

Development Management Sub Committee

Wednesday 8 May 2019

**Application for Planning Permission 18/08206/FUL
At 1 Bath Road, Edinburgh, EH6 7BB
Proposed residential development with commercial units
and associated landscape, drainage, roads and
infrastructure (as amended).**

Item number	4.4
Report number	
Wards	B13 - Leith

Summary

This proposal is of an acceptable scale and density and will provide 212 new flats. It will contribute to the wider regeneration of Leith Waterfront through the provision of non-new housing and six commercial units on a brownfield site. The proposal is of an acceptable layout and design and will have a positive impact on the amenity of the surrounding area. The proposal provides acceptable levels of car and cycle parking.

The proposal will provide the required 25% affordable housing provision.

Concerns have been raised regarding air quality and noise pollution and on balance, given the wider benefits of the proposal subject to the inclusion of appropriate conditions, the application is acceptable.

Concerns have also been raised by the City Archaeologist. In response to these concerns the applicant has reflected the historical significance of the site with inclusion of low circular walls incorporated into the landscape design of the central courtyard areas. Given this amendment, and subject to a suitable condition relating to archaeology, the application is acceptable.

In all other aspects the proposal accords with the Development Plan and generally complies with the relevant Non-Statutory Guidance.

The proposal is acceptable. There are no material considerations that outweigh this conclusion.

Links

[Policies and guidance for this application](#)

LDEL01, LDEL03, LDES01, LDES02, LDES04, LDES05, LDES06, LDES07, LDES08, LEN06, LEN20, LHOU01, LHOU02, LHOU03, LHOU04, LHOU06, LTRA02, LTRA03, LTRA04, NSP, NSGD02, NSMDV,

Report

Application for Planning Permission 18/08206/FUL At 1 Bath Road, Edinburgh, EH6 7BB Proposed residential development with commercial units and associated landscape, drainage, roads and infrastructure (as amended).

Recommendations

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

Background

2.1 Site description

The application site is rectangular in shape and covers 1.41 hectares. There is an office block and a large timber shed on the site.

The site is bounded to the south by Salamander Street with four to six storey housing beyond. There are commercial units on the ground floor of this block.

To the east is Bath Road and a corner residential tenement with a public house on the ground floor. Along the southern edge of the site and a section of the eastern edge there is a 6 metre high stone wall which is unlisted. To the north is a car pound owned by City of Edinburgh Council (CEC) and a cleared site on land owned by Forth Ports beyond. Bordering the site to the west are two Grade 'B' listed buildings (LB 26744 - dated 14/ 12/70) which are two to three storeys in height. These properties are a kitchen and joinery workshop and a tiling showroom.

There are two existing accesses to the site off Bath Road and Salamander Street/Baltic Street. The latter access off Salamander Street/Baltic Street lies within the Leith Conservation Area.

This application site is located within the Leith Conservation Area.

2.2 Site History

29 December 2016 - Listed Building Consent granted to part demolish structurally unsafe boundary wall and subsequent re-instatement (application reference 16/05506/LBC).

26 October 2011 - Planning permission granted for the storage of 7500 tonnes of salt-stockpiled top open air on existing hardstanding areas and covered with sheeting (application reference 11/02873/FUL).

24 June 1997 - Planning permission granted for the demolition of an existing sawmill, and extension of existing building (application reference 97/00578/FUL).

Main report

3.1 Description Of The Proposal

The proposal is for the construction of 212 new flats comprising both private and affordable housing. A mix of one, two and three bed flats will be provided for 159 private flats and 53 affordable units.

Three separate apartment blocks are proposed. These blocks are shaped like an inverted 'U' and each one encloses a landscaped courtyard which is open to the south. The height of the westernmost block adjacent to the listed buildings is four storeys, and increases to six storeys at the north and east edge. The remaining two blocks are six storey reducing to four storeys fronting on to Salamander Street. All the blocks each have a commercial unit at the southern end of each 'arm'. The commercial blocks are at the ground floor of a four storey block. Each of the commercial units is 67 square metres and will be Class 4 business use.

The existing six metre stone wall is being removed and a new low brick wall (0.45 metres) with railings is being constructed 2.5 metres north from the existing stone wall. Hedging will be planted behind the new brick wall.

The design of the flats is contemporary and simple. Materials proposed are brick and render on the external walls with grey cladding panels. The roof is flat with mounted photovoltaic panels. Windows are recycled uPVC. Windows and doors are grey in colour. Balconies are located on the north and south facing elevations.

Vehicular access will be taken from two points at Bath Road and Salamander Street. One hundred and fourteen spaces are proposed for the flats which include nine disabled parking spaces. There are two car clubs bays and 19 bays are shown to be suitably equipped for electric vehicle charging. Internal secure cycle parking is provided. A total of four hundred and sixty two cycle spaces are provided. The cycle stores are located at the entrances of the apartment blocks. Pedestrian access to each of the block of flats is from Salamander Street. There is a difference in level from the footpath to the flats so each block is accessed via a set of steps or a ramp. A footpath leads to the main entrances for each block.

The access road serving the proposed development off Salamander Street is formed by setts. These setts will be lifted and relaid in the same place. Similar setts will be laid at the points where the main access road to the north of the site leads into the parking areas between the blocks.

Two bin stores per block are proposed fronting on to the main access route at the north of the site.

Each of the apartment blocks is built around a square of useable green space. This space includes trees, ornamental shrubs, and grasses with areas of bulb planting. These green spaces will also have low level circular walls constructed in any re-usable stone from the original stone wall at the south and east edge of the site. This area will be semi public/private.

Smaller hard landscaped areas between the buildings and the footpaths which are not useable will be filled with gravel. Other smaller landscaped areas on the frontage of Salamander Street adjacent to the steps and ramps will form feature shrub beds. Similar feature shrub beds will also be provided to break up the line of parking bays.

Trees will be planted along the southern and eastern edges of the site.

A landscaped roof is proposed for the roof of all the four storey blocks which look on to Salamander Street. Each landscaped roof will have a hedge line or bamboo planting within trough planters to provide screening. There will be a paved /decked /pergola area to encourage sitting out. Areas of grass will be surrounded by soft landscaping with specimen shrubs and small trees.

A full landscaping scheme for the site has been submitted.

Scheme 1

Scheme 1 retained the stone wall at the southern edge with a reduction in height. The original scheme did not provide sufficient width along Salamander Street for a cycle path. The landscaping scheme within the courtyard areas did not address the heritage of the site.

Supporting Statements:

- Planning Statement;
- Pre- Application Report;
- Design and Access Statement;
- Transport Assessment;
- Flood Risk Assessment and Drainage Strategy;
- Ecology Report;
- Noise Impact Assessment;
- Lighting Assessment; and
- Air Quality Assessment.

These documents have been submitted in support of the application and 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.

Section 64 of the Planning (Listed Buildings and Conservation Areas) (Scotland) Act 1997 states - special attention shall be paid to the desirability of preserving or enhancing the character or appearance of the conservation area.

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 residential use is acceptable on this site;
- b) the proposals preserve or enhance the setting of the conservation area;
- c) the proposed layout, height, design, materials and density are acceptable;
- d) the proposal is detrimental to the amenity of neighbours and the proposal provides sufficient amenity for the occupiers of the development;
- e) the proposal is acceptable in terms of archaeology;
- f) the proposed access, car and cycle parking is acceptable;
- g) the proposal meets sustainability criteria;
- h) whether there are other material planning considerations;
- i) the proposal has any equalities or human rights impacts; and
- j) the representations have been addressed.

a) Principle of development

The site is part of the urban area and within the Edinburgh Waterfront Area as identified by the adopted Edinburgh Local Development Plan (LDP). The site is identified in the LDP as an area suitable for housing-led mixed use development. It is located within the Central Leith Waterfront Area, Proposal EW1b. One of the development principles of this area is that new housing should be designed to mitigate any significant adverse impacts on residential amenity from existing or new industrial development.

LDP Policy Del 3 states that planning permission will be granted for development which will contribute towards the creation of new urban quarters at Leith Waterfront and Granton Waterfront. The proposal complies with this policy as it delivers a housing led mixed use development in the Leith Waterfront Area.

LDP Policy Hou 1 supports housing as part of mixed use regeneration proposals at Edinburgh Waterfront including Proposal EW1b. The proposal complies with this policy as it provides family housing and commercial use on a brownfield site.

LDP Policy Des 2 supports development which will not compromise the effective development of adjacent land.

A planning application is expected on the site to the west of the proposal. There is no development proposed on this boundary. There is an access road running the length of the boundary and parking on its eastern edge.

The layout shows an access road running along the northern edge of the application site and parking spaces on the boundary. Parking spaces have been removed from this edge, at the opposite side from where the garage courts start. This allows access to the adjacent site and improves permeability.

This proposal does not compromise the effective development of adjacent land and complies with LDP Policy Des 2.

LDP Policy Emp 9 sets out criteria for the assessment of proposals to redevelop employment sites in the urban area for non-employment uses. In this case the use is primarily residential. Policy Emp 9 c) states that business floorspace should be provided for a range of uses if a site is larger than 1 hectare. This application includes six commercial units within the proposal. They are located along Salamander Street frontage at the end of each 'arm' within the blocks. They are stepped back from the main road. The commercial units will provide suitable business space within this development and will complement similar units constructed several years ago on the south side of Salamander Street. Economic Development supports the provision of this commercial space.

Policy Emp 9 b) allows proposals where they will contribute to the comprehensive regeneration and improvement of the wider area. A number of previously industrial areas have already been redeveloped for residential use in the vicinity. These sites also include commercial units. The redevelopment of this site will also improve the wider area as it removes an unsightly stone wall from the site frontage and introduces green space into the streetscape.

Policy Emp 9 a) allows the introduction of non-employment use where it will not prejudice the activities of employment uses in the surrounding areas. Mitigation measures are proposed in the form of acoustic glazing on new properties in the new development which will help to address the risk of complaints from new residents.

The principle of residential development on the application site is acceptable. The loss of industrial use and provision of commercial units is acceptable and complies with LDP Policy Emp 9.

b) Setting of the conservation area and listed buildings

LDP Policy Env 6 sets out the criteria against which development within a conservation area will be permitted.

LDP Policy Env 3 states that development affecting the setting of a listed building will be permitted if it is not detrimental to the architectural character, appearance or historic interest of the building, or to its setting.

The short access road into the development at the west end of the site is the only part of the proposed development which lies within the Leith Conservation Area. This access road is characterised by original setts. The applicant intends to lift the original setts clean and re-lay in situ. To reflect the proximity of the conservation area, setts will also be introduced at certain points along the main access road at the junctions of the two garage courts and where there is a gap in the parking strip at the north edge of the site.

The proposal will enhance the conservation area as the original six metre stone wall at the southern edge of the site, which is unsightly, is to be removed. The line of the boundary will be set back 2.5 metres and a low stone wall with black railings erected to mark the new boundary. This will allow more light into the street and the proposed courtyard areas surrounded by each block will add colour and interest to the streetscape.

