

Development Management Sub Committee

Wednesday 14 September 2016

**Application for Planning Permission 16/00191/FUL
At Former Shrubhill House, 7 Shrub Place, Edinburgh
Erection of extension to student housing and alterations to
existing student accommodation to include velux
windows/student bedrooms within roofspace and other
associated works.**

Item number	4.3
Report number	
Wards	A12 - Leith Walk

Summary

The principle of student housing is acceptable on the site. The design, scale and materials are appropriate to the location and the proposal will not be detrimental to the character or appearance of the conservation area. A detailed assessment of daylight and sunlight impact has been undertaken which has demonstrated that there will be no unacceptable impact on amenity. The proposal is acceptable in all other respects subject to a suitable legal agreement and conditions.

Links

<u>Policies and guidance for this application</u>	LPC, CITD1, CITD2, CITD3, CITD4, CITD5, CITD6, CITD11, CITE6, CITH10, CITT3, LDPP, PLDP01, PLDP58, NSG, NSDCAH, NSGD02, NSGSTU, CRPLEI,
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Report

Application for Planning Permission 16/00191/FUL At Former Shrubhill House, 7 Shrub Place, Edinburgh Erection of extension to student housing and alterations to existing student accommodation to include velux windows/student bedrooms within roofspace and other associated works.

Recommendations

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

Background

2.1 Site description

The site, covering 0.33 ha, relates to the recently completed student accommodation at Shrub Place on Leith Walk. The building is arranged as a U-shaped footprint over a landscaped amenity deck at first floor level, above the commercial units located on the ground floor.

The principal elevation of the existing building fronts onto Leith Walk. This is six storeys in height at the southern end and steps down to five storeys towards Middlefield to the north, responding to the change in topography on Leith Walk. As the building returns into the site, it also steps down to five storeys in the southern section and four storeys in the northern section of the site.

Limited vehicular access is taken from Middlefield.

This application site is located within the Leith Conservation Area.

2.2 Site History

The relevant site history is:

9 April 2008 - planning permission was granted for the redevelopment of the site and erection of buildings for mixed use development including student residential accommodation and associated facilities, retail (class 1) units and food and drink (class 3) units, cycle parking areas and associated alterations to access and landscaping (as amended) (application number 06/05371/FUL).

3 December 2013 - a section 42 application was granted to vary condition 1 of planning permission 06/05371/FUL to extend the duration of the consent. The extent of the time extension was restricted to 18 months (application number 13/00241/FUL).

13 February 2015 - planning permission was granted for the installation of plant and associated development (application number 14/05234/FUL).

15 July 2016 - planning permission granted to vary condition 7 of planning permission 13/00241/FUL to allow Sunday deliveries to Unit 4 (Sainsbury's Convenience Store) (application number 14/05059/FUL).

15 July 2016 - planning permission granted to vary condition 7 of planning permission 13/00241/FUL to allow Sunday deliveries to Units 4 and 5 (application number 14/05060/FUL).

History for the adjacent large Shrub Place site:

The site has been the subject of various planning and listed building consent applications proposing mixed use developments, references 01/00509/FUL, 02/04595/FUL, 02/04593/FUL and 02/04595/LBC. On 20 July 2004, following a public inquiry, a number of planning application and listed building appeals were dismissed and refused permission (SEIRU Ref P/PPA/230/488 and 529 and P/LBA/230/121).

19 April 2006 - Planning permission granted for the demolition of the existing office building and Masonic Club, conversion of listed buildings and new build development to provide for a new Masonic Club, retail and commercial provision to Leith Walk and residential development (410 units) with associated access, parking and landscaping. This application included the redevelopment of Shrubhill House (application number 05/03128/FUL). As works commenced on site this permission remains live.

24 May 2006 - Listed building consent granted for the conversion of the listed tram sheds (application number 05/03128/LBC).

