

Development Management Sub Committee

Wednesday 26 September 2018

Application for Planning Permission in Principle 17/05742/PPP

**At 14 Bonnington Road Lane, Edinburgh, EH6 5RB
Application for planning permission in principle for residential development (up to 220 units) together with commercial space and associated works (including demolition of building) at the former John Lewis Depot, Bonnington.**

Item number	Item 7.1
Report number	
Wards	B12 - Leith Walk

Summary

The proposed residential development with commercial units is acceptable in principle and complies with the Development Plan and the Council's non-statutory guidance. A condition securing the quantum of business floorspace is attached to ensure compliance with Edinburgh Local Plan (LDP) Policy Emp 9.

Links

[Policies and guidance for this application](#)

LDPP, LDEL01, LDES01, LDES02, LDES03, LDES04, LDES05, LDES06, LDES07, LDES08, LDES09, LEN03, LEN08, LEN09, LEN12, LEN15, LEN16, LEN18, LEN20, LEN21, LEN22, LEMP09, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LHOU10, LTRA02, LTRA03, LTRA04, LTRA08, NSG, NSGD02, NSDCAH, NSOSS, OTH, DBBON,

Report

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commercial space and associated works (including
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Bonnington.**

Recommendations

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

Background

2.1 Site description

The application site is located on the east of Bonnington Road Lane and west of Anderson Place. The Water of Leith forms the site's northern boundary. The riverside edge is tree lined, including a section of leylandii towards Anderson Place. A B listed warehouse converted to residential use is opposite the site on Anderson Place. The site covers approximately 1.96ha. It is the former depot (storage and distribution use) for John Lewis Ltd and the now vacant warehouses are proposed to be demolished. The site sits within a wider area of mixed industrial uses which is undergoing significant change with a number of new residential developments planned or under construction in the immediate vicinity.

2.2 Site History

7 August 2008 - Bonnington Development Brief approved for the area including this site.

Other relevant applications in the area:

13 May 2016 - Minded to grant subject to legal agreement for the proposed development of 14 flats (as amended) at 2-4 Bonnington Road Lane (application number: 14/05146/FUL).

7 Nov 2016 - Permission granted for residential development consisting of 201 dwellings and 2no. commercial spaces with associated parking and landscape works (as amended) at 5,15,15A Bonnington Road Lane (application number: 15/05457/FUL).

23 Mar 2017 - Permission granted to construct 98 No. residential units with commercial space, ground floor frontage, associated parking, landscaping and accesses at 54 metres southeast Of 20 West Bowling Green Street (application number: 16/03138/FUL).

Main report

3.1 Description Of The Proposal

Planning permission in principle (PPP) is sought for residential development with commercial space and associated works.

In support of the application, an indicative site layout plan showing the siting of blocks, storey heights and open space has been submitted to demonstrate how the site could be developed. It shows potential capacity for 220 units, mainly flatted with 27 colony style units. Access into the site is shown from Bonnington Road Lane and a new access off Anderson Place. A flatted block of five to six storeys forms a perimeter block in the southern portion of the site with access taken from Bonnington Road Lane. To the north a six storey flatted block lowering to four storey runs along the western site boundary. Two terraces of colony style units run perpendicular to the Water of Leith. A four storey flatted block fronts onto Anderson Place.

Two residential blocks with commercial units at ground floor are shown adjacent to the Biscuit Factory, to the south of the site.

This site layout is indicative and for information only to demonstrate how the site could develop. Further details on the development of this site will be required to be submitted in applications for matters specified in conditions, if planning permission is granted.

Supporting Statements

The following statements were submitted to support the application:

- Masterplan;
- Design & Access Statement;
- Sustainability Statement form;
- Planning Statement;
- Pre-Application Consultation Report;
- Environmental Report;
- Ecology report;
- Archaeology;
- Flood Risk Assessment;
- Noise Impact Assessment;
- Ground Conditions - phase 1 review for soil or groundwater contamination;
- Transport Assessment;
- Tree Survey;
- EIA Screening Opinion; and
- Construction Environmental Management Plan.

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 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 on this site;
- (b) the scale, design and layout of the development is acceptable;
- (c) the impact on the ecology;
- (d) impact on the setting of adjacent listed building;
- (e) the proposal would raise archaeological, drainage, flooding or contamination issues;
- (f) the proposal would have acceptable transport impacts;
- (g) there is sufficient amenity for existing neighbours and future occupiers;
- (h) the proposal meets sustainability criteria;
- (i) the proposal has impacts on infrastructure; and
- (j) public comments raise issues to be addressed.

(a) Principle

Business Floorspace

The site is in the urban area as identified in the adopted Edinburgh Local Development Plan (LDP) where housing and compatible uses are appropriate. Within the urban area, LDP Policy Hou 1 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's last use was an employment use and LDP Policy Emp 9 Employment Sites and Premises applies. This allows for the introduction of non-employment uses that will not prejudice or inhibit the nearby activities in employment use, and where the proposal is part of a comprehensive regeneration of the wider area. This policy requires sites over one hectare to include floorspace designed to provide for a range of business users. The indicative amount of 400 sq m and location of business floorspace is shown in the site layout plans submitted in support of this application.

A 'Requirement for replacement business space: demand assessment' was submitted in support of the application. LDP Policy Emp 9 does not only concern 'office' use but other business users within the 'business' use class, therefore it is appropriate to focus on the assessment of 'flexi' business space and industrial space. The assessment acknowledges the lack of industrial space but noted examples where new spaces were at either subsidised or non-market rent spaces. The assessment proposes Class 2 office uses as well as Class 4 business uses be considered within the development at a maximum of 350 sq m (under the indicative quantum shown in drawings).

Economic Development's response has requested a restriction to Class 4 in order to address the shortage of flexible business space. Class 2 office use is generally directed to local and town centres where the use can change to a Class 1 shop use without requiring planning permission and these uses do not meet the objective of LDP Policy Emp 9. A condition attached to this PPP application restricting the business floorspace to Class 4 use is appropriate. Economic Development has requested a minimum of 900 sq m of business space as this is roughly equivalent to the employment density of 78 FTE lost to the retail distribution depot's relocation. LDP Policy Emp 9 does not specify the quantum of replacement business floorspace instead emphasises the provision of flexible space for a range of business users. Therefore it would not be reasonable to require full reprovision of lost floorspace as calculated using employment densities.

The location for the six commercial units with a total floorspace of approximately 400 sq m has been tested with the submitted indicative site layout plan. It shows two ground floor units on Anderson Place and a further four units on the lane servicing the Biscuit Factory and other business units. These are visually prominent locations that can secure appropriate access and servicing for future business occupiers. It is considered that this amount of floorspace is sufficient to address LDP Policy Emp 9. Furthermore, grouping the units next to the Biscuit Factory allows them, at ground floor level, to act as a buffer from activity from the existing commercial neighbour and future residents. For these reasons, the siting and amount of the commercial floorspace will be secured by condition. Other aspects of the units' detailed design, in as much as planning can control (such as ceiling heights, door access, parking), that will determine if the units are flexible for use by a range of business uses, will be considered at the AMC stage.

