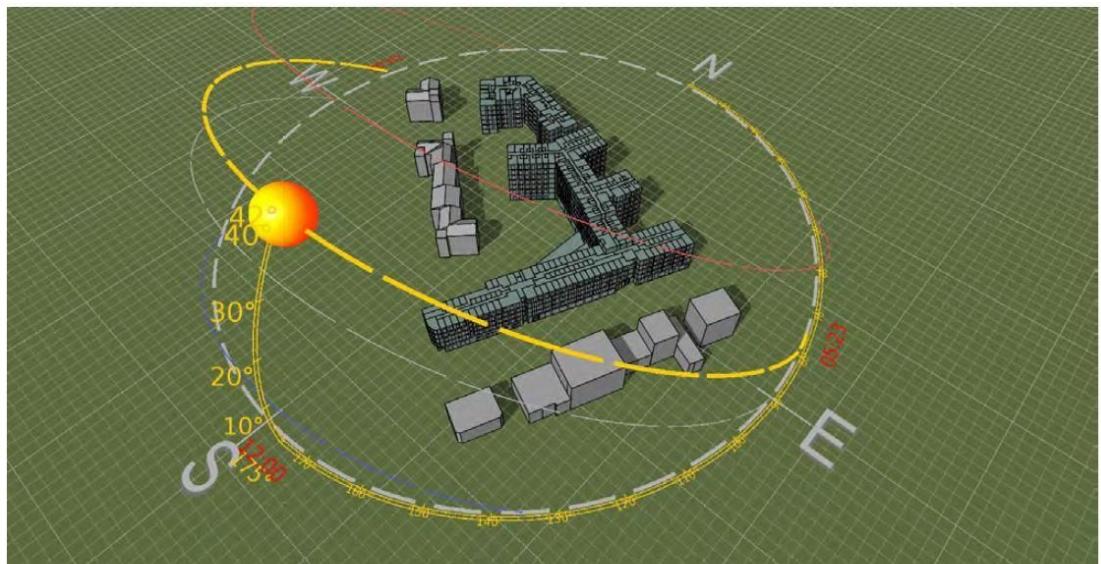


Figure 3: Three-Dimensional Model of Proposed Development

vs.



4.32. Planners and case officers rely on developers to submit accurate and truthful information on technical matters. The failure to account for an entire floor of an

adjacent building must raise questions about the integrity of the Daylight and Sunlight Analysis.

- 4.33. **Concentration of student accommodation and mix of uses**
- 4.34. The total area of the site is 1.2 hectare, so Student Housing Guidance February 2016 policy applies:

“Sites with greater than 0.25ha developable area must comprise a proportion of housing as part of the proposed development, to balance the mix of land uses and to contribute to housing land need. On these sites the new build residential gross floor area shall represent a minimum of 50% of the total new build housing and student accommodation gross floor area”.

- 4.35. In this case, the new build housing element in the appellant's proposal represent 24% of the total new build housing and student accommodation gross floor area.

| Floor space Calculation | Area m ² | Proportion |
|--|---------------------|-----------------------------|
| Total new build residential | 21,546 | 100% |
| Student Accommodation (including possible hotel or additional student rooms) | 16,418 | 76% |
| Housing Units | 5,128 | 24% |
| Mixed Use units | 633 | [excluded from calculation] |

- 4.36. The Appeal Form incorrectly states the proportion as 58:42 instead of the actual 76:24.
- 4.37. In order to reach the desired proportion, the appellant would either have to increase the amount of housing on the site or reduce the amount of student units.
- 4.38. The aim of the policy is to address the cumulative impact of large scale student housing developments which contribute to a transient population, where these uses will have a detrimental impact on character and communities.
- 4.39. The anticipated population split of the development provides a similar picture of the scale issue:
 - Up to 600 residents can be expected in the student residence and hotel/additional student rooms (many rooms are earmarked as double bedrooms or can be used as

double bedrooms)
- Up to 110 people can be expected in the housing development.

4.40. The application does not provide a minimum of 50% of new build residential gross floor area and fails to comply with the Student Housing Guidance and would result in an imbalance of land uses on the site.