10 March 2010 - Planning permission 'Minded to Grant' subject to legal agreement for a hotel (Class 7) and associated facilities, Masonic Social Club, landscaping, parking and access arrangements. The application only relates to the eastern part of the site fronting Leith Walk (application number 09/00794/FUL). This application has now been withdrawn.

29 November 2013 - Planning permission refused for the change of use of the site to allow temporary storage of construction materials (application number 13/01416/FUL).

23 October 2013 - Proposed mixed use development comprising 160 residential units and 1150sqm of retail floorspace along with conversion of listed buildings, associated car parking and open space 'minded to grant' subject to conclusion of a Section 75 (application number 13/01070/FUL). The legal agreement has not yet been concluded.

17 December 2013 - Listed building consent granted to retain the existing chimney, alter existing tram workshops to accommodate residential development, and reduce height of existing gable wall (application number 13/01071/LBC).

15 July 2015 - listed building consent granted for the refurbishment and conversion of the listed buildings to form 30 flatted units (application number 15/00642/LBC).

2 May 2016 - planning permission granted for 376 residential units split into eight blocks, 282 sqm of retail floor space and new Masonic Club (application number 15/00643/FUL).

Main report

3.1 Description Of The Proposal

The proposal seeks to provide an additional 33 student bedspaces in total.

The proposed extension of the existing building provides an additional 26 bedspaces. This is divided into one studio flat and five cluster flats all with five bedrooms each.

The proposal also includes the conversion of existing attic space in the existing building to provide three studio flats at the fourth floor and four studio flats at the fifth floor. Velux windows are proposed in the pitched roof.

The proposed extension is to western gable end of the existing southern part of the building that extends back into the site. It provides a continuation of the existing five storey southern elevation before stepping into the site and repeating the similar pitched roof of the existing building. The windows broadly match the ordered fenestration of the existing building. On the western gable end a chimney element is proposed and windows to the stair core.

The palette of materials is the same as the existing building with the use of sandstone cladding, render and slate. The windows, guttering and downpipes are all grey in colour.

Pedestrian access to the site is as existing from the newly created area of public realm that links from Leith Walk. The proposed bedspaces will be accessed internally from the existing building.

Previous Scheme

Scheme 1 contained a total of 38 bedspaces. The proposed extension continued the design and building line of the existing building into the site in a more uniform manner without stepping the building.

Supporting Statement

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

- Planning Statement;
- Design and Access Statement;
- Sustainability Form (Part A);
- Drainage information; and
- Daylight and Sunlight Report.

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

3.2 Determining Issues

Section 25 of the Town and Country Planning (Scotland) Act 1997 states - Where, in making any determination under the planning Acts, regard is to be had to the development plan, the determination shall be made in accordance with the plan unless material considerations indicate otherwise.

Do the proposals harm the character or appearance of the conservation area? If they do, there is a strong presumption against granting of permission.

Do the proposals comply with the development plan?

If the proposals do comply with the development plan, are there any compelling reasons for not approving them?

If the proposals do not comply with the development plan, are there any compelling reasons for approving them?

3.3 Assessment

To address these determining issues, the Committee needs to consider whether:

- (a) the principle of the development is acceptable;
- (b) the proposals preserve or enhance the character and appearance of the conservation area;
- (c) the proposed scale, design and materials are acceptable;
- (d) the proposal is acceptable in terms of the impact on the amenity of future occupiers and neighbours;
- (e) the proposal is acceptable in terms of road safety and parking;
- (f) there are any other material issues;
- (g) the proposal is acceptable in terms of equalities and human rights; and
- (h) material representations have been addressed.

a) Principle

Edinburgh City Local Plan Policy Hou 10 Student Housing (and Second Proposed Local Development Plan Policy Hou 8) states that 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.

In terms of location, the site is in a highly accessible location on Leith Walk with access to good public transport. The site meets Policy Hou 10 criterion a).

At the time the application was submitted, the 2010 Student Housing Edinburgh Planning Guidance was in place. This advised that in locations with good access to university and college facilities by public transport or by walking or cycling, purpose built student housing will be acceptable provided that it will not result in a student population of 30% or more in the locality.