Bonnington Development Brief

The Bonnington Development Brief (approved in 2008) sets out principles for the development of uses other than industry in the Bonnington Area. While the Brief was prepared ten years ago, the objectives remain valid: to guide appropriate mix of uses, coordinate and connect missing links in the network of pedestrian/cycle routes and greenspaces. Specific to this site, the Brief seeks to extend Bonnington Road Lane north towards the river; maintain the existing character of the riverside which is predominantly soft and vegetated; and redesign the existing area of green space in the site as an area of publically accessible open space. The principle of residential with commercial business space is addressed above. The layout and connections shown in the indicative site layout plans are considered to meet the Brief and are addressed in section (b) below in detail.

Affordable Housing

There will be an affordable housing provision requirement of 25% of the total units. This will be secured through a legal agreement.

(b) Scale, design and layout

The application is for planning permission in principle and therefore detailed designs have not been submitted. However, the application is supported by a masterplan and an indicative layout site plan. These plans, while not to be approved as part of this PPP application, have formed the basis of assessing the site's potential to develop in a way that accords with the development plan and other guidance. These are addressed in turn below.

Site layout

The indicative plan show six blocks in a layout that continues the built form along Anderson Place, and on Bonnington Road Lane flats face flatted development under construction. Vehicular access off Anderson Place creates a street that connects to the neighbouring residential development (under construction). In addition to the site's layout, the indicative plans demonstrate how the site immediately to the west, which is in active use as a storage facility, could potentially be developed in a way that works with this site's block layout. This demonstrates compliance with LDP Policy Des 2 Coordinated Development.

A small section to the north of the site is designated amenity open space in the LDP. This is shown as partly retained and developed out as a linear greenspace in the indicative layout.

Heights

An indicative massing plan was submitted to facilitate understanding of the impact on the local townscape character and demonstrates that the heights indicated in the site layout plan do not breach the protected skyline view of the Salisbury Crags from South Fort Street (Key View N4 South Fort Street - Salisbury Crags) in line with LDP Policy Des 11 Tall Buildings. However, block plans and block heights will be considered at AMC stage.

Overshadowing and daylighting

A sun path diagram was submitted and demonstrates that the indicative layout can meet the Council's guidance and the layout will not materially impact on the neighbouring block with regards to overshadowing. However, as heights are not approved at this time the full impact can only be assessed at the AMC stage, as will the impact on daylighting of adjacent properties when full building details are provided.

(c) Ecology

The site's northern boundary is the Water of Leith which is identified under LDP Policy Env 15 as a local nature conservation site. The key issue is the maintenance of this important green network. An ecology report was submitted in support of the application. The report identifies protected species using the Water of Leith in this area. In accordance with LDP Policy Des 10 Waterside Development, this development should maintain or enhance the water environment, its nature conservation or landscape interest including its margins and river valley. The Edinburgh Design Guidance advises a 15 metre setback between the river and new development. The indicative plans show a linear greenspace along the site's northern edge, with a reduction of the massing of the development blocks. Pedestrian and cycle access along the Water of Leith is established on the northern bank. The detailed design of the landscape treatment at this sensitive location and the precise location of the path access along the water's edge within the site will be dealt with as a reserved matter. However, at this PPP stage, a 15 metre setback is conditioned to provide the parameters of where development in principle is acceptable on the site, and to minimise potential adverse impacts of development on the nature conservation site in line with LDP Policy Des 10, Env 15 and Env 16.

Existing broadleaved woodland on site has also been identified as having biodiversity value. In accordance with LDP Policy Des 3 and Env 12 this habitat should be incorporated into the design or compensation tree planting, commensurate with the biodiversity loss, should be included. Table 4.1 of the ecology report sets out mitigation and enhancement measures which should be adhered to in any future development. Any future scheme would need to be supported by an updated ecology report.

Conclusion

The development layout will not be approved with this application. However, the indicative plan submitted shows a potential layout with a strong development frontage onto Anderson Place, and shows a street network that continues that established in the adjacent residential development (under construction), and future connections to the pedestrian bridge over the Water of Leith. This is in line with the principles of the development brief and accords with LDP Policy Des 2 Coordinated Development. Applying a condition to secure a greenspace buffer of 15 metres from the Water of Leith in order to protect its nature conservation value and direct an appropriate development layout in line with LDP Policy Env 15 Sites of Local Importance and Des 10 Waterside Development.

The site layout will only be approved at the AMC stage along with detailed designs regarding façade treatment, materials and landscape treatment.

(d) Impact on the setting of adjacent listed building

To the east of Anderson Place is a red brick B listed four to eight storey former sugar mill and warehouse converted to residential use in 2004. It is largest surviving example of a bonded warehouse in Edinburgh and an example of the industrial fabric of Leith. The proposed development, as shown in the indicative layout, remains within the range of heights of historic neighbouring properties as required by the Edinburgh Design Guidance and continuing a frontage onto Anderson Place is appropriate. However, the impact of the development on the listed building will be tested at the AMC stage when details of development blocks, elevational treatment and materials will be provided.

(e) Drainage, archaeology and contamination

Drainage

SEPA initially objected to the application on the grounds of lack of information. Their objection was removed once a revised Flood Risk Assessment (FRA) and Self Certification Certificate and checklist was submitted. The assessment is to the satisfaction of the Council's flood prevention team. The SEPA Flood Map indicates that the site lies immediately adjacent to the 0.5% annual probability (or 1 in 200-year) flood extent and may therefore be at medium to high risk of flooding from the Water of Leith. However, given that the site sits at 8mAOD and the Water of Leith is considerably lower at this location, there is no objection on flood risk grounds. The indicative surface water drainage strategy has used the indicative layout to demonstrate compliance with guidance on the attenuation of surface water flows and peak discharges. As this is a planning permission in principle, a condition can secure that the finalised details of the proposed drainage network are submitted at the AMC stage.

Archaeology

The site is identified within an area of archaeological and historic significance for potential buried industrial (medieval mills) and military (16th century sieges of Edinburgh and Leith) archaeology. A condition is required to secure a programme of archaeological work.

Contamination

Based on the site's former use, a standard condition is required to ensure a site investigation, including asbestos assessment, is carried out and any appropriate measures taken before construction.

(f) Transport Matters

A Transport Assessment (TA) has been submitted and is based on the indicative layout and up to 220 residential units and six commercial units. The assessment demonstrates that the traffic impact from the proposed development will result in a net reduction in vehicle (car) trips from the prior use as a retail distribution centre. In particular there will be a reduction in heavy goods vehicles accessing the area. The assessment calculates that traffic associated with the proposed development will have no significant impact on traffic volumes on the local road network and no significant impact on the capacity of the Bonnington Road Lane/Bonnington Road junction which is assumed to be the main route into the proposed development site. The site is not within an Air Quality Management Area and impacts on air quality are related to the predicted vehicular traffic which demonstrates a net reduction.

The site is within 400 metres of bus stops for two services (Lothian buses number 11 and 36) and within approximately 900 metres from Leith Walk where further bus services are available. The indicative layout connects the site to the Core Path Network Path (CEC 18) and the Water of Leith Walkway via Anderson Place. A potential future connection providing a more direct route from the site to the footpath bridge over the Water of Leith Walkway is indicatively shown.