There are two listed buildings outwith the site but adjacent to the setted access road at the west end. The proposal addresses the setting of these buildings by retaining the setted access road immediately adjacent. The number of storeys in the westernmost block nearest to the listed buildings is reduced to four storeys to respect the height of the listed buildings.

The proposed development would not have an adverse impact on the setting of the Leith Conservation Area or the listed buildings adjacent. The proposal complies with Policy Env 6 and Policy Env 3 of the LDP.

c) Layout, Height, Design, Materials and Density

LDP Policies Des 1 and Des 4 set out the design and layout criteria against which this application is assessed.

The layout of the site forms three regular flatted blocks each enclosing a landscaped green space on three sides. The open side of each block fronts on to Salamander Street giving the open space a south facing aspect. Black railings mounted on a low brick wall with stone coping forms a strong frontage on to Salamander Street. The layout of the site gives much needed openness to this section of Salamander Street and the grid structure allows permeability through the site.

The height of the blocks vary from four to six storeys. There are four storeys on the western arm of the west block. This is adjacent to the listed buildings on the western boundary of the site which are two and three storeys. Four storeys is sympathetic to the height of these buildings and is acceptable. The remaining blocks are six storeys to the rear and four storeys at the front. The change in height offers interest, fits well with surrounding properties and offers an opportunity for roof gardens on the four storey blocks.

The design and form of the development varies from the urban grain of the surrounding buildings which are generally hard on to the heel of the footpath and have no green space fronting on to the road. The proposal offers variety and interest with an open aspect and active frontages at ground level. Details like feature corners with recessed terraces, green courtyard spaces visible from the road and roof gardens create interest. The design and form is acceptable in this location.

The proposed materials are appropriate in this area and tie in well with materials used in recently constructed developments nearby.

The proposed development site would have a density of 150 dwellings per hectare. This is a fairly high density development. This is acceptable in this location as the site is approximately three miles from the city centre and is in close proximity to a good public transport network. The density is acceptable.

The layout, height, design, materials and density of the proposed development is acceptable.

d) Amenity of occupiers and neighbours

LDP Policy Des 5 -Development Design - Amenity seeks to ensure that development does not adversely impact on the amenity of existing neighbours and that future occupiers will have an acceptable level of amenity.

Noise

The applicant's Noise Impact Assessment (NIA) considers the potential noise source from traffic noise from Baltic Street/Salamander Street. It also considers occasional commercial and industrial noise from the various neighbouring industrial sites and the Pond public house to the east of the site. The applicant proposes commercial units on the ground floors of the development. A condition is to be attached to these units restricting the use to Class 4 only. No noise should be generated from a class 4 use.

The applicant proposes two measures to address the noise impact on the proposed development from various sources. Firstly, appropriate acoustic glazing and secondly, the installation of a mechanical ventilation system (similar to that required for local air quality purposes). The solution put forward by the applicant to minimise the impacts of noise is confirmed by Environmental Protection as probably the best option to minimise noise impacts. Environmental Protection states it cannot support mechanical ventilation because enforcing is too difficult and consequently states that the application should be refused on noise grounds.

Details of mitigation measures in terms of acoustic glazing and mechanical ventilation have been submitted by the applicant. Internal layouts of flats on the facade nearest the public house have also been amended to minimise sleep disturbance. Although it is acknowledged that the noise sources are numerous and varied, the likely impact level has been assessed in detail. The mitigation measures are acceptable in this instance and that the amenity of future occupiers will not be adversely impacted in terms of noise.

Air Quality

LDP Policy Env 22 - Pollution and Air, Water and Soil Quality - states that planning permission will only be granted where there will be no significant adverse effect on air quality.

The site is located within the Salamander Street Air Quality Management Area (AQMA). The AQMA was designated in January 2017 due to elevated levels of Particulate Matter 10 (PM10) being detected over a number of years. The air quality levels for PM 10 concentrations must be assessed against the 18 ug/m³ annual average objective. The Council has been undertaking monitoring levels in this area since 2009 to enable a trend to be established over a ten year period. The applicant was asked to carry out on site monitoring for PM 10 and they did this using a continuous automatic air quality monitor for a three month period. The applicants monitoring survey did not identify a breach of the 18 ug/m³ over the three month period. However, this was a snap shot and Environmental Protection consider that more weight should be given to their monitoring data which continues to cause concern at the elevation of PM 10 in the area. The identification of the AQMA at Salamander Street has triggered the need for the preparation of an action plan to address the elevated levels of PM10. This involves working with Scottish Government, Forth Ports Authority, SEPA and local developers to identify ways of reducing the levels of PM 10 in the area. This process is currently underway.

The applicant has proposed mechanical ventilation and filtration as a form of mitigation against the PM 10 levels at the application site. The use of MVHR (mechanical ventilation with heat recovery) will also provide additional noise mitigation with the MVHR system removing the requirement for trickle ventilators to all windows. The heat recovery element will enhance the sustainability credentials of the development by reducing heat demand, and in turn emissions, through more efficient capture and re-use of heat which would normally be lost. The applicant has provided drawings and details of the proposed filtration system. The filters would have to be changed regularly and properly maintained. Environmental Protection are not keen to support this as they cannot enforce such a condition.

Environmental Protection recommends the application is refused on air quality grounds. The site is located in the middle of the Salamander Street AQMA for PM10 levels therefore exposing the future residents to excessive levels of pollutants likely to adversely affect their health. Although the applicant has applied mitigation measures Environmental Protection remain concerned with the levels of amenity that would be afforded to the residents and the likelihood that complaints would be received regarding industrial operators.

In making an assessment in relation to this application, consideration has been given to the appeal decision at 2 Ocean Drive (14/05127/FUL). In this case, the Council refused planning permission on air quality and impact on health grounds. In overturning the Council's decision to refuse planning permission, the Reporter observed that there is a downward trend in annual mean PM 10 levels at the monitoring station at Salamander Street and across the city. The Reporter concluded that he was not satisfied overall that adverse effects for health should be properly regarded as significant and the proposal would not conflict with LDP Policy ENV 22. The application site is identified in the LDP as an area suitable for housing - led mixed use development. It has similar PM10 levels as the previously mentioned appeal site.

All matters relating to air quality and this proposal have been considered. On balance, it is accepted that PM10 levels have breached national levels in the past. However, it is acknowledged that with the designation of the Salamander Street AQMA, an action plan will be prepared which will have the primary objective of reducing PM10 levels in the area. This combined with the fact that the applicant has provided details of mitigation measures in the form of mechanical ventilation is helpful. It is concluded that the proposal does not conflict with LDP Policy Env 22 on air quality grounds.

Privacy, Daylighting and Overshadowing of Open Space

An objection has been raised on the grounds that the privacy of existing residents in the block on the south side of Salamander Street will be affected by the new development. The distances from building line to building line along Salamander Street vary from 18.2 metres to 20.7 metres. This is considered acceptable and does not have an adverse effect on the amenity of the existing residents.

The application site is in close proximity to the residential block on the south side of Salamander Street. The proposal will introduce a four storey block with a six storey block to the rear. Daylight drawings have been prepared by the applicant and these can be viewed on the planning portal. The drawings show the worst case scenario for the residential windows facing on to the new development. The drawings show the existing and proposed vertical sky calculations. The vertical sky component of the existing situation is 32.5% which is within the parameters as set out in the Edinburgh Design Guidance. Although the proposal reduces the vertical sky component of this block to 27%, this is still within the parameters of the Guidance and is therefore acceptable. As this is the worst case scenario, the vertical sky component for all other residential windows will also be within the parameters of the Guidance.

The applicant has confirmed that the daylight levels for the proposed development achieves the recommended daylight levels as stated in the Edinburgh Design Guidance.

A sun path diagram has been submitted. The courtyard areas of useable open space are south-facing. This diagram shows that the open space within the courtyard areas comply with the Edinburgh Design Guidance.

Useable Open Space

LDP Policy Hou 3 requires an appropriate level of greenspace provision in new housing developments. A standard provision of 10 square metres per flat is applied. There is a landscaped courtyard for each block. The courtyards are south facing with low stone walls to reflect the heritage of the site, seating, treeplanting, bulb planting and shrubs. The courtyards total 2,307 square metres. There are also roof terraces with seating areas and landscaping. These total 410 square metres. There is an additional area of useable space on the northern boundary measuring 127 square metres forming a break in the car parking. The total useable space provided amounts to 2,844 square metres. The proposed layout meets the requirements. The ground floor apartments will have small private garden areas backing on to the courtyard areas.

The useable open space complies with Policy Hou 3.

Housing Mix and Internal Space Standards

There are 28 one bed flats, 146 two bed flats and 38 three bed flats. The three bed flats comprise 18% of the total which is slightly less than the 20% set out in the Edinburgh Design Guidance. This is acceptable as there is a range of sizes for all the flats starting from the minimum. The one bed flats range from 52.2 to 61.9 square metres. The two bed flats range from 66.8 to 73.8 square metres and the three bed flats range from 81.81 to 91.15 square metres. The sizes of all of the proposed flats comply with the minimum standards set out in the Edinburgh Design Guidance.

e) Archaeology

The City Archaeologist states that the site occurs within an area of potentially national archaeological significance due to being used as a glassworks until 1874. A written statement of investigation (WSI) produced in 2018 demonstrated that substantial and predominantly well preserved remains survived in situ across the whole of the site. After assessing the proposed layout, the City Archaeologist stated that the layout does not respect the site's important archaeological heritage and is therefore contrary to LDP Des 3.

In addition, the scale of the proposed works will necessitate the loss of the site's buried archaeology in particular the loss of the glass cones. In this respect the proposed scheme is also contrary to LDP POL Env 9 (a & b).

The stone wall forming the site's southern boundary is of archaeological significance as it dates back to the origins of the glass works in the 18 Century. The City Archaeologist states that losing a significant part of the wall contravenes policies Des 3 and Env 9 of the LDP. In view of the above, the City Archaeologist recommends that the application is refused as it is contrary to the policies stated.

The applicant has sought to address these archaeological concerns. The layout of the central open spaces potentially allows for the remains of two of the four cones to be left in situ. The landscape design in these courtyard spaces has been amended to create low level circular walls of a diameter similar to the historic cones, to provide a sympathetic design in response to the former glassworks. Any re-useable stone from the boundary wall can be used to construct the circular walls, providing an appropriate landscape design that responds to the site's historical use. Plaques and information signs will also be installed within the central courtyard spaces providing a description of the historic site uses.

The relocation of the stone wall on the southern boundary is necessary to facilitate the provision of a cycle route identified through the LDP Action Programme. The applicant has undertaken a survey of the wall and confirmed that what is salvageable and re-useable could best be utilised in the construction of the low circular walls within the courtyard spaces.