The additional 33 student bedspaces would increase the current student concentration from 18.34% to 19.04%. The locality of the application is defined by three datazones and the 19.04% is a combined figure across these three data zones. This approach is advocated in the guidance.

The Planning Committee approved new non-statutory Student Housing Guidance on 25th February 2016. It sets out criteria for where student housing will be acceptable. Outwith university and college campuses, student housing proposals on sites under 0.25 ha will generally be supported, though consideration will be given to any cumulative impact. On sites larger than 0.25 ha and sites identified as having a high probability of delivering housing in the LDP Housing Land Study, it is expected that a minimum of 50% of the site should also be developed for new build housing.

The total site area is 0.33 ha. This covers the recently completed student building and the site of the proposed extension. The 2014 Housing Land Study does identify the whole of the former Shrubhill House site as having a capacity for 38 housing units. The site has now been built out for student accommodation, therefore it should no longer be counted as a site with a high probability for delivering housing. The area for the proposed extension has only a footprint of approximately 125 sqm. As an extension of the existing building, it would not be appropriate to seek general housing as part of this application.

It should also be noted that the adjacent larger site at Shrub Place was granted planning permission for 376 flatted units (with 243 proposed to be affordable homes) on 2 May 2016. This is included in the assessment of the concentration of student housing in the locality.

The site is located in an accessible location and the modest addition of 33 bedspaces proposed will not lead to an overconcentration of student accommodation in this area. The principle of the proposed development is acceptable.

b) Conservation area

The Conservation Area Character Appraisal identifies Leith Walk as, "*one of the most important routes in the city. Its continuity as it stretches gradually downhill from the city centre is so prominent that it is clearly visible from many high vantage points around the city.*"

"The development pattern, building types and uses on the west side [of Leith Walk] are more diverse. Tenements are still the predominant form, but they show much greater variety in their design, heights, building lines, roofscapes and ages which in many cases look much earlier than that to the east. In places tenements are interspersed with town houses or smaller tenements well set back with front gardens to the street."

"Building types within the Conservation Area vary but are traditionally in stone with slate roofs. Pockets of public housing development from the 1960s and 1970s, of a contemporary character, fall within the expanded Conservation Area."

The proposed extension is on part of the site that is outwith the conservation area. The design of the proposed extension is in keeping with the existing building, utilising the same materials of sandstone cladding, render and slate. The building steps into the site and will not have an impact on the character and appearance of the conservation area.

In considering the inclusion of the velux windows in the existing building, this part of the conservation area contains a variety of types and styles of development. Roof lights and dormers are evident nearby along Leith Walk and their inclusion in this modern development will not be detrimental to the character or appearance of the conservation area.

c) Design, Scale and Materials

The general design of the proposal follows that of the already completed main building. The building line is initially maintained to provide continuity with the existing building with use of render to highlight where the building steps into the site.

The ordered fenestration and window sizes largely continue into the proposed extension. The inclusion of the gable end chimney element ties in with the detailing of the existing building. This helps to add interest and avoids leaving a blank gable wall.

The eaves and ridge height continues that of the existing building. The height and mass of the building is in keeping with the site and also the granted development within the locality.

The proposed materials tie in with the existing building and are appropriate in the context of the wider area.

The design, scale and proposed materials are acceptable. A condition is recommended to ensure that the proposed materials match the existing building.

d) Amenity

ECLP Policy Des 2 indicates that planning permission will not be granted for development which might compromise the effective development of adjacent land. Within this context, it is appropriate to consider whether the proposal would have an unacceptable amenity impact on future residents of the adjacent housing site thereby prejudicing the delivery of this major regeneration proposal.

The proposed Block F on the adjacent residential development to the north-west of the site is the closest to the proposal. It is approximately ten metres from the gable end of the proposed extension.

Such a distance is not out of character with this area. Parts of the granted adjacent Shrub Place proposal are only nine metres apart (Block B and Block F) and the original student accommodation is eight metres from the buildings on Middlefield Walk.