The access arrangements, number and location of parking and other infrastructure such as number and location of disabled parking bays, electric vehicle charging points and cycle parking will be considered at AMC stage. However, in support of this application the indicative layout shows around 66% - 70% provision of parking spaces. This is largely acceptable, but more detailed analysis demonstrating compliance to current Council parking standards for the area (Zone 2) as set out in the Edinburgh Design Guidance will be provided in subsequent applications.

Under the finalised supplementary guidance for Developer Contributions and Infrastructure Delivery (2018) the site is not within a transport contribution zone. In accordance with LDP Policy Del 1 and Tra 8, a transport assessment was submitted and has shown there is no net transport impact and therefore no mitigating interventions are required.

(g) Amenity for existing neighbours and future occupiers

Noise

The site is immediately north of the Biscuit Factory, a former factory now in use as a distillery, small business studios and a gallery/event space for hosting ad hoc licensed events. A noise impact assessment was submitted to understand the noise impacts from ambient noise (the surrounding road network), plant noise (from the Biscuit Factory's normal operations) and from its ad hoc events using a PA system for music (approximately once a month). The assessment used the indicative site layout plan to determine the noise impact from these existing uses on specific residential building block facades and to identify potential mitigation.

When assessed against noise impacts from ambient noise and plant noise the majority of the proposed development can achieve the Council requirements with adequate ventilation provided by openable windows. However, some facades require trickle vents and closed windows to meet the standard, mainly along the Anderson Street façades. The assessment was carried out when the depot was in use and so includes HGV movements. It is considered likely that a further assessment, now that the depot is not in use, may reduce the areas where trickle vents are required.

When assessed against ad hoc occasional events with music from a PA system the majority of habitable rooms facing away from the Biscuit Factory can meet the Council's music noise requirement with windows open. Habitable rooms facing directly towards the Biscuit Factory require enhanced façade and glazing constructions and windows to remain closed during the music events to meet the Council's standard. Ventilation would have to be provided by mechanical means with closed windows. A scenario was also tested using a fence in front of the Biscuit Factory which showed a reduction in the amount of enhanced double glazing but did not allow any additional habitable rooms to meet the Council's music noise requirement with open windows. Ground floor commercial units are situated in the blocks shown to be most affected by the plant and music noise from the Biscuit Factory. For this reason it is appropriate to condition the location of the ground floor commercial units to blocks adjacent to the Biscuit Factory.

A further noise impact assessment is considered necessary to determine the noise impacts on any future detailed block layout, habitable room layout and window and façade details. This can be dealt with by condition.

(h) Sustainability

The proposal is for planning permission in principle and is not at the detailed stage in terms of site layout and building design. Sustainability measures will require consideration at the matters specified in conditions stage.

(i) Infrastructure

Healthcare

The site is not within a Healthcare Contribution Zone. The site falls within the catchment for seven GP practices and it is anticipated that the additional patients can be absorbed in existing practices and no new actions are required.

Education

The site falls within the Drummond Education Contribution Zone. The Council has assessed the impact of the proposed development on identified education infrastructure actions and current delivery programme, as set out in the Action Programme and Developer Contributions Supplementary Guidance. The proposed development is therefore required to make a contribution towards the delivery of these actions based on a per house and per flat contribution, using the housing figures shown in the indicative layout. The per unit contribution required by Children and Families is £856 per flat and £3,668 per house. This will be secured through a legal agreement.

(j) Public comments

Thirteen letters of representation were received.

Material Representations - Objections:

- Impact on natural light, especially first four floors of the Bond building and privacy - addressed in section 3.3b).
- Increase in traffic on surrounding streets and the proposed vehicular access onto Anderson Place and from Bonnington Road Lane and impact on air quality - addressed in section 3.3f).
- Impact on existing on-street parking - addressed in section 3.3f).
- Impact on public transport (11 and 36 routes overcrowded in the morning peak) - addressed in section 3.3f).
- Parking provision is too low - addressed in section 3.3f).
- Asbestos assessment be carried out prior to any demolition works - addressed in section 3.3e).
- Ensure greenspace designed and can meet guidance on overshadowing of outdoor space - addressed in section 3.3b).
- Impact on the setting of the listed Bond building and ability to assess impact at PPP stage; heights out of proportion with historic buildings - addressed in section 3.3d).
- Impact on Water of Leith from residential pollution and interference - addressed in section 3.3c).
- Impact on local services - GPs, school, nurseries - addressed in section 3.3l).

Other material representations - comment only:

- Does not take account the cumulative impact of this and nearby developments on community facilities - schools, health care, zero waste policy - addressed in section 3.3l).
- Questions the transport assessment which minimises the impact of the site traffic on the surrounding road network by using flawed correlations and assumptions; TRICS data not comparable for this development size and location; biased transport assessment - addressed in section 3.3f).
- Confirmation that 20% of the site is indeed usable green space - addressed in section 3.3b).
- Surface water drainage issue on Anderson Place - addressed in section 3.3e).
- Provide covered secure cycle parking - addressed in section 3.3f).
- Seeks that the application proposal does not compromise short or long term uses, including alternative uses of the Biscuit Factory site in the future. Highlight the potential noise impact of proposed residential uses to be detrimentally affected by the existing activities undertaken at the Biscuit Factory. Notes that access to commercial properties is on land owned by Biscuit Factory/soap works - addressed in section 3.3g).
- Concern that the rise in development in area will impact on the ecology of the river, the walkway and landscape value of the area, but note that the impact, including overshadowing on the river, is hard to understand due to lack of information at this stage. Integrity of the river bank must be maintained, as required by LDP Policy Des 10 - addressed in section 3.3c).

Non-material comments:

- Noise from construction phase.
- Maximise developers financial gain to the detriment of the surrounding neighbourhood.
- Impact on views from the Bond Buildings.
- No evidence that developer contributions have resulted in improvements to public infrastructure.
- Impact on public realm which is often left in a worse state after development.

Leith Central Community Council

- Six storey is out of character with surrounding four or five storey - addressed in section 3.3b).
- With the higher rise flat blocks on the southern side of the site, the minimum recommended 25 degree for direct sunlight is not likely to be achieved. (The sectional drawing shows the site being level, which is not the case as it slopes towards the Water of Leith.) - addressed in section 3.3b).

Conclusion

The proposed residential development with commercial units is acceptable in principle in this location. The indicative site layout plans, while not to be approved as part of this PPP application, have informed the assessment of the site against relevant local development plan policies. Securing the quantum of Class 4 business floorspace at the PPP stage ensures the principle of the redevelopment of employment land as required by Policy Emp 9 and the Bonnington Development Brief.

In terms of transport impacts, the transport assessment indicated they are acceptable, and the parking provision will be considered at the AMC stage. A noise impact assessment was carried out and demonstrated some facades are impacted by the surrounding uses and cannot meet the open window noise standard. The noise impact will be the subject of further noise assessment studies at the AMC stage to consider the details of appropriate mitigation of noise to protect the amenity for existing neighbours and future occupiers.