It is considered that through the amendments to the courtyard space design and the need for the relocation of the wall, the applicant has sufficiently demonstrated an understanding of the need to reflect the site's historic significance in the layout. An infringement to LDP policies Des 3 and Env 9 is accepted. The City Archaeologist requests that if consent is granted it is essential that a programme of archaeological works is undertaken along with a detailed survey of the boundary wall and the provision of a public /community engagement programme. This will be secured by a condition.

f) Access, Car and Cycle Parking

There are two proposed accesses to the site from Bath Road and Salamander Street. The proposed accesses are acceptable.

The development will provide 105 off-street car parking spaces. This equates to 50% of the total number of units. The justification for the proposed level of car parking relates to the site's location in terms of easy access to facilities and services in the surrounding area. The applicant also highlights the site's accessibility to public transport and the bus stops that are within an easy walking distance (400 metres) of the site. The site will also benefit from the proposed tram line completion, where a tram stop/halt is proposed 140 metres from the western boundary of the site (Constitution Street). A minimum of 8% of car parking is required to be accessible. Nine accessible spaces are required which meets the requirements. Nineteen spaces are shown to be equipped for electric vehicle charging. This is acceptable. Two car club spaces are provided in the centre of the site.

Cycle storage for a minimum of 462 cycles is provided which meets the minimum requirements. Cycle stores are distributed throughout the residential blocks in eight communal stores. High density two-tier storage racks are proposed, all of which have been strategically positioned to ensure easy accessibility.

The original layout has been amended to show the boundary wall extending the south edge of the site, steps and access ramps relocated to allow for a wider corridor along Salamander Street. The amendment was made to facilitate the implementation of the Bernard Street/ Salamander Active Travel and Public Realm Project as identified in the LDP Action Programme and ensure that this cycle route will be of high standard throughout and further encourage active travel in this area.

There are some concerns regarding pedestrian priority at the access junctions on Salamander Street and Bath Road. Whilst these have not been addressed in the amended drawings it has been highlighted to the applicant and agreed that this can be addressed at the RCC stage.

Transport Infrastructure

The applicant will be required to contribute the following sums towards the relevant transport actions identified in the LDP Action Programme:-

Bernard Street/ Salamander Street	£236,168
Ocean Drive Eastward Extension	£488,872
Leith Links to Bath Road	£54,498
Salamander Street to Foot of Leith Walk	£22,896
Henderson St-The Shore- Commercial Street	£10,812

Bernard St /The Shore Junction	£6,996
Total Transport Contributions	£820,242

A contribution of £199,882 will also be required towards the tram.

These contributions will be secured through a legal agreement.

g) Sustainability

The applicant has submitted a sustainability statement in support of the application. The proposed development will meet current Building Standards, will be constructed on brownfield land and will meet a 30% carbon reduction. Photovoltaic panels will be mounted on roof to maximise solar gain. Recycled materials will be used where possible.

The proposal is classed as a major development and has been assessed against Part B of the sustainability standards.

The proposal meets the essential requirements of the Edinburgh Standards for Sustainable Buildings.

h) Other Material Considerations

Affordable Housing

LDP Policy Hou 6 requires 25% affordable housing provision. For the proposed development, this equates to 53 units. The applicant is proposing to provide the 53 affordable units in the easternmost block adjacent to Bath Road. They will consist of one, two and three bedroom apartments and will be tenure blind. Discussions are underway with Port of Leith Housing Association as the potential RSL provider. The applicant will be required to enter into a legal agreement to secure the provision of these units.

Education

The site lies within the Leith Trinity Education Contribution Zone.

The Council has assessed the impact of growth set out in the LDP through an Education Appraisal (January 2018) taking account of school roll projections. The Council's assessment has identified where additional infrastructure will be requested to accommodate the cumulative number of additional pupils from developments coming forward in this area.

Based on 184 flats and not including one bedroom flats, the total contribution is £180,320 towards education infrastructure (Index from Quarter 4 2017 to the date of payment). The applicant will be required to enter into a legal agreement to secure the delivery of this contribution.

Flooding and Drainage

The proposal will provide adequate drainage and is acceptable with regard to surface water management and flooding.

SEPA do not object to the proposal.

Ecology

LDP Policy Env 16 Species Protection - supports development that has no adverse impact on species protected under European or UK law.

The applicant has submitted an ecology report. This has been reviewed. It is accepted that the appropriate surveys have been undertaken and no bats were found roosting in any of the existing buildings. No other protected species were found. There is no objection to this application in relation to LDP Policy Env 16.

i) Equalities and Human Rights

This application raises no adverse comments in terms of equalities and human rights.

j) Matters raised in representations

Material objections

- New buildings will be too high. Addressed in section 3.3 (c).
- New buildings will make area too densely populated. Addressed in section 3.3 (c).
- Loss of privacy and restricted daylight. Addressed in section 3.3 (d).
- General traffic in surrounding area. Addressed in section 3.3 (f).

Material representation in support

- Provides much needed new housing.
- Design ties in well with surrounding buildings.
- More people will be attracted to the area.

The Leith Harbour and Newhaven Community Council Comments:

The Community Council supports the quality of building design and landscaping. It welcomes the integrated and tenure blind affordable housing. It also supports the improvement of the Salamander Street frontage and acknowledges the importance given to place and green space.

Conclusion

This proposal is of an acceptable scale and density and will provide 212 new flats. It will contribute to the wider regeneration of Leith Waterfront through the provision of new housing and six commercial units on a brownfield site. The proposal is of an acceptable layout and design and will have a positive impact on the amenity of the surrounding area. The proposal provides acceptable levels of car and cycle parking.

The proposal will provide the required 25% affordable housing provision.

Concerns have been raised regarding air quality and noise pollution and on balance, given the wider benefits of the proposal subject to the inclusion of appropriate conditions, the application is acceptable.

Concerns have also been raised by the City Archaeologist. In response to these concerns the applicant has reflected the historical significance of the site with inclusion of low circular walls incorporated into the landscape design of the central courtyard areas. Given this amendment, and subject to a suitable condition relating to archaeology, the application is acceptable.

In all other aspects the proposal accords with the Development Plan and generally complies with the relevant Non Statutory Guidance.

The proposal is acceptable. There are no material considerations that outweigh this conclusion.

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

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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. The following noise protection measures to the proposed units as defined in the KSG Acoustics Noise Impact Assessment report (1675/R1/rev 2), dated 1 February 2019:
 - Glazing units with a minimum insulation value of (Rw, Ctr 33dB) 4/10/6mm double glazing should be installed for the external doors and windows of the bedroom and living room facades as highlighted on drawing 17059(PL)002_A dated 5/7/2018.

- Glazing units with a minimum insulation value of (Rw, Ctr 33 dB) 4/10/4mm double glazing should be installed for the external doors and windows of the bedroom and living room facades as highlighted on drawing 17059(PL)002_A dated 5/7/2018.
- Mechanical ventilation with ISO coarse glass G3 filters shall serve all properties as shown on drawing numbers 17059(PL)060, 17059(PL)061 and 17059(PL)062 all dated 29/3/10.

Shall be carried out in full and completed prior to the development being occupied.

3. Air Quality Mitigation. Prior to the occupation of the development mechanical ventilation with ISO coarse glass G3 filters shall serve all properties as shown in drawing numbers 17059(PL)060, 17059(PL)061 and 17059(PL)062 all dated 29/3/2019.
4. No demolition /development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (historic building recording, excavation, reporting and analysis, interpretation, public engagement and publication) in accordance with a written scheme of investigation which has been submitted by the applicant and approved by the Planning Authority.
5. A detailed specification, including trade names where appropriate, of all the proposed external materials shall be submitted to and approved in writing by the Planning Authority before work is commenced on site; Note: samples of the materials may be required.
6. The ground floor commercial premises shall be restricted to Class 4 (Business) of the Town and Country Planning Act Use Classes Order (Scotland) only, and for no other purpose without the written consent of the Planning Authority.
7. The approved landscaping scheme shall be fully implemented within six months of the completion of the development.

Reasons:-

1. In order to ensure the most efficient and effective rehabilitation of the site.
2. In order to protect the amenity of the occupiers of the development.
3. In order to protect the amenity of the occupiers of the development.
4. In order to safeguard the interests of archaeological heritage.
5. In order to enable the planning authority to consider this/these matter/s in detail.
6. In order to protect the amenity of the occupiers of the development.
7. In order to ensure that the approved landscaping works are properly established on site.

Informatives

It should be noted that:

1. The applicant shall enter into a suitable legal agreement in respect of the following:
 - i) Education contribution of £180,320 towards infrastructure (Quarter 4 2017 value to be indexed at the point of payment).
 - ii) Affordable housing (53 units) - 25% on site delivery.
 - iii) Transport Actions (£820,242).
 - iv) Tram contribution (£199,882).
2. The works 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.
 - a) 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.
 - b) A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent.
 - c) All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved.

6. Prior to the use being taken up, eighteen 7kw (Type 2, Mode 2), electric vehicle charging points, as shown on drawing no. E11195/1502 Rev C dated 29/3/2019 shall be installed and fully operational all within the non-adopted areas of car parking.

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:

The application has no impacts in terms of equalities or human rights.

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

A Proposal of Application Notice was submitted and registered on 9 March 2018.

Copies of the notice were also sent to:

- Leith Harbour and Newhaven Community Council;
- Leith Links Community Council; and
- Three Ward Councillors.

A public exhibition was held on 9 May 2018 from 3 to 7pm at Leith Library, Ferry Road.

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.

8.2 Publicity summary of representations and Community Council comments

Neighbour notification was carried out on the 4 October 2018. Nine representations were received: two objections and seven in support. A letter in support of the application was received from the Leith Harbour and Newhaven 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](#)
- [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 City Local Plan. It is located within the Central Leith Waterfront Area, Proposal EW1b.

Date registered

27 September 2018

Drawing numbers/Scheme

01,2B-6B,7C,8A,9A,10B-12B, 13,14A,15B-17B,19A, 20B-22B, 24A,25B-27B,29A,31A,32A,33-35, 37,40B-42B.,

Scheme 2

David R. Leslie

Chief Planning Officer

PLACE

The City of Edinburgh Council

Contact: Lesley Porteous, Planning Officer

E-mail:lesley.porteous@edinburgh.gov.uk Tel:0131 529 3203

Links - Policies

Relevant Policies:

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

LDP Policy Del 3 (Edinburgh Waterfront) sets criteria for assessing development in Granton Waterfront and Leith Waterfront.

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 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 Env 6 (Conservation Areas - Development) sets out criteria for assessing development in a conservation area.

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

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 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.

Non-statutory guidelines on 'PARKING STANDARDS' set the requirements for parking provision in developments.

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 'MOVEMENT AND DEVELOPMENT' establish design criteria for road and parking layouts.