Privacy and Outlook:

The windows on the south-eastern elevation of the proposed Block F to be developed on the adjacent site are the closest to the proposed extension. The windows proposed in the gable end of the extension serve only the stairwell and therefore there are no direct overlooking impacts. Elsewhere there are no other potential privacy concerns to be addressed as a result of the proposal.

Scheme 1 contained a blank gable wall that would have resulted in a poor immediate outlook for parts of the proposed Block F on the adjacent site. The revised scheme removed this aspect by providing windows to the re-organised stair core and stepping the building to help break up the block and improve the outlook.

The proposal does not raise any amenity concerns in relation to privacy or overlooking.

Daylight and Sunlight:

The proposal will potentially have an impact on the levels of daylight and sunlight experienced in some of the flats proposed on the adjacent site. In order to assess whether this impact is acceptable, the applicant has submitted two comprehensive reports. The first was provided as supporting information when the application was submitted. Following submission of the amended scheme, a second report was provided to assess the revised proposals and set out a comparative analysis against Scheme 1.

The applicant's reports were prepared in line with the Edinburgh Design Guidance which identifies three different ways of measuring impact on daylight - Vertical Sky Component (VSC), Average Daylight Factor (ADF) and No Sky Line/Daylight Distribution (DD).

The reports demonstrate that, using all three assessment methods, there is no daylight impact on the flats in Block A as proposed on the adjacent site.

In terms of the VSC and ADF assessments, the proposals will have an impact on a number of rooms in Block F as proposed on the adjacent site. The VSC method measures the amount of daylight reaching an external wall. In this instance, if Block F had already been built, the impact on nine windows would fail the Council's standard of 27% or 0.8 of its former value.

The ADF method assesses the likely amount of daylight in affected rooms in existing buildings. If Block F had already been built in line with the approved plans, seven rooms would fail the standards set out in the Council's Design Guidance.

The VSC and ADF tests are usually applied to assess the daylight impact on existing buildings. In this instance, Block F on the adjacent site has not yet been built and therefore the DD test is considered the most relevant. It is also appropriate to take into account that this is a site located within the urban area, close to the city centre with good public transport accessibility. As such, the principle of high density development is supported.

The DD test assesses two components of daylighting, whether there has been a reduction of more than 20% in the area of the room receiving daylight and whether a minimum of 50% of the room receives daylight. In the amended proposal, eight rooms in the proposed Block F will not meet the 20% reduction criteria. However, this is a notional assessment as the flats have not yet been built and there are no existing occupants to notice a reduction in daylighting. It is therefore more relevant to consider whether at least 50% of the rooms receive daylight. The report indicates that all rooms in the proposed Block F meet this test.

The applicant has also demonstrated that the impact on sunlight as a result of the proposed development is limited.

An objection has been submitted raising concerns about the potential daylight and sunlight impact on the Proposed Block F on the adjacent site. The revised scheme has less impact on daylight and sunlight than the original proposals. The detailed analysis based on a 3D model provided by the applicant adequately addresses this matter.

The proposal will have some impact on the proposed Block F on the adjacent site in terms of daylight and sunlight. However, the detailed assessments undertaken indicate that the impacts are at an acceptable level for an urban area location suitable for high density development and that the proposal accords with the Edinburgh Design Guidance.

Overshadowing:

A shadow study has been submitted in support of the application showing before and after shadow paths for 21 March. There is no adverse impact in terms of overshadowing from the proposed development.

Other Matters:

Environmental Assessment has no objection to the proposal on amenity grounds. A condition in relation to site investigation and remediation of the site has been recommended.

In conclusion, the proposal is acceptable and will not have an adverse impact upon existing or future occupants or neighbours and will not prejudice the development of the adjacent site. Justification has been provided to show that the daylighting impacts will be minimal and appropriate in the context of the location.

e) Transport

The student accommodation does not require any additional car parking and the proposed cycling parking meets the Council's guidelines.

A tram contribution of £18,334 is required and this needs to be secured through a legal agreement.