With regards to flooding and drainage, a flood risk assessment was prepared to the satisfaction of the flood team and with no objection from SEPA.

Subject to conditions, there are no issues with regard to contamination or archaeology. Subject to appropriate contributions being made, there are no issues with education infrastructure. The provision of affordable housing will be conditioned and secured by legal agreement.

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

3.4 Conditions/reasons/informatives

Conditions:-

1. Prior to the commencement of works on site, details of the under-noted matters shall be submitted and proved by the Planning Authority, in the form of a single package of information, and include detailed plans, sections and elevation of the building and all other structures.

Approval of Matters:

- (a) the number of residential and commercial units;
 - (b) the mix of residential types and sizes;
 - (c) the siting, design and external appearance of building blocks, including glazing, materials, urban realm and other structures;
 - (d) the detailed heights of the building blocks;
 - (e) the design and layout of accesses, servicing areas and road layouts including alignment, cycle routes, footways and verges;
 - (f) the detailed arrangement and number of car and cycle parking spaces including disabled spaces and EV charging points;
 - (g) surface water and drainage arrangements;
 - (h) the amount and siting of public and private open space;
 - (i) hard and soft landscaping details, including:
 - walls, fences, gates and any other boundary treatments;
 - details of any tree removal, tree protection measures and the location of new trees, shrubs and hedges;
 - a schedule of plants to compromise species, plant size and proposed number/density;
 - programme of completion and subsequent maintenance;
 - existing and proposed services such as cables, pipelines, substations;
 - other artefacts and structures such as street furniture, including lighting columns and fittings;
 - details of phasing of these works;
 - existing and finished ground levels in relation to Ordnance Datum.
 - (j) full details of waste management and recycling facilities;
 - (k) full details of sustainability measures in accordance with the Edinburgh Design Guidance.
2. The ground floor commercial premises shall be restricted to Class 4 (Business) of the Town and Country Planning (Use Classes) (Scotland) Order 1997 only and shall be designed for a range of business users in Class 4 use; the quantum shall be a minimum of 400 sq m and the location of commercial floorspace shall be adjacent to the Biscuit Factory on Anderson Place and/or on the lane connecting Bonnington Road Lane with Anderson Place.
 3. No built development shall be within 15 metres of the Water of Leith's 1:200 flood water level.

4. No demolition or development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis and reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
5. A revised noise impact assessment is required to be submitted at the AMC stage to determine the requisite noise mitigation measures of the ambient noise and road traffic noise and the plant noise associated with the adjacent Class 5 uses.
6. An updated Ecology Report is required to be submitted at the AMC stage.
7. If more than 220 residential units are proposed a revised transport assessment is required to be submitted at the AMC stage
8. 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.

Reasons:-

1. In order to enable the Planning Authority to consider these matters in detail.
2. To define the permission.
3. In order to protect the ecology of the river.
4. In order to safeguard the interests of archaeological heritage.
5. In order to protect the amenity of the occupiers of the development.
6. In order to safeguard the interests of ecological value.
7. In order to consider the transport impacts.
8. In order to ensure that the site is suitable for redevelopment, given the nature of previous uses/processes on the site.

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:

Education

A contribution of £856 per flat (two or more bedrooms) and £3,668 per house (indexed from Q4 2017).

Affordable Housing

Of the total number of residential units, at least 25% shall be developed for affordable housing provision.

2. a) Application for the approval of matters specified in conditions shall be made before the expiration of 3 years from the date of the grant of planning permission in principle, unless an earlier application for such approval has been refused or an appeal against such refusal has been dismissed, in which case application for the approval of all outstanding matters specified in conditions must be made within 6 months of the date of such refusal or dismissal.

b) The approved development shall be commenced not later than the expiration of 3 years from the date of grant of planning permission in principle or 2 years from the final approval of matters specified in conditions, whichever is later.
3. 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.
4. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent. Street and road designs should be in-line with the Edinburgh Street Design Guidance Fact Sheets.

Financial impact

4.1 The financial impact has been assessed as follows:

A legal agreement is required to secure a financial contribution towards affordable housing and education infrastructure.

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 has no impacts in terms of equalities or human rights.

Sustainability impact

7.1 The sustainability impact has been assessed as follows:

The application meets the requirements of the Edinburgh Design Guidance.

Consultation and engagement

8.1 Pre-Application Process

A Proposal of Application Notice was submitted and registered on 5 July 2017. Copies of the Notice were also issued to:

- Leith Central Community Council
- All ward councillors

A community consultation event was held on 5 September 2017. Full details can be found in the Pre-Application Consultation report, which sets out the findings from the community consultation. This is available to view on the Planning and Building Standards Online services.

The pre-application report on the proposals was presented to Committee on 20 September 2017.

The proposals were submitted to the Urban Design Panel on 28 June 2017. Full details of the response can be found in the Consultations section.

8.2 Publicity summary of representations and Community Council comments

Thirteen letters of representation were received: eight objections and five other comments. These included comments from the Leith Central Community Council and the Water of Leith Conservation Trust.

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](#)
- [Planning guidelines](#)
- [Conservation Area Character Appraisals](#)
- [Edinburgh Local Development Plan](#)

- [Scottish Planning Policy](#)

**Statutory Development
Plan Provision**

The site is within the urban area of the adopted Edinburgh Local Development Plan (LDP).

It is located within the area covered by the Bonnington Development Brief (August 2008).

The site is adjacent to the Water of Leith Local Nature Conservation Site.

Date registered

8 December 2017

Drawing numbers/Scheme

(01) Location Plan,

Scheme 1

David R. Leslie
Chief Planning Officer
PLACE
The City of Edinburgh Council

Contact: Naomi Sandilands, Planning Officer
E-mail:naomi.sandilands@edinburgh.gov.uk Tel:0131 529 6205

Links - Policies

Relevant Policies:

Relevant policies of the Local Development Plan.

LDP Policy Del 1 (Developer Contributions and Infrastructure Delivery) identifies the circumstances in which developer contributions will be required.

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

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

LDP Policy Des 3 (Development Design - Incorporating and Enhancing Existing and Potential Features) supports development where it is demonstrated that existing and potential features have been incorporated into the design.

LDP Policy Des 4 (Development Design - Impact on Setting) sets criteria for assessing the impact of development design against its setting.

LDP Policy Des 5 (Development Design - Amenity) sets criteria for assessing amenity.

LDP Policy Des 6 (Sustainable Buildings) sets criteria for assessing the sustainability of new development.

LDP Policy Des 7 (Layout design) sets criteria for assessing layout design.

LDP Policy Des 8 (Public Realm and Landscape Design) sets criteria for assessing public realm and landscape design.

LDP Policy Des 9 (Urban Edge Development) sets criteria for assessing development on sites at the Green Belt boundary.

LDP Policy Env 3 (Listed Buildings - Setting) identifies the circumstances in which development within the curtilage or affecting the setting of a listed building will be permitted.

LDP Policy Env 8 (Protection of Important Remains) establishes a presumption against development that would adversely affect the site or setting of a Scheduled Ancient Monument or archaeological remains of national importance.