Appendix 1

Application for Planning Permission 18/08206/FUL At 1 Bath Road, Edinburgh, EH6 7BB Proposed residential development with commercial units and associated landscape, drainage, roads and infrastructure (as amended).

Consultations

Scottish Water response dated 12 October 2018

Scottish Water has no objection to this planning application; however, the applicant should be aware that this does not confirm that the proposed development can currently be serviced and would advise the following:

Water

There is currently sufficient capacity in the Glencorse Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

Foul

There is currently sufficient capacity in the Edinburgh PFI Waste Water Treatment Works. However, please note that further investigations may be required to be carried out once a formal application has been submitted to us.

The applicant should be aware that we are unable to reserve capacity at our water and/or waste water treatment works for their proposed development. Once a formal connection application is submitted to Scottish Water after full planning permission has been granted, we will review the availability of capacity at that time and advise the applicant accordingly.

Surface Water

For reasons of sustainability and to protect our customers from potential future sewer flooding, Scottish Water will not normally accept any surface water connections into our combined sewer system.

There may be limited exceptional circumstances where we would allow such a connection for brownfield sites only, however this will require significant justification from the customer taking account of various factors including legal, physical, and technical challenges.

In order to avoid costs and delays where a surface water discharge to our combined sewer system is anticipated, the developer should contact Scottish Water at the earliest opportunity with strong evidence to support the intended drainage plan prior to making a connection request. We will assess this evidence in a robust manner and provide a decision that reflects the best option from environmental and customer perspectives.

General notes:

Scottish Water asset plans can be obtained from our appointed asset plan providers:

Site Investigation Services (UK) Ltd

Tel: 0333 123 1223

Email: sw@sisplan.co.uk

www.sisplan.co.uk

Scottish Water's current minimum level of service for water pressure is 1.0 bar or 10m head at the customer's boundary internal outlet. Any property which cannot be adequately serviced from the available pressure may require private pumping arrangements to be installed, subject to compliance with Water Byelaws. If the developer wishes to enquire about Scottish Water's procedure for checking the water pressure in the area then they should write to the Customer Connections department at the above address.

If the connection to the public sewer and/or water main requires to be laid through land out-with public ownership, the developer must provide evidence of formal approval from the affected landowner(s) by way of a deed of servitude.

Scottish Water may only vest new water or waste water infrastructure which is to be laid through land out with public ownership where a Deed of Servitude has been obtained in our favour by the developer.

The developer should also be aware that Scottish Water requires land title to the area of land where a pumping station and/or SUDS proposed to vest in Scottish Water is constructed.

Please find all of our application forms on our website at the following link <https://www.scottishwater.co.uk/business/connections/connecting-yourproperty/new-development-process-and-applications-forms>

Next Steps:

Single Property/Less than 10 dwellings

For developments of less than 10 domestic dwellings (or non-domestic equivalent) we will require a formal technical application to be submitted directly to Scottish Water or via the chosen Licensed Provider if non domestic, once full planning permission has been granted. Please note in some instances we will require a Pre- Development Enquiry Form to be submitted (for example rural location which are deemed to have a significant impact on our infrastructure) however we will make you aware of this if required.

10 or more domestic dwellings:

For developments of 10 or more domestic dwellings (or non-domestic equivalent) we require a Pre-Development Enquiry (PDE) Form to be submitted directly to Scottish Water prior to any formal Technical Application being submitted. This will allow us to fully appraise the proposals.

Where it is confirmed through the PDE process that mitigation works are necessary to support a development, the cost of these works is to be met by the developer, which Scottish Water can contribute towards through Reasonable Cost Contribution regulations.

Non Domestic/Commercial Property:

Since the introduction of the Water Services (Scotland) Act 2005 in April 2008 the water industry in Scotland has opened up to market competition for non-domestic customers. All Non-domestic Household customers now require a Licensed Provider to act on their behalf for new water and waste water connections. Further details can be obtained at www.scotlandontap.gov.uk

Trade Effluent Discharge from Non Dom Property:

Certain discharges from non-domestic premises may constitute a trade effluent in terms of the Sewerage (Scotland) Act 1968. Trade effluent arises from activities including; manufacturing, production and engineering; vehicle, plant and equipment washing, waste and leachate management. It covers both large and small premises, including activities such as car washing and launderettes. Activities not covered include hotels, caravan sites or restaurants.

If you are in any doubt as to whether or not the discharge from your premises is likely to be considered to be trade effluent, please contact us on 0800 778 0778 or email TEQ@scottishwater.co.uk using the subject "Is this Trade Effluent?". Discharges that are deemed to be trade effluent need to apply separately for permission to discharge to the sewerage system. The forms and application guidance notes can be found using the following link <https://www.scottishwater.co.uk/business/ourservices/compliance/trade-effluent/trade-effluent-documents/trade-effluent-noticeform-h>

Trade effluent must never be discharged into surface water drainage systems as these are solely for draining rainfall run off.

For food services establishments, Scottish Water recommends a suitably sized grease trap is fitted within the food preparation areas so the development complies with Standard 3.7 a) of the Building Standards Technical Handbook and for best management and housekeeping practices to be followed which prevent food waste, fat oil and grease from being disposed into sinks and drains. The Waste (Scotland) Regulations which require all non-rural food businesses, producing more than 50kg of food waste per week, to segregate that waste for separate collection. The regulations also ban the use of food waste disposal units that dispose of food waste to the public sewer. Further information can be found at www.resourceefficientscotland.com

Economic Development response dated 19 October 2018

Commentary on existing use

The application relates to a 1.41-hectare site bounded by a depot to the north; Bath Road to the east; Salamander Street to the south; and 'B' listed former gasworks to the west. The site is currently occupied by Keyline which operates it as a trade counter for the sale and hire of construction materials and equipment. Keyline's operations extend into the listed buildings to the west which are not part of this application.

The bulk of the site is presently used for open storage. The main permanent structures on the site are two large adjoining warehouse buildings totalling 3,113 sqm and a smaller 202 sqm cement store, giving a total of 3,313 sqm of space (net).

The economic impact of the existing uses can be estimated. The Employment Densities Guide (3rd edition) published by the Homes and Communities Agency states that retail warehouses support on average one full-time equivalent employee per 80 sqm (net). This suggests that the existing uses could be expected to directly support approximately 41 FTE jobs ($3,313 \div 80$). The Scottish Annual Business Statistics published by the Scottish Government state that the average gross value added per job for the wholesale trade sector is £106,323 per employee. This suggests that the existing uses could be expected to add approximately £4.36 million of gross value added to the economy of Edinburgh per annum (2016 prices). As noted, Keyline's activities extend beyond the boundaries of the application site, meaning these figures will not give a comprehensive picture of the economic impacts of their operations in this area.

There are pressures on the supply of industrial space in Edinburgh. However, it is recognised that the space in question, which is understood to date from the 1960s, is unlikely to be suitable for long-term industrial use.

As the site is over one hectare, policy EMP 9 of the LDP applies. This policy requires any development to incorporate 'floorspace designed to provide for a range of business users [...] some new small industrial/business units'. As confirmed by the LDP glossary this refers specifically to floorspace/units in use class 4.

The western edge of the site, which abuts the listed buildings, lies within the Leith Conservation Area.

Commentary on proposed uses

The application proposes the clearance of the existing site and its comprehensive redevelopment to deliver three blocks of four-six storeys, each including flats and two commercial units on the ground floor fronting onto Salamander Street.

* Class unspecified

The development as proposed would deliver 408 sqm of space (gross) across six units on the ground floors of each of the three blocks. The applicant has not specified the use class and has stated that this is to be agreed with the Council during the determination period. Due to the unspecified use class the projected economic impact is variable; projected economic impacts for different use classes if fully occupied are shown below:

* Class 1: 367 sqm net (408 × 0.9); 21 FTE jobs (367 ÷ 17.5); £0.62 million GVA per annum (2016 prices) (21 × £29,484).

* Class 2: 337 sqm net (408 × 0.825); 21 FTE jobs (337 ÷ 16); £1.60 million GVA per annum (2016 prices) (21 × £76,387*).

* Class 3: 367 sqm net (408 × 0.9); 21 FTE jobs (367 ÷ 17.5); £0.46 million GVA per annum (2016 prices) (21 × £21,696).

* Class 4: 337 sqm net (408 × 0.825); 64 FTE jobs (708 ÷ 11'); £5.82 million GVA per annum (2016 prices) (62 × £93,923').

* Based on a mean gross value added per employee for the administrative and support service activities sector; financial services sector; and professional, scientific and technical activities sector.

' Based on a mean employment density for finance; technology; and professional services occupiers.

' Based on a mean gross value added per employee for the financial services sector; professional, scientific and technical activities sector; and information and communication sector.

The projected economic impact of the 408 sqm of commercial space (if fully occupied) ranges from 21 to 64 FTE jobs and from £0.46 million to £5.82 million of gross value added per annum (2016 prices). Class 4 units are projected to have the greatest economic impact. This is due to both the high employment density of office units and the high average productivity (in terms of gross value added per employee) of the industries that typically occupy office units.

* Sui generis ' Flats

The development as proposed would deliver 212 flats. These would not be expected to directly support any economic activity. 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 212 flats could be expected to collectively spend approximately £5.43 million per annum (2016 prices). Of this £5.43 million, it is estimated that approximately £2.82 million could reasonably be expected to primarily be made within Edinburgh. This £2.82 million could be expected to directly support approximately 35 jobs and £1.04 million of GVA per annum (2016 prices), primarily in the retail, transport, and hospitality sectors.

Overall impact

The development as proposed is projected to directly support between 21 and 64 FTE jobs and between £0.46 million and £5.82 million of gross value added per annum (2016 prices), with expenditure by residents projected to support an additional 35 jobs (headcount) and £1.04 million of GVA per annum (2016 prices). These are gross figures that do not account for displacement or multiplier effects.

Floorspace for business users

As set out above, policy EMP 9 of the LDP applies to this development. The development therefore must incorporate 'floorspace designed to provide for a range of business users [...] some new small industrial/business units'. The applicant has provided for 408 sqm of replacement commercial space within the new development but has not specified the use class. While it is recognised why developers may wish to retain flexibility, from an economic development perspective this introduces a high risk that zero (or a nominal quantum of) class 4 space will be delivered.

It is noted that there is an increasing tendency for applicants to conflate class 4/5/6 space with other non-residential uses classes. These different use classes represent distinct markets and are not interchangeable from an economic development perspective. There are major pressures on the supply of both industrial space and office space in Edinburgh. Removing 3,313 sqm of this space without providing any replacement space would exacerbate these pressures. Other non-residential uses classes such as class 1 are not subject to the same pressures. The removal of industrial space can be regarded as part of the ongoing evolution of this area of the city away from heavy industry, but the re-provision of small business units is entirely consistent with the status of Leith as a business hub driven by start-ups, micro-businesses and creative enterprises and is compatible with residential development. The site in question is substantial and the applicants are proposing to greatly increase the development intensity. There is therefore not considered to be a strong case for not including a meaningful quantum of class 4 space as part of the redevelopment.