4.41. **Provision of cycle parking**

4.42. The provision of cycle parking is inadequate and more so now since the UoE has withdrawn from the development.

4.43. The original justification for cycle parking was based on measures provided by the UoE. While not applicable anymore, these measures were questioned by numerous third parties at the time. If the student accommodation development goes ahead then it would have to serve other universities or colleges, all of which are more distant than the UoE, making cycling a more popular form of transport to and from college and consecutively increase the need for secure parking.

4.44. The original overwhelming under provision of cycle parking was already a breach of design guidance as that the proposal only provides 174 cycle spaces for the student flats, which is only 33 % of the expected 522 bays. The situation has worsened since the withdrawal by the Uoe.

4.45. **Other grounds not mentioned in the Council's decision.**

4.46. The Development Management Subcommittee on 30th of January 2019 listed a number of grounds for rejection of the application. The number of grounds listed was one of the highest ever by Edinburgh Council. However, in our original submission we had listed 23 planning policies and guidance that the proposed development breached. While they were not all listed by the Planning Committee, we believe they remain valid and are available in our original submission.

4.47. **Comments on the Statement of Appeal wording**

4.48. “Mixed use development”:
The term is misleading as the development is essentially a student housing development with a hotel interwoven into it and a separate block of 58 affordable flats located at the back of the site.

4.49. “Earmarked for development by the City of Edinburgh Council since 2008”:
The Stead’s Place/Jane street Development Brief August 2008 explicitly says:

*“The role of the brief is to guide **an appropriate mix of uses**, that includes **flexible small business space**, and to connect missing links in the network of pedestrian/cycle routes and green spaces.”*

The Brief highlights 106-154 Stead's place as "important frontage" and also clearly notes its inscription into the Leith Walk Conservation area.

4.50. "The design approach has been influenced by the Stead's Place/Jane Street Development Brief":
Historic & Environment Scotland (HES) have not been consulted by the Planning Committee prior to approval on 7th August 2008, thus leaving out crucial conservation considerations and guidance on such matters should therefore be sought elsewhere.

4.51. "Reinstate the tenement form to Leith Walk":
A tenement is a form of tenure and not an architectural form. Claiming to reinstate it as a "form" is a serious architectural misconception and misleading. There is no record of residential use of the site that could be "reinstated".

4.52. **Drum Property Group**

4.53. It is our understanding that the Appellant has not completed any of the following projects:
- student housing
- hotels
- affordable homes

4.54. Student accommodation comprising 471 rooms (529 beds): While seeking Planning permission, the Appellant has played down the number of anticipated students (see Planning Statement - 600147) by not explicitly stating the actual number of proposed students beds in the development.

4.55. "Three Community Councils submitted objections to the application, but some of their comments are conflicting":
This is a misleading statement by the Appellant.

4.56. **Third Party Representations**

4.57. The Applicant has claimed that the applications to demolish 106-154 Leith Walk and build a mixed-use development at Stead's Place received significant levels of public support through the planning portal. We note that:

- Some of the information given to people who signed letters of support for the planning applications could be construed as misleading, inaccurate or omitted key facts.
- For example, the template letter in support for the planning applications notes that the sandstone building 'is not listed' but fails to make any mention of the crucial fact that the building lies within a Conservation Area.

- The template letter of support states that the proposed development will 'create local jobs for the community that will help the area develop economically'. The letter fails to point out that Edinburgh Council's Economic Development says that the proposed development will lead to fewer jobs and lower income in Leith.
- Professional lobbyists were employed to canvass support in postcodes several miles from Leith Walk and target Edinburgh's student population.
- The second paragraph of the letter of support for the planning applications begins: '**As a local resident**'. However, a significant proportion of the people who signed letters of support for Drum Property Group's proposals are from postcodes several miles from Leith Walk. A significant number are residents of places from as far afield as Livingston, Dunbar, Fife, Falkirk, Paisley and Glasgow.
- More than 80% of postcodes in the immediate vicinity of Leith Walk oppose Drum Property Group's planning applications. The people who will be most affected by the proposals i.e. those people who live closest to the Stead's Place site, have registered overwhelming opposition to Drum Property Group's proposals.
- Rather than submit separate letters of support for each of the planning applications, i.e. a letter of support for the demolition and a separate letter of support for the proposed development, significant numbers of supporters have each signed only one letter referring to both applications.
- Students have come forward to let local residents in Leith know that teams of professional canvassers operated on UoE property, including in student canteen areas and halls of residence, to gather signatures from students in support of the proposed demolition and development. In response to a Freedom of Information request to the UoE, Ann-Marie Noble, information compliance manager at the University, confirmed on January 22, 2019: "I can confirm that the University has not given Drum Property Group or its associated organisations access to students or staff or their contact details".