LDP Policy Env 9 (Development of Sites of Archaeological Significance) sets out the circumstances in which development affecting sites of known or suspected archaeological significance will be permitted.

LDP Policy Env 12 (Trees) sets out tree protection requirements for new development.

LDP Policy Env 15 (Sites of Local Importance) identifies the circumstances in which development likely to affect Sites of Local Importance will be permitted.

LDP Policy Env 16 (Species Protection) sets out species protection requirements for new development.

LDP Policy Env 18 (Open Space Protection) sets criteria for assessing the loss of open space.

LDP Policy Env 20 (Open Space in New Development) sets out requirements for the provision of open space in new development.

LDP Policy Env 21 (Flood Protection) sets criteria for assessing the impact of development on flood protection.

LDP Policy Env 22 (Pollution and Air, Water and Soil Quality) sets criteria for assessing the impact of development on air, water and soil quality.

LDP Policy Emp 9 (Employment Sites and Premises) sets out criteria for development proposals affecting business and industrial sites and premises.

LDP Policy Hou 1 (Housing Development) sets criteria for assessing the principle of housing proposals.

LDP Policy Hou 2 (Housing Mix) requires provision of a mix of house types and sizes in new housing developments to meet a range of housing needs.

LDP Policy Hou 3 (Private Green Space in Housing Development) sets out the requirements for the provision of private green space in housing development.

LDP Policy Hou 4 (Housing Density) sets out the factors to be taken into account in assessing density levels in new development.

LDP Policy Hou 6 (Affordable Housing) requires 25% affordable housing provision in residential development of twelve or more units.

LDP Policy Hou 10 (Community Facilities) requires housing developments to provide the necessary provision of health and other community facilities and protects against valuable health or community facilities.

LDP Policy Tra 2 (Private Car Parking) requires private car parking provision to comply with the parking levels set out in Council guidance, and sets criteria for assessing lower provision.

LDP Policy Tra 3 (Private Cycle Parking) requires cycle parking provision in accordance with standards set out in Council guidance.

LDP Policy Tra 4 (Design of Off-Street Car and Cycle Parking) sets criteria for assessing design of off-street car and cycle parking.

LDP Policy Tra 8 (Provision of Transport Infrastructure) sets out requirements for assessment and mitigation of transport impacts of new development.

Relevant Non-Statutory Guidelines

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, parking, streets and landscape, in Edinburgh.

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.

The Open Space Strategy and the audit and action plans which support it are used to interpret local plan policies on the loss of open space and the provision or improvement of open space through new development.

Other Relevant policy guidance

The Bonnington Development Brief sets out planning and design principles to guide the redevelopment of an area currently occupied predominantly by business and industrial uses.

Appendix 1

Application for Planning Permission in Principle 17/05742/PPP

**At 14 Bonnington Road Lane, Edinburgh, EH6 5RB
Application for planning permission in principle for
residential development (up to 220 units) together with
commercial space and associated works (including
demolition of building) at the former John Lewis Depot,
Bonnington.**

Consultations

Waste Management response – dated 12 December 2018

Waste and Cleansing services takes no stance either for or against the proposed development but as a consultee would make the following comments.

Waste Management Responsibilities

The Waste and Cleansing Services will be responsible for managing the waste from households.

It would be the responsibility of any third party commercial organisations using the site to source their own trade waste uplifts. Architects should however note the requirement for trade waste producers to comply with legislation, in particular the Waste (Scotland) Regulations which require the segregation of defined waste types to allow their recycling. This means there would need to be storage space off street for segregated waste streams arising from commercial activities.

Any waste collection contractors, appointed to manage commercial waste, could be expected to have similar requirements to the Council in terms of their need to be able to safely access waste for collection.

Compliance with Waste Strategy (Domestic Waste Only)

The provision of a full recycling service is mandatory in Scotland. Developers must make provision for the full range of bins: landfill waste, mixed recycling for paper and packaging, glass and food.

For low density properties, we would recommend individual kerbside collections. This provides each property with landfill (140 litres); mixed recycling (240 litres), glass (box), food box and internal caddy. All of these must be presented on the day of collection before a specified time and removed thereafter. They must otherwise be stored off street at all times.

For high density properties, we would recommend communal waste containers, for: landfill waste, mixed recycling for paper and packaging, glass, and food.

Key points are:

- each bin store must accept the full range of materials in bins, segregated as outlined above. It is not acceptable to have some types of bin in one bin storage area, and others in a different collection point, as recycling is a fully integrated part of the service;
- the maximum size of a food bin is 500 litres; and that of a glass bin is 660 litres, which are both smaller than other types of waste due to weight issues;
- provision must be made for the storage and disposal of bulky wastes such as furniture produced by the residents, and indeed access to those by our collection teams.

Developers can either source their own bins in line with our requirements, or can arrange for us to do so and recharge the cost- this will probably be most convenient for them.

It is imperative that adequate provision is made for the storage of waste off street, and that cognisance is taken of the need to provide adequate space for the storage of segregated waste streams in line with the Waste (Scotland) Regulations.

The waste collection teams will require safe and efficient access to these from the earliest occupation. Developers need to ensure that services are accessible so that collection crews can provide the service in a safe and efficient manner, taking account of turning circles, length and width of vehicles, distance bins must be pulled, surfaces, slopes and so on.

Waste Strategy and Letter of Agreement

To agree the Waste Strategy and provide a Letter of Agreement I would need to be provided with further information as per below information:

- Swept path analysis for 13m vehicles as specified in the Architects Instructions (attached to the email) for all road used by Waste and Cleansing Services and that will be included in the RCC application
- Site layout
- Bin stores drawing servicing flats (high density properties) including also location, dimensions, number of flats serviced per each bin store, distance for residents to dispose of their waste and recycling, distance between bin stores to vehicle collection point, opening of doorways, drop kerbs etc.
- For low density properties (i.e. colonies) presentation points will need to be identified if waste and recycling vehicles cannot access the kerbside.

Archaeology response – dated 14 December 2017

Further to your consultation request, I would like to make the following comments and recommendations in respect to this application for planning permission in principle for residential development (up to 220 units) together with commercial space and associated works (including demolition of building) at the former John Lewis Depot.

The site lies on the eastern (downstream) limits the area associated with Bonnington Mills. The mills at Bonnington formed part of the lands given to Holyrood Abbey in its foundation charter of 1128AD. Though the exact location of these early medieval mills are unknown, mills in this location are recorded further upstream from the 15th century adjacent to Newhaven Road Bridge. The area incorporating this was affected by the 16th century sieges of Edinburgh and Leith, with the Petworth Map depicting the 1559-60 Siege suggesting that the site formed part of the area for encampment of Lord Gray and the Earl of Arran's forces.