To mitigate these issues, and to ensure compliance with policy EMP 9, it is recommended that the 408 sqm of commercial space be restricted to use class 4. This may influence the final design of the six units in question as, while glazed frontages offering good visibility to passing pedestrians are an attractive feature for retailers and restaurateurs looking for custom from passing trade, they are less attractive to office occupiers who are likely to prefer an arrangement with less visibility of the interior of the unit to passers-by to avoid a 'fishbowl' effect.

Other considerations

The applicant proposes to leave elements of the boundary wall to the south of the site in place (albeit reduced in height). Notwithstanding other benefits this may have, it does not appear that this would be compatible with the minimum footway width for high-density residential streets of 2m specified in the Edinburgh Street Design Guidance. The complete removal of the wall for the length of the frontage onto Salamander Street would enable the footway to be widened to achieve the relevant standard. A narrow footway falling below the relevant standard would appear not to be consistent with the proposal set out in the Leith Docks Development Framework to '[provide] greater emphasis on pedestrian and cycle routes' on Salamander Street.

SUMMARY RESPONSE TO CONSULTATION

It is estimated that the current uses on the site in question could be expected to directly support approximately 41 FTE jobs and £4.36 million of gross value added per annum (2016 prices).

It is projected that the 408 sqm of replacement commercial space could, if fully occupied, directly support 21 to 64 FTE jobs and £0.46 to £5.82 million of gross value added per annum (2016 prices). Expenditure by residents could support a further 35 jobs (headcount) and £1.04 million of GVA per annum (2016 prices). To secure the greater economic impacts; address the growing shortage of office space in Edinburgh; and ensure compliance with Local Development Plan policy EMP 9, it is recommended that the 408 sqm of commercial place be restricted to use class 4.

The applicant proposes to leave elements of the boundary wall to the south of the site in place. It is considered that this may compromise pedestrian amenity by preventing the footway from being widened to the minimum standard of 2m specified in the Edinburgh Street Design Guidance.

SEPA response dated 31 October 2019

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

We acknowledge that the Local Authority is the lead on air quality management issues, however we have concerns with regard to the development proposals and consider these would benefit from review by the Local Authority's environmental health team. We have outlined our concerns below. We recommend the council should consider assessing the significance of the potential air quality impacts on health.

Advice for the planning authority

1. Flood Risk

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

1.2 We have reviewed the information provided in this consultation and it is noted that part of the application site lies within the medium likelihood (0.5% annual probability or 1 in 200 year) flood extent of the SEPA Flood Map, and may therefore be at medium to high risk of flooding. In addition, the risk from the Water of Leith and tidal interactions have been investigated.

1.3 A Flood Risk Assessment (FRA) has been submitted in support of the application. The City of Edinburgh Council (CEC) have given Kaya Consulting with the hydraulic model for the Water of Leith Flood Prevention Scheme (FPS) between cross sections WOL_1 and WOL_9. We have had numerous discussions with CEC regarding the modelling of the Water of Leith (WOL) and we would highlight that there are significant uncertainties associated with the hydraulic model that are unresolved. In addition, there are uncertainties associated with the predicted design flows along the WOL, however we acknowledge that the consultant has undertaken a separate hydrological analysis from the WOL FPS model. The area of protection for the FPS, at its downstream extent, is at Bonnington, therefore we would caution the use of the WOL FPS model due to the lack of review in the area of interest.

1.4 We would note that Figure 7 within the FRA indicates a site boundary which is different to the site boundary located on other figures within the FRA.

1.5 Section 4.4 within the FRA states that the 2D model results indicate that the docks would be overtopped with flood waters predicted to reach approximately 5.0mAOD. From discussions with CEC we understand that if there was a total failure of the docks a flood level of 5.27mAOD would be achieved before overtopping of the lock would occur. Therefore, we would highlight to the council that the proposed finished flood levels of 5.6mAOD would only incur a freeboard of 0.33m and we would strongly recommend that 0.6m freeboard is applied.

1.6 Further investigation into the risk of surface water flooding at this site is recommended to ensure the proposed development will not be at a risk of flooding and nearby existing property and infrastructure will not be at an increased risk of flooding. A detailed assessment, which should be submitted to the council, will inform areas suitable for development at this site and include details of any proposed mitigation measures. We would note that the attenuation crates/geocellular storage is located beneath car parking hence access for maintenance will be easier than if it were underneath buildings. We would highlight that groundwater levels have not been assessed as part of the FRA. There is the potential for groundwater levels to be reasonably close to the surface or to fluctuate with the tide. Therefore, tanking of the attenuation crates may be required. Groundwater levels may constrain their use and high groundwater levels could also force them upwards. The council should be satisfied that the attenuation crates will operate as designed.

1.7 Although there are significant uncertainties associated with the modelled flood levels, the site boundary ground levels are a minimum of 1.23 metres above the estimated 1:200 year flood level for the WOL. Finished floor levels are proposed to be set at 5.6mAOD, which is approximately 0.33m above the dock shipping lock. This would mitigate the residual risk should the apparatus fail. As such, we do not object to the proposed change of use from industrial to residential but would strongly urge water resistant and resilient design and materials are used during construction. Consideration should be given to tanking the building, locating electrics above predicted flood levels, and connections to sewers, including non-return valves.

1.8 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 Edinburgh Council as Planning Authority in terms of the said Section 72 (1). Our briefing note entitled: 2D Flood Risk Management (Scotland) Act 2009: Flood risk advice to planning authorities; outlines the transitional changes to the basis of our advice in line with the phases of this legislation and can be downloaded from <http://www.sepa.org.uk/environment/land/planning/guidance-and-advice-notes/>.

2. Air Quality

2.1 The proposed development lies within the Salamander St Air Quality Management Area (AQMA) declared for exceedances of the national PM10 objectives. The proposed development may introduce new receptors to an area of poor air quality, therefore an air quality impact assessment is required to determine whether the air quality objectives are being met on the proposed development site and to identify appropriate mitigation. The scope and method of the assessment should be agreed with the City of Edinburgh Council.

2.2 The Council should refer to EPUK & IAQM Planning for Air Quality guidance which details best practice mitigation methods for air quality. The Council should use the information submitted in any assessment to form its own view on the significance of the effects of air quality impacts, and thereby the priority given to air quality concerns in determining the application.

3. Foul Drainage

3.1 We note the foul drainage from the site will be discharged to the public sewerage network. The applicant should consult Scottish Water in this regard. We confirm that it is the responsibility of Scottish Water to ensure that the additional flow arising from this development will not cause or contribute to the premature operation of consented storm overflows.

4. Surface Water Drainage

4.1 We note the applicant proposing SUDS to manage surface water from the development. The discharge of surface water to the water environment should be in accordance with the principles of the SUDS (Sustainable Drainage Systems) Manual (C697) published by CIRIA.

4.2 Comments from Scottish Water and, where appropriate, the Local Authority Roads Department and the Local Authority Flood Prevention Unit should be sought on the SUDS strategy in terms of water quantity/flooding and adoption issues.

4.3 Surface water drainage from the construction phase should also be dealt with by SUDS. The applicant should refer to the regulatory guidance below which outlines the regulatory requirement. Such drainage should be in accordance with C648 and C649, both published by CIRIA. It should be noted that oil interceptors are not considered SUDS in their own right but are beneficial as part of the treatment train.

Further advice for the applicant

The applicant will note that we have not objected to the proposal and should take account of the advice provided above.

5. Flood Risk

5.1 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/>.

5.2 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.

Regulatory advice for the applicant

6. Regulatory requirements

6.1 Authorisation is required under The Water Environment (Controlled Activities) (Scotland) Regulations 2011 (CAR) to carry out engineering works in or in the vicinity of inland surface waters (other than groundwater) or wetlands. Inland water means all standing or flowing water on the surface of the land (e.g. rivers, lochs, canals, reservoirs).

6.2 Management of surplus peat or soils may require an exemption under The Waste Management Licensing (Scotland) Regulations 2011. Proposed crushing or screening will require a permit under The Pollution Prevention and Control (Scotland) Regulations 2012. Consider if other environmental licences may be required for any installations or processes.

6.3 A Controlled Activities Regulations (CAR) construction site licence will be required for management of surface water run-off from a construction site, including access tracks, which:

* is more than 4 hectares,

* is in excess of 5km, or

* includes an area of more than 1 hectare or length of more than 500m on ground with a slope in excess of 25

See SEPAs Sector Specific Guidance: Construction Sites (WAT-SG-75) for details. Site design may be affected by pollution prevention requirements and hence we strongly encourage the applicant to engage in pre-CAR application discussions with a member of the regulatory services team in your local SEPA office.

6.4 Below these thresholds you will need to comply with CAR General Binding Rule 10 which requires, amongst other things, that all reasonable steps must be taken to ensure that the discharge does not result in pollution of the water environment. The detail of how this is achieved may be required through a planning condition.

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 services team in your local SEPA office.

Communities and families response dated 12 November 2019

The Council has assessed the impact of the growth set out in the LDP through an Education Appraisal (August 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 finalised Supplementary Guidance on 'Developer Contributions and Infrastructure Delivery' (August 2018).

Assessment and Contribution Requirements

Assessment based on:

184 Flats (28 one bedroom flats excluded)

This site falls within Sub-Area LT-1 of the 'Leith Trinity 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 based on the established 'per house and 'per flat' rates for the appropriate part of the Zone.

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

Total infrastructure contribution required:

£180,320

Note - all infrastructure contributions shall be index linked based on the increase in the BCIS Forecast All-in Tender Price Index from Q4 22017 to the date of payment.

Housing response dated 30 November 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 6 Affordable Housing in the Edinburgh Local Development Plan.

2. Affordable Housing Provision

This application is for a development consisting of 212 homes and as such the AHP will apply. There will be an AHP requirement for a minimum of 25% (53) homes of approved affordable tenures. We request that the developer enters an early dialogue with the Council:

- * The tenure of the affordable housing must be agreed by the Council and;
- * The Registered Social Landlord(s) (RSLs) should be identified to take forward the affordable homes, and deliver a well integrated and representative mix of affordable housing on site.

The applicant has stated that the affordable housing will account for 53 (25%) of the new homes across several different parts of the site and will consist of flatted one, two and three bedroom apartments. This is welcomed by the department. We emphasise the importance of the proposed three bed properties (family housing) being located on the lower levels to accommodate the requirements of family housing.

The affordable homes are 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. An equitable and fair share of parking for affordable housing, consistent with the parking requirements set out in the Edinburgh Design Guidance, is provided.

In terms of accessibility, the affordable homes are situated within close proximity (within 400 metres) of regular public transport links and are located close to local amenities at in Bernard Street.