4.58. We believe that all of the above information should be taken into account when considering the levels of support which Drum Property Group claims to have for its planning applications.

4.59. **Effect upon Leith Walk Conservation Area**

4.60. The Appellant refers to the Heritage Statement (prepared by Hurd Rolland Partnership) to justify the proposed development. This is a paid commission and not the work of an independent body.

4.61. **Future employment**

4.62. As calculated by the Economic Development Department, the proposed development would result in a clear loss of jobs compared to what the current block at 106-154 Leith Walk can offer. We would like to add the fact that the smaller amount of jobs resulting from the proposed development would also likely be low-paid jobs. We can anticipate such a scenario based on other developments on Leith Walk which all offer large units unaffordable to small businesses and therefore going to chain retailers.

4.63. The Edinburgh Local Development Plans (LDP) is “a plan to provide jobs”, it aims at “growing the number and range of jobs in the city” (p.47), not reducing the amount of jobs nor solely providing low-paid & low-skilled jobs.

4.64. The LDP’s objectives are (p.108):

- *To promote sustainable growth in jobs and investment in Edinburgh’s economy*
- *To protect a range of existing business and industry locations of importance for a mixed and varied economy*
- *To maintain and enhance the diversity of jobs available in the city, paying special attention to small business needs”*

4.65. **Addressing climate change**

4.66. The Climate Change (Scotland) Act 2009 and the Planning etc. (Scotland) Act 2006 place a duty on the Council to act in the best way to reduce emissions, adapt to climate change and prepare development plans to further sustainable development. The appellant has consistently scored the lowest possible points on all environment markers and fails to address any non statutory sustainability requirements.

4.67. As one of LDP’s key objectives is to “look after and improve our environment for future generations in a changing climate”, we believe that this development is irresponsible and would contribute harming future generations.

5. Response to Appellant’s grounds for Appeal CAC-230-2004)

5.1. Leith Central CC, Leith Links CC and Leith Harbour & Newhaven CC have consistently argued against the complete demolition of 106-154 Leith Walk, the two-story red sandstone building sitting prominently in the Leith Conservation Area.

5.2. While the material objections submitted from all three Community Councils to the original planning applications still stand, we see it as important to highlight the positive contribution the building makes to the Leith Conservation Area. This positive contribution is not only in terms of architecture and heritage but also socio-economic.

- 5.3. **Positive Contribution to the Conservation Area**
- 5.4. As consultee to the original application for full demolition within a Conservation Area, Historic Environment stated the following about the red sandstone building:

"We believe the building makes a positive contribution to the conservation area but not a significant one, therefore our assessment suggests attempts should be made to retain the building. After careful consideration we do not object to this application. Our view is that the proposals do not raise historic environment issues of national significance and therefore we do not object. However our decision not to object should not be taken as our support for the proposals."
- 5.5. This assessment matches the three CCs' understanding of the building positive contribution to the Conservation Area (CA) and its importance for the CA's contiguity.
- 5.6. LDP Policy Env 5 and Policy Env 2 cover matters where there are applications for demolition in Conservation Areas.
- 5.7. These allow for buildings that make a positive contribution to a conservation area to be demolished only in "**exceptional circumstances.**" We stand by our position that there are no exceptional circumstances for the proposed demolition as the test for Policy Env 2 is not met.
- 5.8. The Historic Environment Policy for Scotland on the demolition of an unlisted building in a conservation area has recently been updated and will impact on this appeal. The following HEPS policies are of particular importance:
 - 6.1 *As with listed buildings, there is a presumption in favour of the retention of unlisted buildings in conservation areas where C(S)-listed buildings make a positive contribution to the character, appearance, or history of the area. Many local authorities have prepared conservation area appraisals and these can be used to identify unlisted buildings which contribute positively to the character and appearance of an area.*
 - 6.2 *Conservation area consent applications for demolition of unlisted buildings in conservation areas will normally be considered in the same way as those for demolition of listed buildings. As for listed buildings, the necessary forms and advice are available from the local authority.*
 - 6.3 *Proposals for demolition in a conservation area should be considered in conjunction with a full planning application for a replacement development. The key principle in such cases is that the character and appearance of the area should be preserved or enhanced. This allows consideration to be given to the potential*