The proposal raises no concerns in relations to transport matters.

f) Other material considerations

Sustainability:

The sustainability form has been submitted as part of the application. As a local development, only Part A is required in relation to carbon reduction. This is to be achieved by being well insulated and using the existing heat and power plant from the existing student housing scheme.

Drainage:

The applicant has provided the relevant drainage and surface water management information as part of the self-certification process. This is in line with current requirements of the Council.

g) Equalities

No equality or human rights issues have been raised with regards to the application.

h) Public comments

Material representations

- Over concentration of students in the area - this is considered in assessment 3.3a).
- The height of the development - this is considered in assessment 3.3c).
- Impacts on daylight and sunlight levels - this is considered in assessment 3.3d).
- Swift bricks should be included in the scheme - an informative has been added.

Community Council

Leith Central Community Council objects to the proposal on the grounds of the increased concentration of student accommodation in the area. The principle of the development is considered in section 3.3a).

Conclusion

The principle of student housing is acceptable on the site. The design, scale and materials are appropriate to the location and the proposal will not be detrimental to the character or appearance of the conservation area. A detailed assessment of daylight and sunlight impact has been undertaken which has demonstrated that there will be no unacceptable impact on amenity.

The proposal is acceptable in all other respects subject to a suitable legal agreement and conditions. There are no material considerations that outweigh this conclusion.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. i) Prior to the commencement of construction works on site:
 - a) A site survey (including intrusive investigation where necessary) must be carried out to establish, either that the level of risk posed to human health and the wider environment by contaminants in, on or under the land is acceptable, or that remedial and/or protective measures could be undertaken to bring the risks to an acceptable level in relation to the development; and
 - b) Where necessary, a detailed schedule of any required remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Planning Authority.
- 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.
2. 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 work is commenced on site; Note: samples of the materials may be required.

Reasons:-

1. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.
2. In order to enable the planning authority to consider this/these matter/s in detail.

Informatives

It should be noted that:

1. Legal Agreement

A legal agreement is required and must be signed before planning permission is granted for the following developer contributions:

 - Tram - £18,344
2. The development hereby permitted shall be commenced no later than the expiration of three years from the date of this consent.
3. No development shall take place on the site until a 'Notice of Initiation of Development' has been submitted to the Council stating the intended date on

which the development is to commence. Failure to do so constitutes a breach of planning control, under Section 123(1) of the Town and Country Planning (Scotland) Act 1997.

4. As soon as practicable upon the completion of the development of the site, as authorised in the associated grant of permission, a 'Notice of Completion of Development' must be given, in writing to the Council.
5. The incorporation of swift nesting sites/swift bricks into the scheme is recommended. Further details on swift bricks can be found at www.edinburgh.gov.uk/biodiversity.

Financial impact

4.1 The financial impact has been assessed as follows:

The application is subject to a legal agreement for developer contributions.

Risk, Policy, compliance and governance impact

5.1 Provided planning applications are determined in accordance with statutory legislation, the level of risk is low.

Equalities impact

6.1 The equalities impact has been assessed as follows:

This application was assessed in terms of equalities and human rights. The impacts are identified in the Assessment section of the main report.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

This application meets the sustainability requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

Pre-application discussions took place on this application.

8.2 Publicity summary of representations and Community Council comments

The application attracted four representations, including one from Leith Central Community Council. A full assessment of the representations can be found in the main report in the Assessment section.

Background reading/external references

- To view details of the application go to
- [Planning and Building Standards online services](#)

- [Edinburgh City Local Plan and Rural West Edinburgh Local Plan](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)
- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

This site is located within the Urban Area and Leith Town Centre in the Edinburgh City Local Plan and the Second Proposed Local Development Plan.

Date registered

18 January 2016

Drawing numbers/Scheme

01,02A-08A,09-17,

Scheme 2

John Bury

Head of Planning & Transport
PLACE
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Links - Policies

Relevant Policies:

Relevant policies of the Edinburgh City Local Plan.