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 with the Council and identify Registered Social Landlord(s) (RSLs) to deliver the affordable housing
- * The tenure of the affordable housing must be agreed with the Council
- * All the affordable homes must meet the Edinburgh Design Guidance and also meet the relevant Housing Association Design Guidance size and space standards
- * 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 applicant will be required to enter into a Section 75 legal agreement to secure the affordable housing element of this proposal.

Flood Planning response dated 10 January 2019

We now have all the information requested and have accepted them. This application can now proceed to determination with no further comments from our department.

Transport response dated 2 April 2019

Further to the memorandum sent on the 1st of February and the subsequent information provided there are no objections to the application subject to the following being included as conditions or informatives as appropriate:

1. The applicant will be required to contribute the sum of £820,242 to relevant transport actions identified in the LDP Action Programme. The sum to be indexed as appropriate and the use period to be 10 years from date of payment (see note II for further information);
2. Contribute the sum of £199,882 to the Edinburgh Tram in line with the approved Tram Line Developer Contributions report. The sum to be indexed as appropriate and the use period to be 10 years from date of payment (see note III for further information);
3. Contribute the sum of £2,000 to progress a suitable order to introduce waiting and loading restrictions as necessary;
4. Contribute the sum of £2,000 to promote a suitable order to introduce a 20pmh speed limit within the development, and subsequently install all necessary signs and markings at no cost to the Council. The applicant should be advised that the successful progression of this Order is subject to statutory consultation and advertisement and cannot be guaranteed;
5. In support of the Council's LTS Cars1 policy, the applicant should consider contributing the sum of £12,500 (£1,500 per order plus £5,500 per car) towards the provision of car club vehicles in the area;
6. 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;
7. The applicant should note that the proposed SUDs storage tanks are not approved at this time and this may have a significant impact on the proposed road design and layout;
8. A Quality Audit, as set out in Designing Streets, to be submitted prior to the grant of Road Construction Consent;
9. 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;
10. 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;

11. All disabled persons parking places should comply with Disabled Persons Parking Places (Scotland) Act 2009. The Act places a duty on the local authority to promote proper use of parking places for disabled persons' vehicles. The applicant should therefore advise the Council if he wishes the bays to be enforced under this legislation. A contribution of £2,000 will be required to progress the necessary traffic order but this does not require to be included in any legal agreement. All disabled persons parking places must comply with Traffic Signs Regulations and General Directions 2016 regulations or British Standard 8300:2009 as approved;
12. 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;
13. The developer must submit a maintenance schedule for the SUDS infrastructure for the approval of the Planning Authority.

Note:

I. The application has been assessed under the 2017 parking standards. These permit the following:

- a. A maximum of 217 car parking spaces (Residential = 212: 1 per unit, Commercial = 5: 1 per 50m² in zone 2), 105 car parking spaces are proposed;
- b. A minimum of 462 cycle parking spaces, (1 space per studio, 2 spaces per 2/3 room unit and 3 spaces per 4+ room unit. It should be noted that this assessment is based on habitable rooms). 462 cycle parking spaces are proposed;
- c. Where there are 10+ dwellings a minimum of 8% of the car parking is required to be designated as accessible, 8 spaces are required, the 9 spaces proposed which meets these requirements;
- d. Where 10+ car parking spaces are proposed 1 of every 6 car parking spaces should be equipped for electric vehicle charging. 18 spaces are required, the 19 EV spaces proposed meets these requirements;
- e. A minimum of 8 motorcycle parking spaces, 0 are proposed

II. The Transport contributions were calculated based on current LDP Actions identified as relevant to this site. The actions and the total action costs are as follows:

- * Bernard St/Salamander St Active Travel and Public Realm Project - £6,125,000
- * Ocean Drive Eastward Extension - £12,678,750
- * Leith Links to Bath Road - £367,500
- * Salamander St to Foot of the Walk - £441,000
- * Henderson Street ' The Shore ' Commercial Street (Bus Priority) - £209,856
- * Bernard St ' The Shore Junction - £133,458

To find a per unit cost the remaining housing capacity of relevant LDP areas needs to be considered:

- * Leith Waterfront (Western Harbour) = 1,873
- * Central Leith Waterfront = 2,720
- * Leith Waterfront (Salamander Place) = 1,355

Dividing these action costs by the relevant capacity of these LDP areas will provide a per unit cost, then multiplying by the proposed number of units will provide a contribution to each action:

- * Bernard St/Salamander = £6,125,000 / 5498 (LW(WH) + CLW + LW(SP)) = £1,114 per unit x 212 units = £236,168
- * Ocean Drive Eastward Extension - £12,678,750 / 5498 (LW(WH) + CLW + LW(SP)) = £2,306 per unit x 212 units = £488,872
- * Leith Links to Bath Road = £367,500 / 1355 (LW(SP)) = £271 per unit x 212 units = £54,498

* Salamander St to Foot of the Walk = £441,000 / 4075 (CLW + LW(SP)) = £108 per unit x 212 units = £22,896

* Henderson Street ' The Shore ' Commercial Street (Bus Priority) - £209,856 / 4075 (CLW + LW(SP)) = £51 per unit x 212 units = £10,812

* Bernard St ' The Shore Junction - £133,458 / 4075 (CLW + LW(SP)) = £33 per unit x 212 units = £6,996

Total Transport Contributions = £820,242

II. The Tram contribution is based a Net Use contribution that takes the existing use into consideration. Net Use = Proposed Use ' Existing Use

* Proposed Use based on 212 residential units and 486m² GFA of commercial use in zone 1 = £367,161 (resi = £325,647 + retail / comm = £41,514)

* Existing Use based on 3650m² of industrial use in zone 1 = £167,279

* Net use = £367,161 - £167,279 = £199,882

III. The amended site layout now shows the boundary wall on the south of the site and access ramps relocated to allow for a larger corridor width along Baltic Street/Salamander Street. This was done to facilitate the implementation of the Bernard Street / Salamander Street Active Travel and Public Realm Project, as identified in the LDP Action Programme and ensure that this cycle route will be of a high standard throughout and further encourage active travel in this area;

IV. The justification for the proposed level of car parking relates to the sites location in terms of easy access to facilities and services in the surrounding area. The applicant also highlights the sites accessibility to public transport and the bus services that are available from bus stops within an easy walking distance (400m) of the site. The site will also benefits from the proposed tram line completion, where a tram stop/halt is proposed 140m from the western boundary of the site (Constitution Street), this will further improve the sites public transport accessibility and should assist in minimising car trip generation from this development;

V. The proposed 462 cycle parking spaces are distributed throughout the residential blocks in eight communal stores. High density two-tier storage racks are proposed, all of which have been strategically positioned to ensure accessibility and ease of use. The stores all have external level access points into the semi-private gardens which are the only access points to the cycle stores;

VI. The accessible parking has been placed strategically to ensure each building access point has sufficient cover for accessible parking.

VII. There are some concerns regarding pedestrian priority at the access junctions on Baltic Street/Salamander Street and Bath Road, whilst these have not been addressed in the amended drawings it has been highlighted to the applicant and agreed that this kind of detail can be picked up at the RCC stage;

VIII. The proposed use class and size of the commercial units means that they will not require significantly large vehicles to carry out servicing. It is proposed that the small parking area can be utilised as these will likely be underutilised through the day;

Environmental Protection response dated 12 April 2019

The site is identified within an area of major change in the Edinburgh Local Development Plan (ELDP), the site is located within Edinburgh Waterfront (EW1b) categorised as major new development in strategic development area. The current LDP states that the Central Leith Waterfront (EW1b) Area should be of commercial and residential led mixed-use development. Forth Ports Ltd has decided to retain land at the Britannia Quay and south of Edinburgh Dock for port related use, and therefore a modified approach to the development of this area from what is included in the Leith Docks Development Framework (2005) is required. LDP recognises the need for mixed use regeneration of Central Leith Waterfront. It will provide a significant number of new homes however it is noted that the nearby site (16/03684/FUL) has consent for a residential led development when the LDP proposed a commercial-led mixed use would be more appropriate. One of the key development principles is designing new housing to mitigate significant adverse impacts on residential amenity from existing or new general industrial development.

The proposed development site lies north east of Baltic Street / Salamander Street and west of the junction with Bath Road. The road name changes from Baltic Street to Salamander Street at the south west corner of the proposed development site, close to the junction with Assembly Street. The area consists predominantly of commercial and with some residential use. There is existing residential use immediately opposite the proposed development site on Salamander Street, Salamander Court and heading south along Salamander Street and Elbe Street. To the west of the site there is the rear of a kitchen and joinery workshop and tiling showroom, both of which are accessed from a common courtyard further along Baltic Street to the west. On the corner of Baltic Street and Elbe Street is the Elbe Room cafe bar. There is existing flatted residential use directly above and opposite the bar on Elbe Street. To the east of the proposed development site lies The Pond pub, which is located on the far side of Bath Road. It also has residential use immediately above and diagonally opposite it on the junction of Salamander Street and Salamander Place. Bath Road runs north along the east aspect of the proposed development site and provides access to the Forth Ports. To the west of Bath Road and behind the site lies the former premises of Aggregate Industries concrete batching plant. This operator has been formally vacated and the licence for cement batching has been returned to Scottish Environment Protection Agency (SEPA). Diagonally opposite the south-east corner of the site on the junction of Salamander Place and Salamander Street is Dalton's metal recycling. To the north of the site is the City of Edinburgh Council car pound and a storage area; beyond which is the Forth Ports authority docks and basins.

The applicant proposes a 212-flatted residential development with 105 associated parking spaces. Three blocks are proposed, each formed in a U-shape facing towards Salamander Street with open space in the three-sided courtyard formed by the flats. Each block will have 4 and 6 storey components with the highest elements on the Forth Ports aspect. There is also provision for commercial use at ground floor on each side of the blocks (6 spaces in total) with bike storage beyond. Access to the proposed development will be taken from Salamander Street immediately to the west of the site and also from Bath Road to the east. The closest proposed build lines to Salamander Street will be at a separation distance of approximately 6m from the nearside kerb.

Noise

The applicant has submitted a supporting noise impact assessment which as concluded that the dominant environmental noise source across the proposed development site is road traffic noise from Baltic Street / Salamander Street. There are also occasional contributions of commercial and industrial noise from the various neighbouring industrial and public houses.

The applicant's noise impact assessment has identified that noise from the road is the dominant noise affecting the site. The applicant has conducted noise surveys to demonstrating that noise levels from the road do significantly affect the internal rooms of the development site. The applicant has provided details of the required minimum glazing specifications to mitigate traffic noise. The orientation of the blocks has ensured that the outdoor amenity space will also be exposed to a significant level of noise from the traffic. The applicant has also included outdoor balconies on these facades which will be exposed to levels in excess of the required noise standards, although it is understood that the balcony areas do not make up the minimum amenity space requirements as there are other outdoor amenity areas although these areas will be exposed to high levels of traffic noise.