The first detailed maps of the area date to the end 18th / early 19th centuries. Ainslie's 1804 map (fig1) shows Haig's Distillery as lying across the western boundary of the site, with much of the site open ground until the mid-19th century. The 1876 OS map records the construction of the Bonnington Sugar Refinery across the site's eastern boundary but significantly the construction of the Vulcan Foundry and separate biscuit factory across the site's southern half. By the end of the century the site was further developed with small railway goods yard linking the industrial sites on both banks of the Water of Leith

The application site has been identified as containing occurring within an area of archaeological and historic significance both in terms of potential buried industrial and military archaeology. Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP) and Historic Environment Scotland Policy Statement (HESPS) 2016 and CEC's Edinburgh Local Development Plan (2016) Policies DES 3, ENV8 & ENV9. The aim should be to preserve archaeological remains in situ as a first option, but alternatively where this is not possible, archaeological excavation or an appropriate level of recording may be an acceptable alternative.

Buried Archaeology

The proposals will require significant ground breaking works in regards to the construction of the various phases of development. Such works will have significant impacts upon any surviving archaeological remains relating to the sites industrial uses (18th century Haig's Distillery, former 19th century mill and foundry) but also potentially relating to the mid-16th century sieges of Leith.

Given the potential for significant archaeological resources to occur across the proposed area, it is essential that if consent is granted for this scheme that an archaeological mitigation strategy is undertaken prior to development and agreement of detailed site layout designs. This strategy will require the undertaking of phased programme of archaeological investigation, the first phase of which will be the undertaking of archaeological evaluation (min 10%).

The results from this initial phase of work will allow for the production of more detailed mitigation strategies to ensure the appropriate protection and/or excavation, recording and analysis of any surviving archaeological remains during each phase of development.

Public Engagement

As stated not only does the site contain significant historic buildings but it is likely to contain a wealth of associated industrial archaeological remains. It is therefore considered essential therefore that a programme of public/community engagement is undertaken during all subsequent phases of development. The full the scope of which will be agreed with CECAS but will include: site open days, viewing points, temporary interpretation boards and exhibitions.

In consented it is essential therefore that a condition be applied to any consent if granted to secure this programme of archaeological works based upon the following CEC condition;

'No demolition, development shall take place on the site until the applicant has secured the implementation of a programme of archaeological work (excavation, analysis and reporting, publication, public engagement) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.'

The work must be carried out by a professional archaeological organisation, either working to a brief prepared by CECAS or through a written scheme of investigation submitted to and agreed by CECAS for the site. Responsibility for the execution and resourcing of the programme of archaeological works and for the archiving and appropriate level of publication of the results lies with the applicant.

Economic Development response – dated 21 December 2017

The following are comments from the City of Edinburgh Council's Economic Development service relating to planning application 17/05742/PPP for a residential-led redevelopment of 14 Bonnington Road Lane, Edinburgh.

Commentary on existing use

The application relates to a 5,386 sqm warehouse at 14 Bonnington Road Lane and its grounds. The warehouse is currently owned by the John Lewis Partnership which developed it in 1973 as a depot.

It has been reported that the depot until recently employed 78 people, which is a typical employment density for a regional distribution warehouse. The average gross value added (GVA) per annum for employees in the "transport and storage" sector was £60,254 as of 2015. This indicates that the warehouse could be expected to support annual GVA of £4.70 million (2015 prices) (78 × £60,254). Higher density, higher values uses such as manufacturing could be expected to support higher levels of economic activity.

The surrounding areas is, as with much of Bonnington, characterised by an uneasy mix of industrial and residential uses. The site is bounded by the Water of Leith to the north; former bonded warehouses converted into flats to the east; industrial and residential units to the south; and a former industrial estate being redeveloped into flats to the west. To the immediate southeast of the site is the Biscuit Factory, a former factory now used as a creative hub. The site is currently fenced on all sides creating an unattractive and unwelcoming aspect. The public realm is low quality with high levels of on-street parking and narrow or non-existent pavements.

The site in question is 1.96 hectares. Policy Emp 9 (“Employment Sites and Premises”) of the Local Development Plan therefore applies. This mandates that the redevelopment of the site incorporates “floorspace designed to provide for a range of business users”.

There is a growing shortage of industrial space in Edinburgh due to a combination of steady demand, the loss of existing space to alternative uses, and an extremely weak development pipeline. This is creating pressures for both traditional industrial occupiers and occupiers in the creative and cultural sectors who regularly make use of this space as affordable studio space.

Commentary on proposed uses

The application proposes a development of six blocks. Four would be wholly residential, while two would be primarily residential with commercial units on the ground floors.

* Class 2 – Financial, professional and other services / Class 4 – Business

The development as proposed would deliver six commercial units in the use class 2 and/or 4. The developer has not provided a quantum for these units, but the documents submitted suggest a total net internal area of approximately 350 sqm. This represents a 93.5% reduction in commercial space on the site.

The projected economic impact of these units if fully occupied would depend upon their configuration given the different employment densities associated with different use classes. The projected number of full-time equivalent (FTE) jobs directly supported by the units if fully occupied would be 30 for offices; 22 for financial and professional services units; 12 for studios; and 7 for light industrial units. The projected gross value added per annum (2015 prices) supported by the units would be £2.56 million for offices; £1.64 million for financial and professional services units; £0.14 million for studios; and £0.43 million for light industrial units. The overall projected economic impact of the units would therefore be between 7 and 30 FTE jobs and between £0.43 million and £2.56 million of GVA per annum (2015 prices).

It is noted that the application form refers to six commercial units, while the transport assessment refers to seven. The application form and planning statement refer to the units as being in classes 2 and 4, while the design and access statement states “the commercial units should be flexible and allow for class 1,2,3 and 4”. There is therefore a lack of clarity around the developer’s intentions for the commercial units.

Class 3 have permitted change of use of class 1, meaning granting a consent for the developer to deliver class 3 units would effectively enable the developer to deliver class 1 units. The site is within a short distance of the Leith Walk town centre, while there is an existing cluster of shops on the corner of Bonnington Road and Newhaven Road. The area is therefore considered to be relatively well served for retailing with little rationale for granting consent for additional space.

The commercial units are located on the ground floors of two of the blocks, fronting onto Anderson Place. The units flank the Biscuit Factory on either site, creating a continuous stretch of commercial units.

* Sui generis – Flats

The development as proposed would deliver up to 220 residential units. These would not be expected to directly support any economic activity beyond potentially a small number of jobs in factoring and personal services such as housekeeping. However, the units could be expected to support economic activity via the expenditure of their residents. Based on average levels of household expenditure in Scotland, the residents of the 220 units could be expected to collectively spend approximately £5.51 million per annum (2015 prices). Of this £5.51 million, it is estimated that approximately £2.91 million could reasonably be expected to primarily be made within Edinburgh. This £2.91 million could be expected to directly support approximately 30 jobs and £1.02 million of GVA per annum (2015 prices) in Edinburgh, primarily in the retail, transport and hospitality sectors.

SUMMARY RESPONSE TO CONSULTATION

The development as proposed would directly support 7 to 30 FTE jobs and £0.43 million to £2.56 million of GVA per annum (2015 prices), with a further 30 jobs and £1.02 million of GVA supported throughout Edinburgh by residents' expenditure.