Policy Des 1 (Design Quality and Context) sets general criteria for assessing design quality and requires an overall design concept to be demonstrated.

Policy Des 2 (Co-ordinated Development) establishes a presumption against proposals which might compromise the effective development of adjacent land or the wider area.

Policy Des 3 (Development Design) sets criteria for assessing development design.

Policy Des 4 (Layout Design) sets criteria for assessing layout design.

Policy Des 5 (External Spaces) sets criteria for assessing landscape design and external space elements of development.

Policy Des 6 (Sustainable Design & Construction) sets criteria for assessing the sustainable design and construction elements of development.

Policy Des 11 (Alterations and Extensions) sets criteria for assessing alterations and extensions to existing buildings.

Policy Env 6 (Conservation Areas Development) sets out criteria for assessing development in conservation areas.

Policy Hou 10 (Student Housing) supports provision of student housing on suitable sites.

Policy Tra 3m (Tram Contributions) requires contributions from developers towards the cost of tram works where the proposed tram network will help address the transport impacts of a development.

Relevant policies of the Proposed Local Development Plan.

Second Proposed LDP Policy Del 1 (Developer Contributions) identifies the circumstances in which developer contributions will be required.

Second Proposed LDP Policy Hou 8 (Student Accommodation) sets out the criteria for assessing purpose-built student accommodation.

Relevant Non-Statutory Guidelines

Non-statutory guidelines on Developer Contributions and Affordable Housing gives guidance on the situations where developers will be required to provide affordable housing and/or will be required to make financial or other contributions towards the cost of, providing new facilities for schools, transport improvements, the tram project, public realm improvements and open space.

Non-Statutory guidelines Edinburgh Design Guidance supports development of the highest design quality and that integrates well with the existing city. It sets out the Council's expectations for the design of new development, including buildings and landscape, in Edinburgh.

Non-statutory guidelines Student Housing Guidance interprets local plan policy, supporting student housing proposals in accessible locations provided that they will not result in an excessive concentration.

The 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.

Appendix 1

Application for Planning Permission 16/00191/FUL At Former Shrubhill House, 7 Shrub Place, Edinburgh Erection of extension to student housing and alterations to existing student accommodation to include velux windows/student bedrooms within roofspace and other associated works.

Consultations

Archaeology response - dated 28 January 2016

The site has been identified as occurring within an area of archaeological significance relating to the adjacent former Shrub House and Victorian Middlefield Coach Works. As such the site was investigated in 2014 by AOC Archaeology as part of the earlier 2013 application for student housing. The results revealed the fragmentary remains of a cobbled yard and tracks in this location, which were fully recorded at the time, and deep truncation across the site as a whole.

Based on 2014 evaluation results it is considered that it is unlikely that significant remains will be disturbed and as such it has been concluded that there are no known archaeological implications in regards to this application.

Environmental Assessment response - dated 26 January 2016

The application proposes to erect additional student residences as part of an existing student residence development which fronts onto Leith Walk. Residential flats are situated to the rear. A brownfield site with consent for residential properties is situated to the west.

Environmental Assessment has no objections to this proposed development subject to the following condition:

Prior to the commencement of construction works on site:

(a) A site survey (including intrusive investigation where necessary) must be carried out to establish to the satisfaction of the Head of Planning, 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 remedial and /or protective measures, including their programming, must be submitted to and approved in writing by the Head of Planning.

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 to the satisfaction of the Head of Planning.

Roads Authority Issues - dated 9 February 2016

I have no objections to the application subject to the following being included as conditions or informatives as appropriate:

- 1. Consent should not be issued until the applicant has entered into a suitable legal agreement to contribute the sum of £18.334 to the Edinburgh Tram (based on 1,023m² residential institution in Zone 1);*
- 2. Any works to the footway etc. must be carried out under permit and in accordance with the specifications. See Road Occupation Permits [information on the Council's website].*

Note:

The existing cycle parking on Leith Walk is not considered to be suitable or adequate for purpose.

Location Plan



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