The applicant has investigated possible noise from The Pond public house. There is potential for the effects of occasional amplified music events, other noise sources including patron ingress and egress, smokers conversing outside the pub and emptying glass bins to adversely impact residential amenity of any future residents. The applicant has concluded that the minimum specification of the glazing and associated ventilation system that are already required for the control of road traffic noise can be used on the facades affected to reduce noise impacts from the public house. The applicant has also amended the layouts of the residential units overlooking the pub. Bedrooms have been moved away from the facade overlooking the pub to minimise the risk of sleep disturbance from noise associated with the pub. However Environmental Protection require good internal noise levels to be achieved allowing for windows to be open from non-transport related noise sources. It should also be noted that Environmental Health and Licencing Officers have received many complaints regarding entertainment noise affecting existing residential properties. The applicant is required to install a mechanical ventilation system for local air quality purposes and this would reduce the likelihood of residents needing open windows and therefore reduce exposure to noise.

Noise from activities at Dalton's scrap yard is most likely to affect the closest flats on the corner of Salamander Street and Bath Road, however due to the layout of the applicant's site there are number of other units that will have a direct line of site into the scrap metal yard and therefore be exposed to noise from it. The applicant's noise impact assessment again states that the mitigation proposed for the transport noise sources will protect residents from noise from the scrap metal yard. This type of industrial noise is extremely invasive with high peak levels of noise being created when metal is moved around the site. It is noted that there are residential properties located closer to the scrap metal yard however it had initially been thought that they had been designed with no habitable rooms on the facades overlooking the scrap metal yard but this was inaccurate. Following a site visit by an officer it was noted that noise from the scrap yard was audible above traffic noise during day time hours. Environmental Health Officers have received noise complaints regarding noise from the scrap metal yard affecting nearby residential properties. The operations on the scrap metal site is regulated by Scottish Environment Protection Agency therefore they would investigate these complaints. It is recognised that the site is restricted to day time operations only.

The proposed block of flats most exposed to the noise sources are the affordable units.

The applicant has correctly identified that noise from Forth Ports site can vary with the extent of the activities that are occurring at any given time. To address the potential for variation, an unattended survey was undertaken over the course of a week. This could not have been assessed the possible worst-case scenario with regards noise from the site. There is little in the form of planning and Environmental legislation that restricts the operations on the docks. Heavy industrial operations including the loading of vessels with scrap metal during the night has and could occur again on the port at any given time.

The applicant's noise survey identified that all evening and night time periods follow a similar pattern of broadband ambient noise, commensurate with an urban environment. Ambient levels of monitored noise were significantly lower than the road traffic noise that will be incident on the Salamander Street and Bath Road aspects of the proposed development. The applicant assumes that given that there are a variety of uses along the Forth Ports docks and basins that may occur intermittently. It is noted that the previous cement batching plant that occupied the site on the docks to the north of the application site had been operating from that site for many years and there was also the processing of the scrap metal which occurred on the neighbouring dock of many years. The applicant's noise impact assessment recommends that all future occupants can close their windows and still achieve levels of background ventilation commensurate with the Buildings (Scotland) Regulations. Environmental Protection do not accept a closed window standard as a form of noise mitigation for non-transport related noise sources. Mechanical ventilation is not something that we could support, there are overarching issues with local air quality and having the ability to condition such systems through Planning. The applicant has provided details of a proposed ventilation system including detailed drawings showing all inlets, outlets and duct work and plant.

Environmental Health do receive noise complaints regarding operations on the docks from existing residential properties. These complaints are challenging as they can involve a vessel being loaded or unloaded. The vessels are not in the port for a long enough period to establish a nuisance.

No specific assessment has considered the operations to the west of the site including the 'sawmill' and the parking compound that is used to store cars that have up-lifted. It is expected that a number of these vehicles could be impounded with intruder alarms sounding which should have been assessed. The applicant has engaged with the car pound and the car pound advised that no alarms sound in the evenings. There is no guarantee that the 'sawmill' site will be developed out as residential.

The applicant proposes commercial uses on the ground floor of the blocks, any noise impact assessment would need to take these uses into consideration. Environmental Protection would require specific details on the proposed use classes. The applicant should be aware that any proposed class 3 uses will have noise issues as well as odour concerns that would need to be assessed.

The development site is surrounded by different noise types of noise sources and any future tenants would not be able to move into a quiet area of the property. Being able to open windows would depend on the noise environment outside. Future tenants would also need to consider outdoor pollution when opening windows. The outdoor level of amenity is poor due to the noise and air quality. The applicant has proposed a mechanical ventilation system to serve all apartments and provided details of the required ventilation system. This would reduce the need for windows to be opened but would not mean windows would not be opened for fresh ventilation purposes and if tenants turn off the ventilation system. It's not possible to condition maintain the ventilation system through planning. The proposed ventilation system requires regular maintenance as it will include filters. The filters and ducts will require maintenance to ensure the system works efficiently, quietly and cleanly with no build-up of mould in ductwork.

It is noted that the proposed development site is surrounded by many different noise sources and that any proposed residential development in this location would be challenging and what is proposed is possibly the best option to minimise impacts albeit not to a level Environmental Protection could support.

Local Air Quality

The site is currently well served by existing bus services operated by Lothian Buses. The currently planned extension of Edinburgh's existing tram line will take the route down Leith Walk, connecting Ocean Terminal with city's airport, via Princes Street. This will further enhance the site surrounding public transport network and its connectivity with the rest of the city.

The applicant has advised that car parking is provided in line with the council's standards. This sets out minimum and maximum standards with which the new development complies. The development is well located to take advantage of local amenities and public transport network and proposes cycle parking. The applicant will be required to provide a minimum of 18 (7Kw type two) electric vehicle charging points as required in the Edinburgh Design Standards. Environmental Protection recommend that 100% provision is included with rapid chargers incorporated into any car parking serving the commercial uses. It is noted that the drawing number E1195/1502 Rev C dated 29/03/2019 highlights the location of the eighteen charging points. The applicant must install all eighteen charging points in the non-adopted parking areas. They must be fully installed and operational prior to occupation. It is noted that the installation of eighteen chargers is the minimum requirement as detailed in the Edinburgh Design Standards.

As the site is near the St Bernard's Street Air Quality Management Area (AQMA) and is located in the centre of the recently declared AQMA for particulate matter smaller than 10 micrometres PM10 (Salamander Street). The applicant has been carrying out onsite monitoring for PM10. Elevated levels of PM10 pollutant have been the reason an AQMA has been declared in and around this development site in January 2017. Fugitive emissions from the handling and storage of open material at Leith Docks, was found to be a contributory factor in the elevated concentrations. This AQMA does cover the applicants proposed development site. The applicants has monitored PM10 on-site using a continuous automatic air quality monitor for a three month period. Wind speed and direction are also being recorded at the monitoring station with a time lapse camera capturing activities in the surrounding area.

PM is measured in many different size fractions according to diameter. Most monitoring is currently focussed on PM10, but the finer fractions such as PM2.5 and PM1 are becoming of increasing interest in terms of health effects. Fine particles can be carried deep into the lungs where they can cause inflammation and a worsening of the condition of people with heart and lung diseases. In addition, they may carry surface-absorbed carcinogenic compounds into the lungs.

Local authorities must assess PM10 concentrations against the 18ug/m³ annual average objective hence the assessment considered whether the PM10 Objective levels would be breached. Planning have been monitoring PM10 in this area since 2009. This has enabled a trend to be established over a ten year period. The applicants survey is a snap-shot taken over three months and did not identify any breaches during the measurement period. However as this was a snap-shot more weight must be given to Planning's air quality monitoring data.

If the site is to be developed out for residential use the City of Edinburgh Council would be obliged to continue monitoring and assess the levels in accordance with current government standards. If objective levels continue to be breached it will make working on the Action Plan to improve the AQMA much more difficult. Action planning with stakeholders particularly Forth Ports in this case would need to be undertaken robustly, to try to ensure concentrations are reduced.

Environmental Protection are therefore concerned with the PM10 levels impacting this site, it is recognised mitigation options are limited to deal with this pollutant within the proposed development site. The applicant has as requested conducted on site air quality monitoring which has been reviewed by Environmental Protection, SEPA and Planning.

The applicants AQIA concluded that air quality levels are within the acceptable level specified by the Scottish Government and that no mitigation measures are specifically required. The applicant was advised that we would need the applicant to address the fact the site is located in the middle of an AQMA for PM10. The applicant has therefore proposed mechanical ventilation and filtration as a form of mitigation. The use of MVHR (mechanical ventilation with heat recovery) will also provide additional noise mitigation with the MVHR system removing the requirement for trickle ventilators to all windows as commented on above in the noise section of this report. The heat recovery element will enhance the sustainability credentials of this development by reducing heating demand, and in turn emissions, through more efficient capture and reuse of heat which would normally be lost.

The applicant has provided drawings and details of the proposed filtration system that has been proposed. They will be served by a coarse class G3 Filter however as stated above in the noise section Environmental Protection cannot recommend conditions that would ensure the system was maintained. The filters would need to be changed regularly due to the levels of pollution in the area. It is also understood that as a developer there is really no other mitigation methods available and there is nothing that can be done for outdoor areas.

The applicant has assessed the possible transport impacts the proposal will have on especially on the Bernard Street AQMA which has been declared due to traffic related pollution. As stated above the site is well located with regards access to amenity, employment and sustainable transport. Environmental Protection would have preferred a scheme with less car parking. However when the air quality impacts from the consented use are compared with the traffic impacts from the proposed residential use it is accepted that the impacts would be negligible regarding traffic impacts.

Nuisance dust is a separate issue, this is the type of dust that is visible and will be visible in clouds of dust. It should be noted that Environmental Health Officers have investigated seventeen dust complaints due to thick dust clouds being generated by the off-loading of aggregates from vessels on the Port. SEPA may hold further details on these incidents. There are several operational cement batching plants in the Port which are regulated by the Scottish Environmental Protection Agency (SEPA) under the Pollution Prevention and Control regime (PPC). It is also noted that SEPA have raised concerns with this proposed application on the ground of local air quality impacts which is a material planning consideration.

Environmental Protection has concerns regarding residential use on this site. This site is located adjacent to some of the likely sources of the pollutants and will introduce new residential properties into middle of an area already exceeding the statutory objective levels for PM10.

Odours

The application site is located approximately 800m from the Seafield Waste Water Treatment Work (WWTW) the applicant has provided a study into the possible impacts WWTW will have on the proposed development site. The impacts will be negligible and Environmental Protection accepts the findings of this assessment.

Contaminated Land

The applicant has submitted a Ground Investigation Report which is currently being assessed by Environmental Protection. Until this has been completed Environmental Protection recommends that a condition is attached to ensure that contaminated land is fully addressed.