The applicant has not specified the quantum of commercial space to be delivered and is seeking a flexible consent allowing for classes 2 or 4 to be delivered. These are both considered to be major risks from an economic development perspective as they would allow a nominal quantum of commercial space to be delivered and would allow all of the space to be delivered as class 2 which the Council would have no power to prevent being changed to class 1.

It is suggested that a minimum quantum of commercial space should be mandated within the development as without this there is a high risk that a nominal amount of space will be delivered. Based on average employment densities, a minimum net internal area of 900 sqm could be expected to directly support 78 full-time equivalent jobs if used for office uses, maintaining an equivalent level of employment on the site to the existing warehouse.

It is further suggested that the use class of the commercial units be restricted to class 4 as there is a shortage of this class and there is not considered to be a pressing need for additional class 2 (or 1) space in the area.

Leith Central Community Council response – dated 12 January 2018

1. The application refers to Edinburgh Design Guidance 16 May 2013. This has been recently been updated by a revised document "Edinburgh Design Guidance Oct 2017, and I consider that the design should be in conformity with this latter document.
2. The application includes flats of up to 6 storey. This is out of character with the surrounding developments which are 4 storey or at the most 5 storey.
3. With the higher rise flat blocks on the southern side of the site, the minimum recommended 25 degree for direct sunlight is not likely to be achieved. (The sectional drawing shows the site being level, which is not the case as it slopes towards the Water of Leith.)

(SUPERSEDED)SEPA response – dated 17 January 2018

We object to this planning application on the grounds of lack of information on flood risk. We can only review this objection when the issues detailed in Section 1 below have been adequately addressed. We also draw your attention and the attention of the applicant to the issues identified in 'Detailed advice for the applicant'.

1. Flood Risk

1.1 SEPA staff met with City of Edinburgh Council (CEC) colleagues from its planning and flood protection teams on 20 December last year and we discussed issues around the Standard of Protection delivered by the Flood Protection Scheme (FPS) and related planning applications currently under consideration by CEC.

1.2 We agreed the scope of additional information which the Council would provide to us and to seek a further meeting as early as possible this month. Much of this additional information has now been provided and we have carried out a review of it. We require also to meet with SEPA colleagues to specify the nature of other information we may already hold but which was provided to us for purposes different to the consideration of the FPS. This meeting is scheduled for 25 January. A meeting request has also been sent to CEC to secure a date for a meeting in mid-February.

1.3 Unfortunately all of this means that we are still unable to review our objection to the planning application 17/05742/PPP and we apologise for this on-going delay. We do appreciate the difficulty such delays can cause in the financing and procurement of development sites but we are obliged to consider carefully flood risk when requested by a planning authority. This consideration includes reference to shared duties under the Flood Risk Management Act (2009), Town and Country Planning Regulations, Scottish Planning Policy; and our published flood risk guidance which is available on our website here.

1.4 In August 2017 we published Planning Information Note 4 and a copy of this is attached for your information. This note sets out our position on proposed development behind flood protection schemes. You can also find further Government guidance on its website at Online Planning Advice on Flood Risk.

Detailed advice for the applicant

1.5 The boundary of the application site runs along the Water of Leith, but there should be no issues or requirements under the Controlled Activities Regulations (CAR) if the river banking is to be left in a natural condition.

1.6 There is an authorised waste transfer station at Powderhall which was the subject of odour complaints in the past, but we are not aware of complaints since the summer of 2016. The lack of complaints may be due to a change in operations at the site. Complaints were made about odour at sites in relatively close proximity to the waste transfer station and the site proposed for development in this application is at a further distance. While we do not think odour nuisance from the waste transfer site will be a problem for future residents we advise you to give this issue some consideration.

2. Regulatory requirements

2.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in the local SEPA office.

(REVISED)SEPA response – dated 29 June 2018

Thank you for your consultation email which SEPA received on 18 June 2018.

Advice for the planning authority

We have no objection to this planning application. Please note the advice provided below.

1. Flood Risk

1.1 We have no objection to the proposed development on flood risk grounds. Notwithstanding this we expect Edinburgh Council to undertake its responsibilities as the Flood Prevention Authority.

1.2 Review of the SEPA Flood Map indicates that the site lies immediately adjacent to the 0.5% annual probability (or 1 in 200-year) flood extent and may therefore be at medium to high risk of flooding from the Water of Leith. The site is outwith the area of benefit of the Flood Prevention Scheme for the watercourse.

1.3 Review of the information provided in the Flood Risk Assessment, however, shows that the site lies above 8mAOD and the Water of Leith is considerably lower at this location.

1.4 Given the elevation of the site above the Water of Leith we have no objection to the proposed development. The City of Edinburgh Council should be satisfied that the drainage proposals will result in no increase in flows to the watercourse.

Caveats & Additional Information for Applicant

1.5 The SEPA Flood Maps have been produced following a consistent, nationally-applied methodology for catchment areas equal to or greater than 3km² using a Digital Terrain Model (DTM) to define river corridors and low-lying coastal land. The maps are indicative and designed to be used as a strategic tool to assess flood risk at the community level and to support planning policy and flood risk management in Scotland. For further information please visit <http://www.sepa.org.uk/environment/water/flooding/flood-maps/>

1.6 Please note that we are reliant on the accuracy and completeness of any information supplied by the applicant in undertaking our review, and can take no responsibility for incorrect data or interpretation made by the authors.

1.7 The advice contained in this letter is supplied to you by SEPA in terms of Section 72 (1) of the Flood Risk Management (Scotland) Act 2009 on the basis of information held by SEPA as at the date hereof. It is intended as advice solely to the city of Edinburgh Council as Planning Authority in terms of the said Section 72 (1).
Regulatory advice for the applicant

2. Regulatory requirements

2.1 Details of regulatory requirements and good practice advice for the applicant can be found on the Regulations section of our website. If you are unable to find the advice you need for a specific regulatory matter, please contact a member of the regulatory team in the local SEPA office.

Children and Families response – dated 24 January 2018

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (January 2018), taking account of school roll projections. To do this, an assumption has been made as to the amount of new housing development which will come forward ('housing output'). This takes account of new housing sites allocated in the LDP and other land within the urban area.

In areas where additional infrastructure will be required to accommodate the cumulative number of additional pupils, education infrastructure 'actions' have been identified. The infrastructure requirements and estimated delivery dates are set out in the Council's Action Programme (January 2018).

Residential development is required to contribute towards the cost of delivering these education infrastructure actions to ensure that the cumulative impact of development can be mitigated. In order that the total delivery cost is shared proportionally and fairly between developments, Education Contribution Zones have been identified and 'per house' and 'per flat' contribution rates established. These are set out in the draft Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery'.

Assessment and Contribution Requirements

Assessment based on:
220 Flats

This site falls within the 'Drummond Education Contribution Zone'.

The Council has assessed the impact of the proposed development on the identified education infrastructure actions and current delivery programme.

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

The proposed development is therefore required to make a contribution towards the delivery of these actions. The application is for planning permission in principle. The required contribution should be based on the established 'per house' and 'per flat' contribution figures set out below and secured through a legal agreement

If the appropriate infrastructure contribution is provided by the developer, as set out below, Communities and Families does not object to the application.