contribution that the replacement building may make to the area's character and appearance.

6.4 Demolition should not begin until evidence is given of contracts let either for the new development or for appropriate long-term treatment as open space where that outcome conforms to the character of the area. Gap sites could be harmful to the character of the area if allowed to lie undeveloped for a significant time between demolition and redevelopment.

- 5.9. Although the red sandstone building is regularly referred to as a building, the length and position of the building represents **a whole block**. Demolition of a whole block within a CA will have a significant impact on the character of the CA and clearly requires a more stringent assessment than the demolition of a single building.
- 5.10. Reflecting the importance of the block to the character and appearance of the CA, it was specifically added to the Leith Conservation Area when the boundaries were redrawn in 1998 as part of the North East Local Plan.
- 5.11. We fully support the Cockburn Association's statement (made at the DMSC hearing):

"This is the demolition of not one, but an entire row of buildings in a conservation area. It is worth remembering that council policy guidance states proposals which fail to preserve or enhance the character or appearance of a conservation area will normally be refused. It's hard to see how erasing all the buildings along Leith Walk will preserve or enhance anything. Once heritage is lost it is very hard to replace."

- 5.12. We fully support the Edinburgh Urban Design Panel statement:

"[the existing] buildings provide 'impressive' animation to Leith Walk and contribute to the Leith community".

[The Panel] "encouraged the design team to reconsider the proportion/mix of residential and student accommodation proposed for the site"

"The Panel expressed concern at the proposed demolition of the existing building on this frontage [to be] replaced with a linear block which appeared to be a very dominant insertion into the street and surrounding context."

- 5.13. We also support the Development Management Subcommittee (30 January 2019) assessment which states that

"This is a finely balanced assessment. Taking account of the views of HES

and those submitted in representations, it is concluded that the building does make a positive contribution to Conservation Area.”

- 5.14. The Appellant argues that there are “exceptional circumstances” for the demolition. as Community Councils we are concerned that these circumstances are mainly based on the developer’s profit margin. The fact that the developer chose to ignore the fact that the building is part of a Conservation Area and that there is an assumption for retention, should not be the foundation for an economic viability analysis. Particularly, as the building enjoyed 72% occupancy rate for the shop units and is still in sound condition.
- 5.15. **As Community Councils it is our responsibility** to assess proposed developments against the benefits of the community and not the developer’s profit. The appellant argues that retaining the building is economically unviable and that the proposed new development will bring many socio-economic benefits to this part of Leith Walk. However, this neglects that until Drum Property Group decided to end tenants’ leases, the shop area of the building was 72% occupied and the office area 66%. There have been two open letters (signed by the Community Councils, all local Councillors, local MP and MSP and others) to the developer asking to open the closed down shop and office units during the planning process. For the disadvantage of the community, the developer has chosen to keep the shops closed and boarded up. This sends a false message of derelict and economic breakdown to a significant part of Leith Walk and has negative impacts on the whole community.
- 5.16. With its 22 different shop units and 18 offices, the building used to be home to a wide variety of shops and local services. Healthy communities and town centres thrive from a variety of local amenities and it is worrying for Community Councils that local shops are being displaced in order to make space for a significant smaller amount of trading space with fewer trade and service diversity. These issues have already been addressed in our previous submission and are also discussed in more detail in the Save Leith Walk response to the proposed development. However, the amenities which are supposed to replace the current building are catered towards a transient student population and tourists rather than to that of a local community with a variety of needs.