In conclusion, Environmental Protection recommend the application is refused. This is due to the potential noise impacts may have on the development site. The site is located in the middle of the Salamander Street AQMA for PM10 levels therefor exposing future tenants to excessive levels of pollutants likely to adversely affect their health. It is recognised that the applicant has applied mitigation measures however Environmental Protection remain concerned with the levels of amenity that would be afforded to future tenants and the likelihood that complaints will be received regarding neighbouring industrial operators.

Therefore, overall Environmental Protection recommends that this application is refused, however if consented the following conditions should be attached;

Conditions

1. 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. The following noise protection measures to the proposed residential units, as defined in the KSG Acoustics Noise Impact Assessment' report (1675/R1/rev2), dated 01 February 2019:

- Glazing units with a minimum insulation value of (Rw,Ctr 33dB) 4/10/6mm double glazing should be installed for the external doors and windows of the bedroom room and living-room facades as highlighted on drawing 17059(PL)002_A dated 05/07/2018 .

- Glazing units with a minimum insulation value of (Rw,Ctr 28dB) 4/10/4mm double glazing should be installed for the external doors and windows of the bedroom room and living-room facades as highlighted on drawing 17059(PL)002_A dated 05/07/2018 .

- Mechanical ventilation with ISO coarse class G3 filters shall serve all properties as shown in drawing numbers 17059(PL)060, 17059(PL)061 and 17059(PL)062 all dated 29/03/2019.

shall be carried out in full and completed prior to the development being occupied.

Air Quality Mitigation - Mechanical ventilation with ISO coarse class G3 filters shall serve all properties as shown in drawing numbers 17059(PL)060, 17059(PL)061 and 17059(PL)062 all dated 29/03/2019.

Prior to the use being taken up, eighteen 7Kw (Type 2, Mode 2), electric vehicle charging points, as show on drawing no. EIII95/1502 Rev C dated 29/03/2019 shall be installed and fully operational all within the non-adopted areas of car parkin

Archaeological response dated 16 April 2019

Further to your consultation request I would like to make the following comments and recommendations concerning this application for proposed residential development with associated landscape, drainage, roads and infrastructure.

The site is regarded as occurring within an area of potentially national archaeological significance being from 1747 the site of the important Leith glass works. Originally constructed by the Edinburgh Glasshouse Company it survived under various names until the 1874 when the site was sold off, though the last glass cone was not demolished until 1912. The site's historic significance is documented in Jill Turnbull's book 'From Goblets to Gaslights; The Scottish Glass Industry 1750-2006 published by the Society of Antiquaries of Scotland in 2017.

Not only was the site important in the industrial development of Edinburgh and Scotland the site and more significantly its cones became iconic features within the port's townscape. The cones feature in numerous contemporary paintings and illustrations as illustrated in Jill's publication including the important Leith Races (1859) by William Reed. (see Fig 1).

Accordingly, this application must be considered under terms Scottish Government's Our Place in Time (OPIT), Scottish Planning Policy (SPP), Historic Environment Scotland's Policy Statement (HESPS) 2016 and Archaeology Strategy 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.

Fig. 1 Detail from 'Leith Races' by William Reed showing Leith Glass Works

Buried & Built Heritage

Given the archaeological significance of the site it was required that a programme of archaeological excavation was undertaken prior to determination, in line with CEC Policy ENV9. As discussed at pre-application stage the results would allow for the assessment of survival of any remains and allow for mitigation to be developed which would seek to preserve in situ and also help develop the design of the final scheme in order to reflect and interpret the sites heritage, in line with Policy DES3 and Scottish Government's Place Making Agenda.

A WSI for the evaluation produced by Headland Archaeology and agreed in October 2019 with evaluation being undertaken during November and December 2019. Headland's report (Oasis Ref Headland1-340290) submitted and signed off in February demonstrated that substantial and predominantly well preserved remains survived in situ across the whole of the site.

Fig.2 1849 OS Map superimposed on Google maps showing historic glass works

Having assessed the proposed layout development does not take does not respect the layout of the glass works, for instance the marked cone on Fig 2 directly underlies the NE corner of the first proposed residential block. As such the proposed design does little to respect the sites important archaeological heritage and is therefore considered to be contra to CEC Policy DES 3.

In addition, the scale of the proposed works will necessitate the loss of the site's buried archaeology in particular will see the loss of key aspects including the remains of the glass cones which the evaluation by Headland have demonstrated have survived. Given the significance of the site to Scotland's Industrial Heritage it has been concluded that this proposed scheme is also contra to Policy ENV9 (a & b)

Historic Glass Works Wall on Salamander Street

The surviving stone wall forming the site's southern boundary wall along Salamander Street is of archaeological significance. This wall dates back to the origins of the glass works in the 18th century and is the last upstanding evidence for these national important glass works. Of significance is fact that the wall contains the remains of the front elevations of the glass work's workshops, with blocked doorways and windows clearly visible.

The proposed scheme will see significant reductions in height as well as creation of numerous new entrances. Although some reduction in height can I believed be achieved (i.e. the loss of latter rebuilding) the proposed plans have not fully assessed the heritage impacts. As such the current proposals are considered to have a significant archaeological impact upon this important heritage asset and one that is considered to be contra to policies DES 3 & ENV 9.

It has therefore recommended that this application be refused permission on archaeological grounds.

However, should the Planning Authority grant consent, it is essential that the site a programme of archaeological works is undertaken prior to development to fully excavate, record the site's archaeological remains and to fully analyses and publish the results of these works.

In addition, and in association with the above, it is essential that a comprehensive and detailed historic building survey is undertaken the site's boundary wall along Salamander Street prior to development. This will require the removal of all external render on both elevations to reveal all historic fabric (pre-20th century). This recording will include drawn phased plans and elevations (both internal and external) combined with photographic and written surveys and analysis. This is in order to provide an accurate record of this significant wall before it is demolished.

Furthermore, given the potential importance of these remains in terms of Leith and Edinburgh, it is recommended that the programme of archaeological works contain provision for programme of public/community engagement (e.g. site open days, viewing points, temporary interpretation boards) the scope of which will be agreed with CECAS.

Accordingly, it is essential that the following condition is attached to this consent to ensure that undertaking of the above elements of archaeological work are undertaken.

'No demolition/development shall take place on the site until the applicant has secured and implemented a programme of archaeological work (historic building recording, excavation, reporting & analysis, interpretation, public engagement and publication) 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.

Waste Services response dated 16 April 2019

I refer to the communications with you regarding the above new development which will consist of 212 flatted properties. This letter is confirmation that agreement on the waste strategy in line with our architect's instructions has been agreed. Please see the details below of the requirements for this development that have been reached and please note the following conditions will apply.

Please also ensure that a copy of this letter is provided to the builder/developer, site manager and the property management company.

Waste strategy for new developments

The City of Edinburgh actively promotes the provision of recycling facilities in all new developments and throughout the city. The Waste (Scotland) Regulations 2012 make mandatory the provision of specific household waste recycling services and our own waste strategy supports this. Recycling collections are integral to the overall waste collection system, so it is necessary to incorporate recycling facilities within your development.

Provision and collection of waste containers

For flatted developments we normally require that communal wheeled containers are used for household waste and recycling. This would consist of containers for residual waste, mixed recycling, glass and food.

Information showing the dimensions of the communal containers has already been provided for your information in the architect instructions.

For your particular development at Bath Road, we would require the following in each bin store in line with our architect's instructions:

Bin store 1 -3-and 5 = 43 Units

6 x 1280 litre Residual

4 x 1280 litre Mixed Recycling

1 x 660 litre Glass

1 x 500 litre FW

Bin store 2-and 4 = 31 Units

4 x 1280 litre Residual

3 x 1280 litre Mixed Recycling

1 x 660 litre Glass

1 x 500 litre FW

Bin store 2-and 4 = 21 Units

3 x 1280 litre Residual

2 x 1280 litre Mixed Recycling

1 x 660 litre Glass

1 x 500 litre FW

It will be the builder/developer's responsibility to provide the residual and recycling containers in line with our requirements, as outlined in the architect instructions. We can assist with this and will recover the costs of doing so. We require twelve weeks notice for bin orders, in order to arrange for the ordering, manufacture and delivery of bins. These should be submitted as a purchase order to the officer responsible for your development.

Responsibility for the bin storage areas will lie with the builder / developer until handed over to the property management company.

Property management

On completion of the building or individual block and when handover from the builder/developer has taken place the following requirement will apply:

Property management company responsibility includes:

- * Ensure that all material, residual or recyclable, are deposited within the communal bins prior to collection
- * Removal of excess waste where residents do not use the containers provided
- * Removal of any dumped items e.g. furniture, carpets, white goods etc
- * General cleaning of the bin storage areas

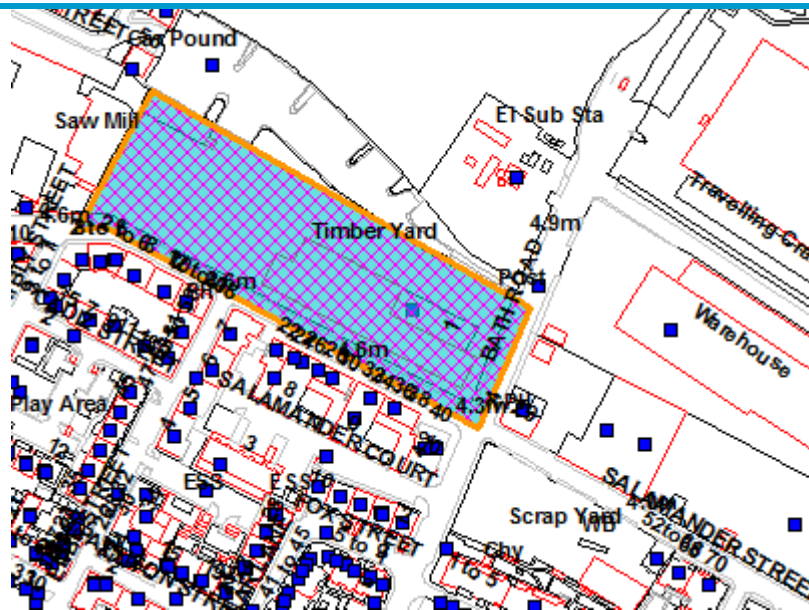
* Ongoing provision and maintenance of associated infrastructure, e.g. bin lifts, bin stores etc

The City of Edinburgh Council responsibility includes:

* Provide initial guidance documentation for residents in using the recycling facilities
Servicing of residual and recycling waste containers as scheduled

It is appreciated that new occupiers may initially have quantities of cardboard and other recyclable material generated from new appliances. We request that householders flatten cardboard boxes and deposit them in the mixed recycling bins provided. Large cardboard boxes should be flattened and placed alongside the containers for collection. Excess waste can be taken to the local Community Recycling Centre, which are open 7 days a week. More information about these is on our website.

Location Plan



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