Per unit infrastructure contribution requirement:

Per Flat – £856

Per House - £3,668

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 2017 to the date of payment.

Affordable Housing response – dated 29 January 2018

1. Introduction

I refer to the consultation request from the Planning Department about this planning application.

Housing and Regulatory Services have developed a methodology for assessing housing requirements by tenure, which supports an Affordable Housing Policy (AHP) for the city.

* The AHP makes the provision of affordable housing a planning condition for sites over a particular size. The proportion of affordable housing required is set at 25% (of total units) for all proposals of 12 units or more.

* This is consistent with Policy Hou 7 Affordable Housing in the Edinburgh City Local Plan.

* An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, is provided.

2. Affordable Housing Provision

This application is for a development consisting of up to 220 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (55) homes of approved affordable tenures. We request that the developer enters an early dialogue with the Council to identify Registered Social Landlord(s) (RSLs) to take forward the affordable and deliver a well integrated and representative mix of affordable housing on site.

The applicant has stated that the affordable housing will account for 25% (55) of the new homes on site. This is welcomed by the department. The affordable homes are required to be at least two locations on site. They are also required to be tenure blind, fully compliant with latest building regulations and further informed by guidance such as Housing for Varying Needs and the relevant Housing Association Design Guides. The Council aims to secure 70% of new onsite housing for social rent and we ask that the applicant supports the Council aims by entering into an early dialogue with the Council and RSLs to ensure that this is delivered.

In terms of accessibility, the affordable homes are situated within close proximity of regular public transport links and are located next to local amenities in Leith.

3. Summary

The applicant has made a commitment to provide 25% on site affordable housing and this is welcomed by the department. These will be secured by a Section 75 Legal Agreement. This department welcomes this approach which will assist in the delivery of a mixed sustainable community.

* The applicant is requested to enter into an early dialogue the Council to identify the Registered Social Landlord(s) (RSLs) to deliver the affordable housing on site in the first instance

* The applicant is requested to support the Council aims to secure 70% of the affordable housing on site for social rent

* The applicant is requested to confirm the tenure type and location of the affordable homes prior to the submission of any future applications

* The affordable housing includes a variety of house types and sizes to reflect the provision of homes across the wider site

* In the interests of delivering mixed, sustainable communities, the affordable housing policy units will be expected to be identical in appearance to the market housing units, an approach often described as “tenure blind”

* The affordable homes will have to be designed and built to the RSL design standards and requirements.

* The applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.

* An equitable and fair share of parking for affordable housing, consistent with the relevant parking guidance, is provided.

Transport response – dated 19 July 18

No objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The design and layout of accesses, servicing areas and road layouts including alignment, cycle routes, footways and verges are all reserved matters.

2. Cycle and vehicle parking to be reserved matters and to current Council parking standards for the area (Zone 2) as set out in the Edinburgh Design Guidance;

3. Under the draft supplementary guidance for Developer Contributions and Infrastructure Delivery (2018) there is a requirement for contributions to the Ferry Road Junctions, Leith/Salamander Street and Leith to City Centre Transport Contribution Zones (TCZ), with relevant transport interventions set out in the Edinburgh LDP Action Plan (2018). The agreed contributions will depend on the final make up of development and will be based on the following:

a. Ferry Road Junctions TCZ - £906.70 per residential unit and £54.40 per m2 of leisure, retail or business use;

b. Leith/Salamander Street TCZ (with Ocean Drive component) - £2,323.20 per residential unit and £139.40 per m2 of leisure, retail or business use;

c. Leith to City Centre TCZ - £170.70 per residential unit, £10.20 per m2 of business use and £5.10 per m2 of leisure or retail use;

The existing use of the site will be taken into consideration in relation to transport impacts and will be used to calculate a “net” transport contribution for each zone;

4. All accesses must be open for use by the public in terms of the statutory definition of ‘road’ and require to be the subject of applications for road construction consent. The extent of adoptable roads, including footways, footpaths, accesses, cycle tracks, verges and service strips to be agreed. The applicant should note that this will include details of lighting, drainage, Sustainable Urban Drainage, materials, structures, layout, car and cycle parking numbers including location, design and specification. Particular attention must be paid to ensuring that refuse collection vehicles are able to service the site. The applicant is recommended to contact the Council’s waste management team to agree details;

5. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent. Street and road designs should be in-line with the Edinburgh Street Design Guidance Fact Sheets, a particular focus on pedestrian and cyclist priority should be applied;

6. In accordance with the Council’s LTS Travplan3 policy, the applicant should consider developing a Travel Plan including provision of pedal cycles (inc. electric cycles), secure cycle parking, public transport travel passes, a Welcome Pack, a high-quality map of the neighbourhood (showing cycling, walking and public transport routes to key local facilities), timetables for local public transport;

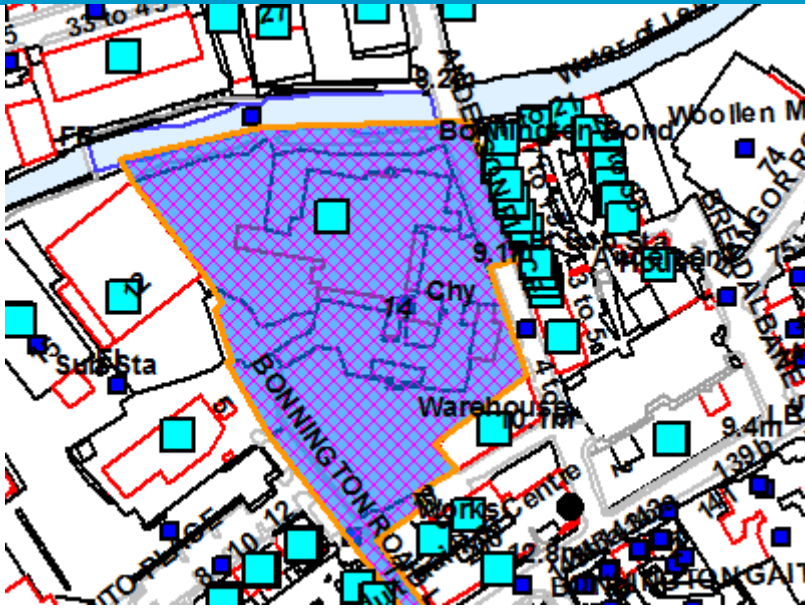
7. The applicant should note that new road names will be required for the development and this should be discussed with the Council’s Street Naming and Numbering Team at an early opportunity;

8. Any parking spaces adjacent to the carriageway will normally be expected to form part of any road construction consent. The applicant must be informed that any such proposed parking spaces cannot be allocated to individual properties, nor can they be the subject of sale or rent. The spaces will form part of the road and as such will be available to all road users. Private enforcement is illegal and only the Council as roads authority has the legal right to control on-street spaces, whether the road has been adopted or not. The developer is expected to make this clear to prospective residents as part of any sale of land or property;

9. Electric vehicle charging outlets should be considered for this development including dedicated parking spaces with charging facilities and ducting and infrastructure to allow electric vehicles to be readily accommodated in the future;

10. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

Location Plan



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